

## **ORDINANCE NO. 137**

AN ORDINANCE OF UNION TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, TO APPROVE, ADOPT AND ENACT A NEW AND COMPREHENSIVE ZONING ORDINANCE FOR THE TOWNSHIP OF UNION, COUNTY OF LEBANON, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF ANY PREVIOUS ZONING ORDINANCE NOT INCLUDED THEREIN; AND OTHERWISE REGULATE THE USAGE OF LAND WITHIN THE TOWNSHIP OF UNION AND PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF, AND FOR THE ADOPTION OF A NEW ZONING ORDINANCE MAP.

WHEREAS, the Union Township Planning Commission met in a lawful session in accordance with the Municipality's Planning Code and prepared the Union Township Zoning Ordinance of 2008.

WHEREAS, pursuant to public notice, the Union Township Planning Commission met in lawful session and adopted a draft of the Union Township Zoning Ordinance of 2008.

WHEREAS, the Union Township Planning Commission presented the Zoning Ordinance of 2008 to the Union Township Board of Supervisors along with a new Zoning Map and recommended adoption of the Zoning Ordinance of 2008 and new Zoning Map.

WHEREAS, the Union Township Zoning Ordinance of 2008 and Zoning Map were provided to the Lebanon County Planning Department for comments and advice, and the Lebanon County Planning Department recommended adoption of the Union Township Zoning Ordinance of 2008 with the new Zoning Map.

WHEREAS, the Union Township Board of Supervisors met pursuant to public notice and lawful session and heard public comments relative to the adoption of Union Township Zoning Ordinance of 2008 and Zoning Map.

WHEREAS, certain amendments were made to the new Zoning Map and the most recent edition of the Map presented to the Board of Supervisors is dated April 9, 2009.

WHEREAS, the Union Township Board of Supervisors believes it is in the best interest of Union Township to adopt the Union Township Zoning Ordinance of 2008 as well as the new Union Township Zoning Map dated April 9, 2009.

AND NOW, THEREFORE, on the 27<sup>th</sup> day of May, 2009, it is hereby ordained and enacted by the Union Township Board of Supervisors as follows:

SECTION 1. ADOPTION OF ZONING ORDINANCE TEXT. The Union Township Board of Supervisors in accordance with the Municipality's Planning Code and after holding several public hearings hereby adopts in its entirety the Union Township Zoning Ordinance of 2008 as prepared by the Union Township Planning Commission and presented to the Union Township Board of Supervisors.

SECTION 2. ADOPTION OF ZONING ORDINANCE MAP. The Union Township Board of Supervisors hereby adopts the new Union Township Zoning Map dated April 9, 2009.

SECTION 3. ZONING MAP ADOPTION LANGUAGE. Union Township Board of Supervisors hereby directs that the Union Township Zoning Map be printed with the following information clearly marked upon the newly adopted Zoning Map:

"This Zoning Map was adopted by the Union Township Board of Supervisors pursuant to Ordinance No. 137, in lawful session, on May 27, 2009."

SECTION 4. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is


hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

SECTION 5. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

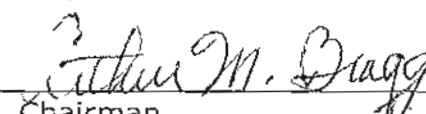
SECTION 6. IMMEDIATELY EFFECTIVE. This Ordinance shall become effective immediately upon adoption.

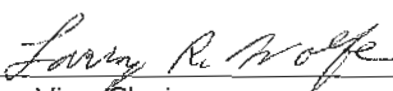
So ordained by the Board of Supervisors in lawful session on May 27, 2009.

**ATTEST:**

By   
Secretary

**UNION TOWNSHIP**

By   
Chairman

By   
Vice Chairman

**Union Township**

**Lebanon County**

**Pennsylvania**

**Zoning Ordinance of 2008**

**Ordinance No. 137**

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## **ARTICLE 1 - TITLE, APPLICATION AND PURPOSE**

### **1.A. Title and Short Title**

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

**1.A.2** Short Title. This Ordinance shall be known as, and may be cited as, the “**Union Township Zoning Ordinance of 2008**”

### **1.B. Application of District Regulations**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and, particularly, except as hereinafter provided:

**1.B.1** No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all regulations herein specified for the district in which it is located.

**1.B.2** No building or other structure shall hereafter be erected or altered:

**1.B.2.a.** To exceed the height or bulk.

**1.B.2.b.** To accommodate or house a greater number of families.

**1.B.2.c.** To occupy a greater percentage of lot area.

**1.B.2.d.** To have narrower or small rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

**1.B.3** No part of a yard, or other open space, or off-street parking or loading space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

**1.B.4** No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements within their respective zoning districts established by this Ordinance.

**1.B.5** If a use is neither specifically permitted nor prohibited under this Ordinance and

an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for the consideration of special exceptions contained herein. The use may be permitted if it i) is of the same general character as the enumerated permitted uses in the zone; ii) is in accordance with the intended purpose of the zone; iii) is compatible with the permitted uses in the zone; iv) is not permitted in any other zone by this Ordinance; and v) will comply with all performance standards applicable to permitted uses in the zone. The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character as the enumerated permitted uses in the zone, is in accordance with the intended purpose of the zone, is compatible with the permitted uses in the zone, is not permitted in any other zone, and will comply with all performance standards applicable to permitted uses in the zone.

**1.B.6** All territory which may hereafter be annexed to the Township shall be considered to be in the Open Space-Timberland Conservation (OSTC) District until otherwise classified.

**1.C. Purpose: Statement of Community Development Objectives**

This Ordinance was prepared with careful consideration being given to, among other things, the character of various areas within the Township and their suitability for particular uses, and with a view toward conserving the value of property and encouraging the most appropriate use of land throughout the Township. This Ordinance, including the provisions, requirements and districts as hereinafter set forth, is based upon and intended to give effect to the locally desired policies and objectives set forth in the comprehensive plan of the Township as adopted by the Board of Supervisors, and is intended to promote public health, safety, morals and the general welfare by achieving, among others, the following purposes and objectives for development:

**1.C.1** Lessen congestion on the roads and highways.

**1.C.2** Secure safety from fire, panic and other dangers.

**1.C.3** Provide adequate areas for vehicle parking and loading space.

**1.C.4** Provide adequate light and pollution free air.

**1.C.5** Promote health and the general welfare.

**1.C.6** Avoid undue congestion of population.

**1.C.7** Encourage the most appropriate uses of land including their location and amount with respect to need.

**1.C.8** Facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public improvements.

**1.C.9** Conserve the value of land and buildings.

**1.C.10** Encourage the harmonious and orderly development of land.

**1.C.11** Preserve prime agriculture and farmland.

**1.C.12** Promote preservation of wetland, floodplains and aquifers.

**1.C.13** Promote the adequate provision of common open space.

**1.C.14** Facilitate coordinated community development and reasonable community growth.

**1.C.15** Provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing to meet the needs of all Township residents regardless of age or stage of life.

#### **1.D. Minimum Standards**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals and/or general welfare of the residents and inhabitants of the Township. When interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

#### **1.E. Conflict**

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this ordinance, that regulation which imposes the greater restriction shall apply.

#### **1.F. Validity**

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

**End Article 1**

## ARTICLE 2 - DEFINITIONS

### 2.A. General Interpretation

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

2.A.1 Tense, Gender and Number. Words used in the present tense include the future; the male gender is neutral and includes the female gender; words used in the singular number include the plural, and words used in the plural include the singular.

2.A.2 General Terms.

2.A.2.a. The word “shall” or “must” is always mandatory; the word “should” is directive and means strongly encouraged; the word “may” is permissive.

2.A.2.b. The words “used for” includes “designed for,” “arranged for” “maintained for,” “intended for”, or “occupied for.”

2.A.2.c. The word “building” includes “structure” and shall be construed as if followed by the phrase “or part thereof”.

2.A.2.d. The word “person” includes “individual,” “profit or nonprofit organization,” “partnership,” “company,” “unincorporated association,” “corporation” or other similar entities.

2.A.2.e. The word “lot” includes the word plot or parcel.

2.A.2.f. The words “such as”, “includes”, “including” and “specifically” shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

2.A.3 Terms, Phrases, and Words Not Defined. When terms, phrases, or words are not defined by this Ordinance, but are defined in the Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. When terms, phrases, or words are not defined by this Ordinance or the SALDO, then they shall have their ordinarily accepted meanings or such as the context may imply.

### 2.B. Specific Terms

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

**ACCESS DRIVE** – an improved cartway designed and constructed to provide for vehicular movement between a public street and a development containing any use other than one single family dwelling unit or a farm.

**ACCESSORY BUILDING** – a subordinate building, the use of which is customarily

incidental to and located on the same lot occupied by the principal building.

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

**ADULT ARCADE** – any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images characterized by the depiction of nudity, specified anatomical areas or specified sexual activities.

**ADULT BATHHOUSE** –an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activities occur. This Section shall not apply to hydrotherapy treatment practiced by, or under supervision of, a licensed medical practitioner.

**ADULT - BODY PAINTING STUDIO** – any establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the human body when specified anatomical areas are exposed.

**ADULT - BOOKSTORE OR ADULT VIDEO STORE** – any commercial establishment which offers, for sale or rental to the public, books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified anatomical areas or specified sexual activities or, instruments, devices, or paraphernalia, excluding prophylactics, which are designed for use in connection with specified sexual activities.

**ADULT BUSINESS** – generally, any establishment which has a substantial or significant portion of its stock in trade in which it offers its patrons any retail goods, services or entertainment which is distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or uncovered male or female genital areas or is designed primarily for use in connection with sexual activities or conduct. The following are examples but are not considered the only types of adult businesses: an adult arcade, adult bathhouse, adult body painting studio, adult bookstore or video store, adult cabaret, adult massage establishment, adult motion picture theater, adult model studio, adult motel, adult news rack, adult outcall service activity, adult sexual encounter center, adult theater, or escort agency except as otherwise provided for elsewhere in this Section.

**ADULT CABARET** – a nightclub, bar, restaurant, or other commercial establishment that regularly features persons who appear in a state of nudity; live performances characterized by the exposure of specified anatomical areas or specified sexual activities, film, motion pictures, video cassettes, slides, or other visual representations that depict or describe specified anatomical areas, or specified sexual activities or persons who engage in erotic dancing or performances that are intended for the sexual interests, or titillation of an audience or customers.

**ADULT MASSAGE ESTABLISHMENT** – any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless

operated by a medical practitioner, chiropractor, professional physical therapist, or a massage therapist who is both a certified graduate of a massage therapy school whose curriculum is approved by the American Massage Therapy Association and who is nationally certified by the National Certification Board for Therapeutic Massage and Bodywork.

**ADULT MOTION PICTURE THEATER** – an enclosed or unenclosed building with a capacity of more than five persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to showing material depicting or describing specified anatomical areas or specified sexual activities

**ADULT MODEL STUDIO** – any place where, for consideration or gratuity, nude models display specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted, except that this provision shall not apply to any establishment meeting the requirements for the issuing or conferring of a diploma or degree recognized by the Commonwealth of Pennsylvania.

**ADULT MOTEL** – a motel, hotel or similar establishment that offers public accommodation for any form of consideration which provides photograph or visual material depicting or describing specified anatomical areas or specified sexual activities and which has a sign visible from the public right-of-way advertising the availability of these reproductions; offers a sleeping room for rent for a period of time that is less than 24 hours; or allows a tenant or occupant of a sleeping room to sub-rent the sleeping room for a period of time that is less than 24 hours.

**ADULT NEWS RACK** – any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified anatomical areas, or specified sexual activities.

**ADULT OUTCALL SERVICE ACTIVITY** – any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

**ADULT SEXUAL ENCOUNTER CENTER** – any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops operated by a medical practitioner who is licensed by the Commonwealth of Pennsylvania to engage in sexual therapy.

**ADULT THEATER** – any theater, concert hall, auditorium, or similar establishment that regularly features persons who appear, in person, in a state of nudity and/or live performances characterized by the exposure of specified anatomical areas or by specified sexual activities.

**ADVERTISING SIGNS** – see “signs, advertising.”

**AGRICULTURE** – An Agricultural Operation, including the raising and keeping of any members of the animal kingdom, the total of such being greater than or equal to

one (1) animal unit. Kennels and roadside stands as defined herein are specifically excluded.

**AGRICULTURAL OPERATION** - an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.

The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**AIRSTRIP/LANDING STRIP** – an area adapted with minimal improvements for use as a temporary runway for aircraft.

**ALLEY** – a minor right-of-way, privately or publicly owned, primarily for service access to the back or sides of properties.

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

**AMUSEMENT ARCADE** – a commercial establishment which provides as a principal use, amusement devices and/or games of skill or chance (i.e. pinball machines, video games, skeeball, electronic or water firing ranges and other similar devices). This definition does not include the use of two or fewer such devices as an accessory use nor does it include adult-related businesses as defined herein.

**AMUSEMENT PARK** – a tract or tracts of land, or any portions thereof, used principally as a location for permanent amusement structures or amusement rides (See 53 P.S. §10503(1.1)(iii)) for the purpose of entertaining the public, primarily outdoors, including parking areas, and may contain any of the following: amphitheatres, indoor and outdoor stages, animal shows, restaurants, food stands, arcade games, carnival-type games, gift shops, maintenance facilities and outdoor attractions.

**AMUSEMENT RIDE** – a device or structure intended and/or designed to provide entertainment to persons by the movement of such persons over a defined area for a limited period of time including, but not limited, to roller coasters, carousels, bumper cars, go-kart rides, fun houses, haunted houses, water slides, children's rides, rotating/revolving rides, vertical movement rides, horizontal movement rides, multiple directional rides, miniature train rides, tracked rides and tethered balloon rides.

**ANIMAL HOSPITAL** – any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

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



**ANIMAL HUSBANDRY, INTENSIVE –**

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

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

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

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

**APARTMENT HOUSE –**see “dwelling, multifamily.”

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

**ARTISAN SHOP –** a retail shop, where a portion of the products for sale are manufactured or assembled by hand upon the premises and in view of the public. For example a wood carver, tinsmith, furniture maker, quilter, candle maker, glass blower, painter, photographer, jeweler, sculptor, etc. Artisan shop shall not include the application of decals or “iron-on” to t-shirts or other apparel.

**ATTACHED BUILDING -** see “building, attached.”

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

**AUTOMOBILE PARTS STORE –** any building used for the retail storage and sales of automobile parts. No outdoor storage of parts is permitted. No installation, repair or servicing of parts and vehicles shall be permitted.

**AUTOMOBILE SERVICE STATION –** any area of land, including the structures thereon, that is used for minor repair and servicing of motor vehicles as a retail service, including the retail sale of motor vehicle accessories, gasoline and other motor vehicle fuels, and oil and other lubricating substances, and a limited selection of food and household items as an accessory operation. Outside storage of inoperable or unlicensed motor vehicles is limited to a maximum of two (2) days for each such vehicle. This term excludes major repair of motor vehicles (including body work and painting), retail sale or rental of motor vehicles, and car washes. Any business or industry dispensing fuel only for its own vehicles and use will not be deemed to be an automobile service station.

**AUTOMOBILE SALES –** any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a completely enclosed building.

**BASEMENT –** a story partly below the finished grade but having ½ or more of its height (measured from finished floor to finished ceiling) above the average level of the

finished grade where such grade abuts the exterior walls of the building.

**BED AND BREAKFAST ESTABLISHMENT** – an owner-occupied dwelling including overnight accommodation for transient paying guests; meals may be offered to overnight guests only.

**BILLBOARD** – see “sign.”

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

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

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

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

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

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

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

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

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

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

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

**CABIN** – a stand-alone structure within a campground containing no more than two bedrooms, which is separately leased/rented and intended to provide a temporary dwelling space. A cabin may be served with electricity, water and other utilities,

including its own bathing and lavatory facilities, but shall have a building foot print of no more than 400 square feet, exclusive of any space included on an open or screened porch. A cabin shall not be used as a permanent residence

**CAMPER** – a vehicular portable structure to be mounted on a chassis or wheels and towed or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation and vacation commonly known as travel trailers, pickup coaches, motor homes, or camping trailers, and which is properly licensed for travel. A camper shall not be used as a permanent residence and shall not include mobile homes as defined herein.

**CAMPGROUND** – a campground is a planned development of a tract or tracts of ground consisting of a number of camping sites and other primary permitted and accessory uses designed for lodging, recreation, entertainment, and related uses. A campground shall not be utilized as a permanent residence by the occupants thereof provided that the campground manager may maintain a permanent residence on the tract. A campground shall not be considered to be trailer park or mobile home park.

**CAMPING SITE** – a piece of land in a campground intended for the placement of a camper, tent and/or cabin and the exclusive use of its occupants, and which is not intended for permanent occupancy. A camping site may be served with electricity, water and other utilities.

**CARPORT** – a roofed-over structure open on two or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

**CARTWAY** – the surface of a street or alley available for vehicular traffic.

**CELLAR** – a story partly below the finished grade, having more than ½ or more of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building.

**CEMETERY** – an area used or intended to be used for the burial of the deceased, including columbarium, crematoria, mausoleums, and mortuaries.

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

**CHURCH AND RELATED USES** – a building, structure or group of buildings or structures, including accessory structures, designed or intended for public worship. This definition shall include rectories, convents, goodwill community service centers, recreation facilities, youth centers, and church-related educational and/or day care facilities.

**CLEARED AREA** - Utilized exclusively in the OSTC – OPEN SPACE – TIMBERLAND CONSERVATION DISTRICT, this term refers to the amount of a property which, prior to development, contained trees of at least a 2 inch caliper at a density of at least 1 tree per 100 square feet which, after development, will not contain trees.

**CLUB** – an organization catering exclusively to members and their guests, or premises

or buildings for social, recreational and administrative purposes of such organization, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include but not be limited to, service and political organizations, labor union facilities, fraternal lodges, and social and athletic clubs. This definition does not include adult-related businesses as defined herein.

**CO-LOCATION** – the act of placing two or more antennas on one communication tower or other structure.

**COMMERCIAL RECREATION OR ENTERTAINMENT FACILITY** – an activity operated as a gainful business, open to the public, for the purpose of public recreation or entertainment, including, but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, golf courses, etc. This does not include adult-related businesses as defined herein.

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

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

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

**COMPREHENSIVE PLAN** – The Union Township Comprehensive Plan of 2004.

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

**CONVALESCENT HOME** – Facilities designed for the housing, boarding and dining of individuals associated with some level of nursing care.

**CONVENIENCE STORE** – A commercial use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant. Convenience stores may also provide for any or all of the following as an accessory use:

1. The preparation and sales of delicatessen sandwiches and foods, which may include interior patron seating limited to not more than fifteen (15%) of the gross floor area of the principal structure.

2. The rental of video tapes, DVDs or video games provided that an adult-related facility is specifically prohibited.
3. The use of no more than two (2) amusement devices (e.g. pinball machines, video games, and other similar devices).
4. Convenience stores shall not include the dispensing of gasoline or other vehicle fuels unless the appropriate approvals for a Gasoline Service Station (as defined herein) have been obtained.

**FAMILY DAY CARE FACILITY** – a facility registered by the Commonwealth of Pennsylvania in which supervised care is provided in a residential home for four (4) to six (6) children unrelated to the operator for part of a 24 – hour day.

**COMMERCIAL DAY CARE** – a facility approved under regulations of the Commonwealth of Pennsylvania in which supervised care is provided for seven (7) or more children under the age of sixteen (child day care) or seven (7) or more adults (adult day care) for part of a 24 – hour day.

**DENSITY** – the total member of dwelling units per acre, computed by dividing the total number proposed by the total number of acres to be developed.

**DETACHED BUILDING** – see “building, detached.”

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

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

**DRIVEWAY** – a private drive providing access between a public or private street or access drive and a parking area for a single unit of occupancy.

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

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

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

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

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

**ESCORT** – a person who, for consideration, agrees or offers to act as a companion,

guide, or date for another person, or who agrees or offers to privately model lingerie, or to privately perform a striptease for another person.

**ESCORT AGENCY** – a business which furnishes, offers to furnish, or advertises to furnish escorts for a fee, tip or other consideration.

**FAMILY** –

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

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

**FARM** – a parcel of land that used for one (1) or more agricultural operations including but not necessarily limited to the raising of agricultural products, livestock, poultry, or the production of dairy products. A “farm” shall be understood to include a dwelling unit as well as all structures necessary for the housing of animals, storage of feed and equipment, and other operations customarily incidental to farm use.

**FARM OCCUPATION** – an accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the farm.

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

Any tract of land or structure wherein any type of fowl or byproducts thereof are raised intensively for sale at wholesale or retail.

Any structure, pen or corral wherein cattle, horses, sheep, goats, swine or other animals are maintained intensively in close quarters.

**FLOOR AREA OR GROSS FLOOR AREA (BUILDING AREA)** –

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

Basement space.

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

Interior balconies and mezzanines.

Enclosed or roofed porches or terraces or other roofed spaces.

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

Accessory buildings.

However, the “floor area” shall not include:

Cellar space, except that cellar space used for retailing.

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

Terraces, breezeways, uncovered steps or open space.

**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.

**FOUNDATION** – the structural base materials needed to adequately support, stabilize and attach a building or an above grade structure with the ground.

**GARAGE, PRIVATE** – an accessory building for the storage of one (1) or more automobiles or other vehicles accessory and incidental to the primary use of the premises; provided however, that one (1) commercial vehicle of not more than one (1) ton capacity may be stored therein where the use of such vehicle is not incidental to the use of the premises.

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

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

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

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

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

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

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

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

**HEIGHT OF BUILDINGS** – the vertical distance from the grade at the front of the

building or the average of the grades of the street fronts, if the building faces more than one street, to the highest point of the roof beams of a flat roof and to the mean height between eaves and ridge for gables, hipped and pitched roofs.

**HEIGHT OF A COMMUNICATIONS TOWER** – the vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

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

**HOME OCCUPATION** – a use customarily conducted within a dwelling unit or accessory building and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwellings and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name sign, pursuant Article 13.

**HOSPITAL** – An institution, licensed in the Commonwealth of Pennsylvania, that typically provides both inpatient and outpatient medical care on a twenty four (24) hours per day basis, including primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use may include attached and detached accessory uses, provided that all accessory uses are contained within the same property as the principal hospital use.

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

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

**LIVESTOCK** – Animals that are normally part of an Agricultural Operation, as well as variations of such animals, including but not limited to pygmy goats, pot belly pigs, miniature horses and ponies. Specifically excluded from this definition are cats and dogs.

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

**LOT AREA** – the area of land contained within the limits of the property lines bounding that area. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

**LOT, CORNER** – a lot at the point of intersection of and abutting on two or more intersecting streets and which has an interior angle of less than 135° at the intersection of two street lines.

**LOT COVERAGE** – the portion of a lot which is occupied by impervious surfaces, including but not limited to buildings, parking areas and sidewalks.



**LOT DEPTH** – the horizontal distance measured between the street line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street line of the street of address to the directly opposite line.

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

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

**LOT LINE** – any boundary of a lot.

**LOT LINE, FRONT** - the Lot Line along a Street Line, and the lot line nearest the Street Line which runs parallel or nearly parallel to the Street Line.

**LOT LINE, REAR** – the Lot Line, or lines, opposite to the Front Lot Line.

**LOT LINE, SIDE** – any lot line which is not a Front or Rear Lot Line

**LOT WIDTH** – the width measured between side lot lines and parallel to the front lot line. The Minimum Lot Width requirements set forth in this Ordinance shall be maintained for the entire depth of the lot.

**MINIWAREHOUSE** – a building and/or series of buildings divided into separate storage units for personal property and/or property associated with some business or other organization. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

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

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

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

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

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

**MOTOR FREIGHT TERMINAL** – a facility where freight is delivered to, and shipped from, without unloading of the freight containers and where no warehousing occurs

**MUNICIPALITY** – Union Township, Lebanon County, Pennsylvania.

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

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

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

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

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

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

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

The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

The business may not involve any illegal activities.

**NON-COMMERCIAL KEEPING OF LIVESTOCK** – An accessory use to a principal single family detached dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site. Such activity may involve the breeding, raising, caring for, housing, and principally the hobby/personal use of non-commercial/domestic livestock and products derived from the livestock. Incidental sales of livestock or livestock products directly associated with the use may be permitted; however, no stock-in-trade sales, sales building or sales area shall be permitted. This definition excludes all commercial animal operations such as, but not limited to, livestock production for wholesale and retail markets, boarding and riding

stables and liveries.

**NONCONFORMING STRUCTURE OR BUILDING** – a structure or building or part thereof which does not conform to the applicable provisions or requirements of the district in which it is located, either at the time of enactment of this Ordinance, or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of such Ordinance or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** – the use of a building, structure, sign or land which does not conform to the applicable regulations of the district in which it exists, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of this Ordinance or amendments. However, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking spaces.

**NUDITY** – the appearance or showing of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals or vulva, with less than a fully opaque covering, or a female breast with less than a fully opaque covering below the top of the areola at its highest point, or human male genitals in a discernibly turgid state even if completely and opaquely covered.

**OFFICE** – a place where the primary use is conducting the affairs of a business, profession, service or government, which includes administration, recordkeeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods or products. Office documents, records and supplies used in the office may be stored as an incidental use.

**OFFICE, HEALTH CARE** – a professional office building for the use of medical, dental or other health care practitioners offering out patient care.

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

**ORPHANAGE** – A building or group of buildings designed for and intended to provide housing facilities for minors, one or both of whose parents are deceased. The facility may include accessory medical facilities intended to serve the residents of the orphanage but not the general public.

**OUTDOOR ATTRACTION** – a use customarily utilized by the owners, guests, tenants, visitors or invitees of a property as a form of outdoor entertainment, relaxation, sport or recreation with or without a fee, including by way of example and not limitation miniature golf courses, driving ranges, laser tag and/or paint ball areas, bicycle and walking paths, rock climbing walls, ice skating rinks, roller skating rinks, skiing, toboggan rides (winter and summer), snow tubing, swimming, hay rides, horse riding, and re-enactment areas, but excluding any use specifically defined herein.

**PARK** – a facility designed and used for either active or passive recreation, primarily conducted out-of-doors, for the purpose of pleasure, leisure, fellowship or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling,

swimming, picnicking and other related activities.

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

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

**PARTYWALL** – a wall on an interior lot line used or adopted for joint services between two buildings.

**PERSONAL WIRELESS SERVICE FACILITIES** – facilities for the provision of personal wireless services.

**PERSONAL WIRELESS SERVICES** - include commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

**PLANNING COMMISSION** – the Planning Commission of Union Township.

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

**PUBLIC UTILITIES** – use or extension thereof which is operated, owned, or maintained by a municipality or a municipal authority, or which is privately owned and requires a “Certificate of Convenience” approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage, and/or treatment; or for the purpose of providing the transmission of energy or telephone service.

**RIGHT-OF-WAY** – the total width of any land reserved or dedicated as a street, pedestrian way, or for other public or private use.

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

**ROW HOUSE** – see “townhouse.”

**SEEPAGE PIT/TRENCH** – an area of excavated earth filled with loose stone or similar material and into which storm water runoff is directed for infiltration into the ground.

**SEMI-DETACHED BUILDING** – see “building, semi-detached.”

**SEXUAL ENCOUNTER CENTER** – a business or commercial enterprise that offers, for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex and/or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

**SEWAGE DISPOSAL** – All terms related to sewage disposal shall be as defined in

the Pennsylvania Sewage Facilities Act and in the rules and regulations promulgated thereunder.

**SHOOTING RANGE** – a facility designed and constructed to allow for the safe discharge of firearms and/or other projectile-type weapons (i.e. guns, rifles, shotguns, pistols, air guns, bows and cross-bows) by persons for recreation, competition, skill development, or training. Shooting ranges may be indoor or outdoor facilities, subject to the regulation of this Ordinance and any other applicable regulations. Nothing in this definition shall be considered to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

**SHOPPING CENTER** – one store containing more than twenty five thousand (25,000) square feet of gross floor area, or a planned, integrated development consisting of two (2) or more establishments, whether in one or more than one building, for retail sales, personal services, eating and drinking, business, professional or banking offices and/or similar uses together with shared off-street parking, access, stormwater management facilities and similar improvements.

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

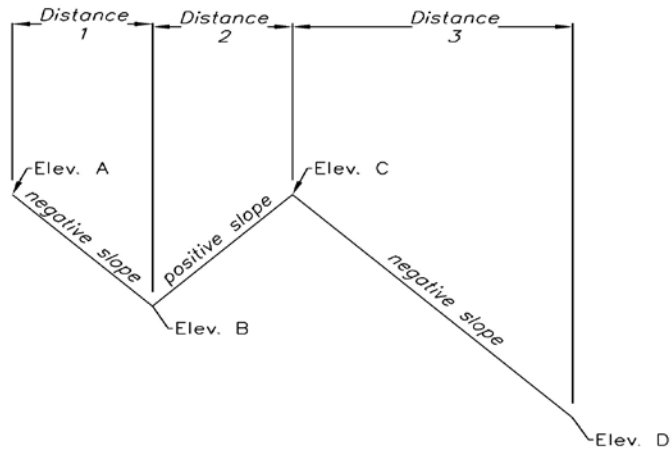
**SIGN, ADVERTISING** – a “sign” which directs attention to a service, business, profession or industry conducted, sold, manufactured or assembled or offered for sale elsewhere than upon the premises where the sign is displayed.

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

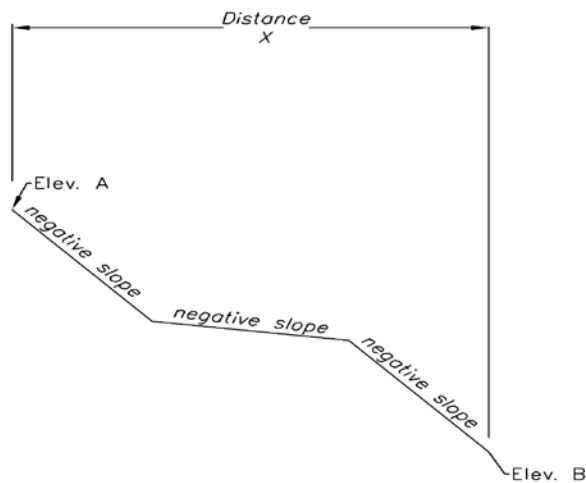
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**SLOPE** – on lots with no positive to negative or negative to positive grade changes, the slope of the lot shall be determined by locating the point of the highest existing, undisturbed natural elevation on the lot and the point of the lowest existing undisturbed natural elevation on the lot, taking the difference between these two elevations and dividing that value by the straightline horizontal distance between these two points. On lots which contain grade changes from positive to negative or negative to positive, the slope of the lot shall be determined by the procedures outlined above for each segment of positive or negative grade, and the slopes of the segments shall then be averaged, weighted by the horizontal straightline distances of each segment. (See following diagram for examples).

**SLOPE DETERMINATION DIAGRAM**



$$\text{Slope} = \frac{(\text{Elev. A} - \text{Elev. B}) + (\text{Elev. C} - \text{Elev. B}) + (\text{Elev. C} - \text{Elev. D})}{(\text{Dist. 1} + \text{Dist. 2} + \text{Dist. 3})}$$



$$\text{Slope} = \frac{\text{Elev. A} - \text{Elev. B}}{\text{Dist. X}}$$

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

**SPECIFIED ANATOMICAL AREAS** – The human male genitals in a discernibly turgid state, even if fully and opaquely covered; and less than completely or opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

**SPECIFIED SEXUAL ACTIVITIES** – the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts, whether covered or uncovered; sex acts, either normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy masturbation, actual or simulated; or excretory functions as a part of or in connection with any of these described activities.

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

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

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

**STREET LINE** - The dividing line between a lot and the outside boundary of a public street or street right-of-way, or between a lot and a private street or other access right-of-way which serves two or more separately owned homes or buildings

**STRUCTURE** – any manmade object having an ascertainable stationary location or on or in land or water, whether or not affixed to the land.

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

**TAVERN** – an establishment whose primary activity is to serve alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also sell alcohol to carry out and serve food as regulated by the Liquor Control Board, and live entertainment shall be permitted.

**TENT** – a portable shelter and sleeping quarters usually made out of skins, canvas, plastic, or strong cloth usually sustained by poles and dependent upon separate lavatory facilities.

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

**TRAVEL TRAILER** – a portable, vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation and other short term use. This term shall include portable campers which can be attached to the bed of pick-up trucks. Any of the following attributes are characteristic of a travel trailer: 1) the unit is of such size and weight that no special highway movement permit is required from the Pennsylvania Department of Transportation when self-propelled or hauled by a standard motor vehicle on a highway; 2) the unit is mounted or designed to be mounted on wheels; 3) the unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck; 4) the unit contains or is designed to contain temporary storage of water and sewage; 5) the unit contains some identification by the manufacturer as a travel trailer.

**TRUCK STOP** – a facility that sells fuel for trucks, and may include a convenience store and restaurant as accessory uses.

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

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

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

**VETERINARIAN’S OFFICE** – a building used primarily for the treatment by a veterinarian of small domestic animals such as dogs, cats, rabbits and birds or fowl. No outdoor boarding of animals is permitted.

**WATER SYSTEM** –

**ONLOT** – a system for supplying and distributing water to a single dwelling or other structure from a source located on the same lot.

**PUBLIC** – a system for supplying and distributing water from a common source to buildings and other structures.

**YARD, FRONT** – an open, unoccupied space, open to the sky between the Front Lot Line, and a line drawn parallel thereto, at such distance therefrom as required herein for the minimum front yard in any zoning district and extending for the full width of the lot.



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

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

**ZONING, ADMINISTRATIVE OFFICER OR ZONING OFFICER** – the agent or official designated by the Board of Supervisors to administrate and enforce this Ordinance.

**ZONING MAP** – the Union Township Official Zoning Map.

**ZONING ORDINANCE** – the Union Township Zoning Ordinance of 2007, and as amended.

**ZONING PERMIT** – a permit stating that the purpose for which a building or land is to be used is in conformity with the use permitted and all other requirements under this Ordinance for the zoning district in which it is located or is to be located.

**End Article 2**

## ARTICLE 3 - ZONING MAP AND ZONING DISTRICTS

### **3.A. Official Zoning Map**

The Township is hereby divided into zones or districts as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance together with all future notations, references and amendments.

**3.A.1 Identification of Official Zoning Map.** The official zoning map shall be identified by the signature of the Board of Supervisors and attested to by the Secretary of that body, together with the date of the adoption of this Ordinance.

### **3.A.2 Changing the Official Zoning Map.**

**3.A.2.a.** If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map and a new official zoning map produced promptly after the amendment has been approved by the Board of Supervisors.

**3.A.2.b.** No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and the Municipalities Planning Code.

**3.A.3 Location of Official Map.** The official zoning map shall be located in a place, as designated by the Board of Supervisors, and shall be the final authority as to the current zoning status of land and water areas in the Township, regardless of unofficial copies which may have been made or published from time to time.

### **3.B. Classes of Districts**

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

**3.B.1** OSTC – Open Space – Timberland Conservation Article 4

**3.B.2** A – Agriculture (Article 5)

**3.B.3** R-1 – Low Density Residential (Article 6)

**3.B.4** R-2 – Medium Density Residential (Article 7)

**3.B.5** C – Commercial (Article 8)

**3.B.6** RESERVED (Article 9)

**3.B.7** IP – Industrial Park. (Article 10)

**3.B.8** ORR – Outdoor Recreation – Resort District (Article 11)

**3.B.9** F – Floodplain (Article 12)

### **3.C. Interpretation of District Boundaries**

The following rules shall apply to the location of the boundaries of districts as shown on the official zoning map:

**3.C.1** Designation of District Boundaries. Boundaries are indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, existing lot lines or Township boundary lines shall be construed to follow such features indicated. Where boundaries are indicated as being approximately perpendicular to the right-of-way line of a street, highway or alley, such boundary shall be construed as being perpendicular thereto. Where a district boundary line does not follow such a line, its position is shown on said zoning map by reference to an ordinance describing such lines or by a specific dimension expressing its distance, in feet, from a street center line or other boundary line as indicated and running parallel thereto.

**3.C.2** Determination of Location of Boundaries. Where disagreement exists as to the true location of a district boundary line in a particular instance, the Zoning Officer shall evaluate and render a decision on the location of the line. Such decision may be appealed to the Zoning Hearing Board.

**End Article 3**

## **ARTICLE 4 - OSTC – OPEN SPACE – TIMBERLAND CONSERVATION DISTRICT**

### **4.A. Intent.**

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

All uses permitted by right or by special exception shall be subject to all requirements set forth in this Article, Article 13, Article 14 and all other applicable municipal, municipal authority, state and federal laws, ordinances and regulations.

### **4.B. Permitted Uses.**

- 4.B.1** Forest, scenic, and wildlife preserves.
- 4.B.2** Agricultural operations, excluding intensive animal husbandry.
- 4.B.3** Nonintensive animal husbandry
- 4.B.4** Single-family dwellings.
- 4.B.5** Churches, associated parish house and cemeteries.
- 4.B.6** Clubs
- 4.B.7** Forestry.

### **4.C. Permitted Accessory Uses.**

Located on the same lot with the permitted principal use.

- 4.C.1** Private garage or private parking area.
- 4.C.2** Signs
- 4.C.3** Home occupations.
- 4.C.4** Non-commercial keeping of livestock.
- 4.C.5** Roadside stands for the sale of farm products grown on the premises, provided approved off-road parking spaces are provided for customers.
- 4.C.6** Farm Occupation
- 4.C.7** Customary accessory uses and buildings provided they are clearly incidental to the principal use.

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

- 4.D.1** Airfields, strips or landing facilities and buildings accessory thereto

**4.D.2** Restaurants, tea rooms and other places serving food and nonalcoholic beverages.

**4.D.3** Convenience stores for the retailing of consumer goods not otherwise prohibited by law.

**4.E. Minimum Lot Area and Lot Width.**

The following lot area and lot width requirements apply to all permitted and special exception uses, except where more restrictive regulations are established within this Article.

	Over 15% Slope	8-15% Slope	Less than 8% Slope
Lot Area	5 acres	3 acres	1 acre
Lot Width	300 ft.	200 ft.	150 ft.

**4.F. Minimum Yard Dimensions.**

The following yard dimensions apply to all permitted uses and special exception use, except where more restrictive regulations are established elsewhere in this Article:

	Over 15% Slope	8-15% Slope	Less than 8% Slope
Front Yards	55 feet	55 feet	55 feet
Side Yards	25 feet	25 feet	25 feet
Rear Yards	100 feet	100 feet	50 feet

**4.G. Maximum Building Coverage, Height and Cleared Area.**

**4.G.1** Maximum building coverage – 20%.

**4.G.2** Maximum height – 35 feet or 2 ½ stories, whichever is less, subject to the provisions of Articles 13 and 14.

**4.G.3** Cleared Area:

Lot Area (Acres)	Maximum Amount
<=5	20% of Lot Area
>5 - <=10	1 acre + 10% of Lot Area over 5 acres
>10 - <=50	1.5 acres + 5% of Lot Area over 10 acres
>50	3.5 acres + 1% of Lot Area over 50 acres

**4.H. Required Setback from Wetlands and Surface Waters**

- 4.H.1** Intent – To protect water quality of the surface waters in the Township, to minimize erosion and sedimentation into the surface waters in the Township, to preserve the natural storm water drainage system of the area, and to conserve sensitive wildlife and aquatic habitats.
- 4.H.2** No new structure, impervious surface, off-street parking or loading, or commercial or industrial storage or display area shall be located within fifty (50) feet of the jurisdictional edge of a wetland or the top edge of the closest bank of a surface water in the Township.
- 4.H.3** The exact location of the top edge of the bank shall be determined by the Township Zoning Officer.
- 4.H.4** This setback area shall not be disturbed during any filling, grading or construction activity.

**End Article 4**

## **ARTICLE 5 - A – AGRICULTURAL DISTRICT**

### **5.A. Intent.**

The regulations of the Agricultural District are designed to protect and preserve the existing agricultural lands of the Township and those areas where environmental conditions are most conducive to agricultural operations which will produce high crop yields. Principal protection and preservation emphasis is concentrated on existing farm land and conversion to nonfarm usage is discouraged. Limited residential, nonresidential and farm-related commercial uses are permitted to facilitate those individuals who may desire to locate in an agricultural setting.

All uses permitted by right or by special exception shall be subject to all requirements set forth in this Article, Article 13, Article 14 and all other applicable municipal, municipal authority, state and federal laws, ordinances and regulations.

### **5.B. Permitted Uses.**

**5.B.1** Agricultural operations, excluding intensive animal husbandry.

**5.B.2** Greenhouses

**5.B.3** Nonintensive animal husbandry.

**5.B.4** Forestry.

**5.B.5** Kennels.

**5.B.6** Public conservation areas for the preservation of open space, water, soil, forest and wildlife resources.

**5.B.7** Public park and recreation areas limited to passive recreational activities, forest preserves, game refuges and similar nonintensive uses.

**5.B.8** Golf courses and country clubs so long as no prime agricultural soils as defined and delineated within the Lebanon County Soil Survey are occupied by the site.

**5.B.9** Churches, associated parish houses, and cemeteries.

**5.B.10** Single-family dwellings.

**5.B.11** Commercial Day Care

### **5.C. Permitted Accessory Uses.**

Uses incidental to and located on the same lot as any of the above permitted uses, including the following:

**5.C.1** Roadside stands for the sale of “home-grown” or “home-made” products when located not less than 20 feet from the road cartway and not within the road right-of-way.

**5.C.2** Home occupations and accessory uses,

- 5.C.3** Family Day Care Facility.
- 5.C.4** Non-commercial keeping of livestock
- 5.C.5** Farm Occupation.
- 5.C.6** Customary accessory uses provided they are clearly incidental to the principal use.

**5.D. Uses Permitted by Special Exception**

- 5.D.1** Semipublic or private recreational areas, game and wildlife hunting and gunning clubs, camps and structures necessary for the operation of these uses.
- 5.D.2** Riding academies, commercial stables and animal hospitals
- 5.D.3** Saw mills and other establishments associated with forestry.
- 5.D.4** Agriculturally oriented commercial establishments (e.g. farm implement dealers, feed mills, seed stores, butchering shops, etc.).
- 5.D.5** Farm Occupations
- 5.D.6** Group care facilities provided that:
  - 5.D.6.a.** Plans for the facilities are approved by the appropriate local and State agencies, i.e. Department of Labor and Industry and Department of Public Welfare, etc.
  - 5.D.6.b.** The group homes do not cluster in large number in the Township; that is, no more than 3% of the population (according to the most recent U.S. Census) of the Township can be residents of group homes.
  - 5.D.6.c.** There shall be no more than 13 aged, handicapped, dependent, neglected, disabled or mentally ill residents and no more than 8 mentally retarded residents in any one group care facility unless the applicable State standards are changed; then the new standards shall apply.
- 5.D.7** Airfields, strips or landing facilities and buildings accessory thereto
- 5.D.8** Intensive animal husbandry, subject to the following mandatory conditions:
  - 5.D.8.a.** An approved nutrient management plan by the Pennsylvania Department of Environmental Protection, as required by the Nutrient Management Act regulations located at 25 Pa. Code, Chapter 83(D), as amended, which shall be demonstrated in writing.
  - 5.D.8.b.** The operation shall not be permitted within 500 feet of any residentially zoned property line or 300 feet of any lot line or road right-of-way.
  - 5.D.8.c.** Solid or liquid waste facilities associated with the operation must be in writing under 25 Pa. Code, Chapter 83(D), as amended.
  - 5.D.8.d.** The applicant shall demonstrate that he has received all State and local highway occupancy permits required by various regulations governing the same.
  - 5.D.8.e.** Applicant must demonstrate that there shall be no liquid runoff or



contamination from the storage of animal waste resulting from the operation.

**5.D.8.f.** Applicant must demonstrate suitable financial responsibility for any manure spills or the closing out of the manure storage facility.

**5.D.8.g.** Piggeries for the feeding of garbage are specifically prohibited.

**5.D.9** Wireless Telecommunication Facilities

**5.D.10** Bed and Breakfasts

**5.E. General District Requirements.**

All principal buildings, structures and uses erected or established after the adoption date of this Ordinance shall comply with the following requirements:

**5.E.1** Lot lines created in an effort to subdivide Agriculture District (A) zoned lands, shall be no less than 500 feet from an existing structure designed for or used for intensified farming purposes.

**5.E.2** No subdivision shall be permitted that would violate the feedlot provisions of this Ordinance.

**5.E.3** No building shall exceed 2 ½ stories or 35 feet in height unless authorized as a special exception, excluding silos used for storage of haylage or silage.

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

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

	Min. Lot Area	Min. Lot Width	Max. Bldg. Coverage	Yard Dimensions		
				Front	Side	Rear
Single-family detached dwelling and group care facilities	1 acre	125 ft.	20%	50 ft.	20 ft.	50 ft.
Nonresidential uses permitted by right	4 acres	150 ft.	20%	50 ft.	20 ft.	50 ft.
Nonresidential uses permitted by special exception	5 acres	150 ft.	20%	50 ft.	20 ft.	50 ft.

**5.G. Maximum Building Height.**

Maximum height of buildings – 35 feet or 2 ½ stories, whichever is less.

**5.H. Agricultural Nuisance Disclaimer.**

Subdivision and land development plans for lands in the agricultural zoning district shall contain the following disclaimer:

“All lands within the Agricultural Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 “The right to Farm Law” may bar them from obtaining a legal judgment against such normal agricultural operations”.

**5.I. Required Setback from Wetlands and Surface Waters**

**5.I.1** Intent – To protect water quality of the surface waters in the Township, to minimize erosion and sedimentation into the surface waters in the Township, to preserve the natural storm water drainage system of the area, and to conserve sensitive wildlife and aquatic habitats.

**5.I.2** No new structure, impervious surface, off-street parking or loading, or commercial or industrial storage or display area shall be located within fifty (50) feet of the jurisdictional edge of a wetland or the top edge of the closest bank of a surface water in the Township.

**5.I.3** The exact location of the top edge of the bank shall be determined by the Township Zoning Officer.

**5.I.4** This setback area shall not be disturbed during any filling, grading or construction activity.

**End Article 5**

## ARTICLE 6 - R-1 LOW DENSITY RESIDENTIAL DISTRICT

### **6.A. Intent.**

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

All uses permitted by right or by special exception shall be subject to all requirements set forth in this Article, Article 13, Article 14 and all other applicable municipal, municipal authority, state and federal laws, ordinances and regulations.

### **6.B. Permitted Uses.**

**6.B.1** Single-family detached dwellings.

**6.B.2** Nurseries, greenhouses, and agricultural operations, except as specified later in this Article under Special Exception Uses.

**6.B.3** Forestry.

**6.B.4** Public schools, parochial schools, institutions of higher education, private schools which do not provide corrective, rehabilitative or remedial care or instruction, public libraries, police, fire stations or other public buildings owned and operated by the Township or a municipal authority organized by the Township.

**6.B.5** Public parks and playgrounds.

**6.B.6** Churches or similar places of worship.

**6.B.7** Commercial Day Care Facility

### **6.C. Permitted Accessory Uses.**

Located on the same lot with the permitted principal uses.

**6.C.1** Private garage or private parking areas.

**6.C.2** Signs.

**6.C.3** Home occupations.

**6.C.4** Utility sheds and play equipment subject to the following standards:

**6.C.4.a.** Maximum building/structure size – two hundred (200) square feet.

**6.C.4.b.** Maximum building/structure height – fifteen (15) feet at the peak of the roof or top of the play equipment.

**6.C.4.c.** Utility sheds and play equipment shall not be located forward of the front face of the principal structure.

**6.C.4.d.** The rear and side yard setback shall be a minimum of five (5) feet.

**6.C.4.e.** No more than two (2) utility sheds or play equipment structures may be located on any one lot.

**6.C.5** Non-commercial keeping of livestock

**6.C.6** Family Day Care Facility

**6.C.7** Other customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

**6.D.** Uses Permitted by Special Exception

**6.D.1** Hospitals, orphanages, convalescent homes for the care of the sick, aged, crippled, but excluding institutions for the insane, criminal, drug or alcohol patients.

**6.D.2** Accessory uses not located on the same lot as the principal use.

**6.D.3** Clubs

**6.D.4** Golf courses and country clubs.

**6.D.5** Commercial swimming pools.

**6.D.6** Nonintensive animal husbandry, subject to the following conditions:

**6.D.6.a.** A minimum lot size of 5 acres shall be provided.

**6.D.6.b.** Buildings in which livestock, poultry, insects or other than customary household pets are kept shall be no closer than 200 feet to any lot line or road right-of-way.

**6.D.6.c.** No storage of manure or odor or dust producing substances shall be permitted within 200 feet to any lot line or road right-of-way.

**6.D.7** Kennels or riding stables.

**6.D.8** Removal of topsoil or trees.

**6.D.9** Planned Residential Development.

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

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

	Min. Lot Area	Min. Lot Width	Max. Bldg. Coverage	Yard Dimensions		
				Front	Side	Rear
Single-family detached dwelling with onlot water and onlot sewage disposal	1 acre	150 ft.	20%	40 ft.	20 ft.	40 ft.
Single-family detached dwelling with public water or public sewage disposal	20,000 sq. ft.	100 ft.	30%	40 ft.	20 ft.	40 ft.
Single-family detached dwelling with public water and public sewage disposal	10,000 sq. ft.	75 ft.	40%	40 ft.	20 ft.	40 ft.
Non residential uses permitted by right or special exception	1 acre	150 ft.	20%	40 ft.	20 ft.	40 ft.

**6.F. Maximum Building Height.**

Maximum height of buildings – 35 feet or 2-1/2 stories, whichever is less

**End Article 6**

## ARTICLE 7 - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

### **7.A. Intent.**

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

All uses permitted by right or by special exception shall be subject to all requirements set forth in this Article, Article 13, Article 14 and all other applicable municipal, municipal authority, state and federal laws, ordinances and regulations.

### **7.B. Permitted Uses.**

**7.B.1** Single-family detached and semidetached dwellings.

**7.B.2** Two-family detached dwellings.

**7.B.3** Public parks and playgrounds.

**7.B.4** Public schools, parochial schools, institutions of higher education, private schools.

**7.B.5** Churches or similar places of worship.

**7.B.6** Public use of buildings or land owned and operated by the Township or a municipal authority organized by the Township.

**7.B.7** Police and fire stations.

**7.B.8** Hospitals, orphanages, convalescent homes for the care of the sick, aged, crippled but excluding institutions for the insane, criminal, drug or alcohol patients.

**7.B.9** Forestry.

### **7.C. Permitted Accessory Uses.**

Located on the same lot with the permitted principal use.

**7.C.1** Private garage or private parking area.

**7.C.2** Signs.

**7.C.3** Home occupations.

**7.C.4** Utility Sheds and play equipment subject to the following standards:

**7.C.4.a.** Maximum building/structure size – two hundred (200) square feet.

**7.C.4.b.** Maximum building/structure height – fifteen (15) feet at the peak of the roof or top of the play equipment.

**7.C.4.c.** Utility sheds or play equipment shall not be located forward of the front face of the principal structure.

**7.C.4.d.** The rear and side yard setback shall be a minimum of five (5) feet.

**7.C.4.e.** No more than two (2) utility sheds or play equipment structures may be located on any one lot.

**7.C.5** Family Day Care Facility

**7.C.6** Customary accessory uses and buildings, provided such are clearly incidental to the principal use and do not include any activity commonly conducted as a business.

**7.D.** Uses Permitted by Special Exception

**7.D.1** Rooming or boarding houses.

**7.D.2** Bed and Breakfasts

**7.D.3** Kennels or Riding Stables.

**7.D.4** Offices and Health Care Offices.

**7.D.5** Multifamily dwelling units and Townhouses subject to the requirements of § 14.U.

**7.D.6** Planned residential development

**7.D.7** Clubs

**7.D.8** Golf courses and country clubs.

**7.D.9** Commercial swimming pools.

**7.D.10** Agricultural operations excluding intensive animal husbandry

**7.D.11** Nonintensive animal husbandry, subject to the following conditions:

**7.D.11.a.** A minimum lot size of 5 acres shall be provided.

**7.D.11.b.** Buildings in which livestock, poultry, insects or other than customary household pets are kept shall be no closer than 200 feet to any lot line or road right-of-way.

**7.D.11.c.** No storage of manure or odor or dust producing substances shall be permitted within 200 feet to any lot line or road right-of-way.

**7.D.12** Mobile home parks subject to the following regulations in addition to those found in Article 14:

**7.D.12.a.** A mobile home park shall contain a minimum of 10 acres.

**7.D.12.b.** Maximum density in a mobile home park or subdivision shall be 5 units per acre.

**7.D.12.c.** Regardless of lot size, each mobile home shall have a minimum front yard of 30 feet, rear yard of 25 feet and two sides of 10 feet each. In no case shall the distance between any two mobile homes be less than 25 feet.

**7.D.12.d.** All roads in a mobile home park or subdivision shall be paved with and all-weather surface approved by the Township Board of Supervisors at least 34 feet wide.

**7.D.12.e.** Each mobile home in a mobile home park must have at least two paved

parking spaces sufficient in size for at least two automobiles, provided on the individual mobile home lots.

**7.D.12.f.** Each parking space in a mobile home park or subdivision shall abut on a park driveway, with access to such driveway. Access to all parking spaces shall be from the driveways and not from public streets or highways.

**7.D.12.g.** All mobile home parks shall be provided with a buffer yard at least 50 feet in width around the park perimeter. Such yards shall be well landscaped or maintained and planted with shrubbery approved by the Zoning Hearing Board and the Township Supervisors.

**7.D.12.h.** All mobile home parks shall be served by public water and public sanitary sewer facilities.

**7.D.12.i.** Recreation and open space areas shall be provided at the rate of 1 acre recreation for every 20 mobile home spaces.

**7.D.13** Accessory uses not located on the same lot as the principal use.

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

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

	Min. Lot Area	Min. Lot Width	Max.Bldg. Coverage	Yard Dimensions		
				Front	Side	Rear
Each dwelling unit with onlot water and onlot sewage disposal	1 acre	100 ft.	25%	30 ft.	20 ft.	10 ft.
Each dwelling unit with public water and public sewage disposal	8,000 sq.	60 ft.	45%	30 ft.	10 ft.	10 ft.
Each dwelling unit with public water or public sewage disposal	15,000 sq.	90 ft.	40%	40 ft.	20 ft.	10 ft.
Nonresidential uses permitted by right or special exception	1 acre	150 ft.	25%	30 ft.	20 ft.	10 ft.

**7.F. Maximum Building Height.** Maximum height of buildings - 35 feet or 2% stories, whichever is less



## ARTICLE 8 - C – COMMERCIAL DISTRICT

### **8.A. Intent.**

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

All uses permitted by right or by special exception shall be subject to all requirements set forth in this Article, Article 13, Article 14 and all other applicable municipal, municipal authority, state and federal laws, ordinances and regulations.

### **8.B. Permitted Uses.**

**8.B.1** Agricultural, horticultural and forestry uses

**8.B.2** Department stores.

**8.B.3** Health Care Offices

**8.B.4** Stores for the retailing of consumer goods.

**8.B.5** Personal service shops, including barber, beauty shops, tailors, shoe repair, dry cleaning.

**8.B.6** Banks, and offices.

**8.B.7** Taxi and bus passenger stations.

**8.B.8** Mortuary and undertaking establishments.

**8.B.9** Restaurants, tea rooms, cafes and other places serving food, including private clubs, or beverages and beverage distribution centers.

**8.B.10** Commercial Recreational Facility

**8.B.11** Drive-in restaurants.

**8.B.12** Laundries and dry cleaning.

**8.B.13** Trade schools.

**8.B.14** Shops for contractors of plumbing, heating, painting, upholstering.

**8.B.15** Hotels and motels, bed and breakfast.

**8.B.16** Automobile dealers and automobile washes.

**8.B.17** Automobile and truck filling stations, repair and service garages, subject to the following regulations:

**8.B.17.a.** The subject property shall front on an arterial or collector road, as defined in the Union Township Comprehensive Plan.

**8.B.17.b.** The subject property shall be set back at least three hundred (300) feet

from any lot containing a school, day-care facility, playground, library, hospital or nursing, rest or retirement home.

**8.B.17.c.** All but incidental repair work shall be performed within a completely enclosed building.

**8.B.17.d.** All fuel pumps shall be located outside of building on private property and in no case within 35 feet of any street right-of-way line.

**8.B.17.e.** All automobile parts, dismantled and derelict vehicles and similar articles shall not be stored for longer than 30 calendar days, except within a completely enclosed building unless the establishment is required to hold on the premises such parts, vehicles or articles for legal reasons.

**8.B.17.f.** All fuel, oil or similar substances shall be stored at least 35 feet from any street right-of-way or lot line.

**8.B.17.g.** Any ventilation equipment associated with fuel storage tanks or service/repair work shall be oriented away from any adjoining residentially zoned property.

**8.B.17.h.** Access drives shall be separated seventy five (75) feet from one another if located along the same frontage as measured from edge to edge.

**8.B.18** Sales of manufactured, mobile and modular housing, subject to the following regulations:

**8.B.18.a.** No manufactured, mobile or modular home for sale may be inhabited at any time before or after said sale while said home is on the business premises.

**8.B.18.b.** Minimum lot size for the sale of manufactured, mobile and modular housing shall be 2 acres.

**8.B.19** Public use of buildings or land owned and operated by the Township or a municipal authority organized by the Township.

### **8.C. Permitted Accessory Uses.**

**8.C.1** Off-street parking.

**8.C.2** Signs

**8.C.3** Other accessory uses, structures or buildings, provided such are clearly related to the principal use.

**8.C.4** One apartment unit contained within the principal structure in which the commercial use takes place provided that:

**8.C.4.a.** no dwelling unit shall contain less than six hundred (600) square feet of habitable floor area.

**8.C.4.b.** two (2) off-street parking spaces shall be provided for the dwelling unit in addition to those required for the commercial use(s).

**8.C.4.c.** the dwelling unit shall have direct means of escape to the exterior at ground level and be equipped with one operable fire detection device.

**8.C.4.d.** the applicant shall furnish evidence of an approved means of sewage disposal.

**8.D.** Uses Permitted by Special Exception.

**8.D.1** Adult businesses, provided that the following conditions are met:

**8.D.1.a.** An adult business shall not be located within 1000 feet of the property boundary upon which is located a public or private pre-elementary, elementary, middle, secondary or high school; church, synagogue, or regular place of religious worship; daycare or other childcare facility; library; museum; hospital, group care facility or personal care boarding home; public park or playground, an entertainment business oriented primarily towards children or minors or for family entertainment; any uses where minors may congregate; any other adult business; or, any establishment licensed to serve and/or sell alcoholic beverages.

**8.D.1.b.** Adult businesses shall not be located within 500 feet of any property which is residentially owned or which contains a residential use.

**8.D.1.c.** The distance between an adult business and any use described in subsection (1), above, shall be measured in a straight line, without regard to intervening structures or objects from the nearest portion of the building or structure where an adult business is conducted to the nearest property line of the premises having the uses described in subsection (1) or (2) above.

**8.D.1.d.** An adult business lawfully operating as a conforming use is not rendered a non-conforming use by the location of a public or private pre-elementary, elementary, middle, secondary, or high school; church, synagogue or regular place of religious worship, daycare facility or personal care boarding home; public; park or playground; an entertainment business oriented primarily towards children or minors or for family entertainment; any other adult business; or any establishment licensed to serve and/or sell alcoholic beverages, within 1000 feet of the adult business; or residential use, within 500 feet of the adult business.

**8.D.1.e.** No adult business-related merchandise or materials offered for sale, rent, lease, loan, use or for view upon the premises shall be exhibited or displayed outside of an enclosed building or structure.

**8.D.1.f.** Any enclosed building or structure used as an adult business shall be windowless, or have an opaque covering over all windows or doors of any area in which adult business-related materials or merchandise are exhibited or displayed, nor shall they be visible from outside of the enclosed building or structure.

**8.D.1.g.** No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the adult business-related materials or merchandise offered in that adult business.

**8.D.1.h.** No adult business facility may change to another adult business facility,

except upon the approval of another special exception use.

**8.D.1.i.** No more than one adult business may be located within the same building or structure.

**8.D.1.i.** Each entrance to the premises shall be posted with a notice specifying that persons under the age of seventeen (17) years are not permitted to enter therein.

**8.D.2** Home Improvement Building Supply Stores

**8.D.3** Shopping Centers

**8.D.4** Commercial Day Care.

**8.D.5** Self-Storage Units.

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

**8.E.1** The following lot area, lot width, building coverage and yard dimension requirements apply to all permitted and special exception uses, except where more restrictive regulations are established elsewhere within this Ordinance.

Min. Lot Area	Min. Lot Width	Max. Bldg. Coverage	Yard Dimensions		
			Front	Side	Rear
1 acre	100 ft.	50%	50 ft.	15 ft.	15 ft.

**8.E.2** No building shall extend nearer to any other district boundary in the rear than the rear yard required in that district, nor nearer the side yard than the side yard required in that district, nor nearer the side yard than the side yard required in that district.

**8.E.3** Parking areas may be included in 50% of the required yards of the Commercial District, except where they adjoin a residential district. All yards or portions of yards not used for parking shall be appropriately landscaped.

**8.E.4** A minimum of 35% of the lot shall be covered with vegetation.

**8.E.5** No buildings shall exceed 50 feet in height except in accordance with Article 14 of this Ordinance.

**8.E.6** Residential Buffer Strip – Any lot adjoining land within a residential zoning district shall maintain a fifty (50) foot setback for non-residential buildings, structures, off-street parking lots, loading areas and outdoor storage areas from the residentially zoned parcels. Such areas shall be used for a landscape strip and screen as follows:

**8.E.6.a.** A completely planted visual barrier of landscape screen shall be provided and maintained except where natural or physical man-made barriers already exist. The screen shall be composed of plants and trees arranged to form both a high level and low level screen within the fifty (50) foot landscape strip. The high level screen shall consist of evergreen trees planted at an initial height of not less than five (5) feet, and planted at

intervals of not more than ten (10) feet. The low level screen shall consist of evergreen shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen shall be placed in alternating rows to produce a more effective barrier.

**8.E.6.b.** Any existing commercial facility shall be required to comply with these screening requirements in the case of enlargement or major alteration of the facility.

**8.E.6.c.** Any landscaping material which dies shall be replaced. All landscaping materials shall be properly maintained.

**8.F. Minimum Off-Street Parking and Loading Requirements.**

**8.F.1** Off-street parking shall be provided in accordance with Article 14 of this Ordinance.

**8.F.2** Each business use shall provide off-street loading and unloading space pursuant to the requirements of Article 13 of this Ordinance.

**8.G. Limitations of Signs.**

Only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises shall be permitted and further provided that all signs and advertising structures be maintained in accordance with Article 13 of this Ordinance.

**8.H. Performance Requirements.**

**8.H.1** All of the above listed uses must be non-objectionable in terms of smoke or dust emission, odors, noise or glare, and shall not be injurious or have an adverse effect on adjacent areas or the Township as a whole.

**8.H.2** Should the Zoning Officer determine there is any possibility of the above mentioned dangers in § 8.H.1, the Zoning Officer may, with approval by the Board of Supervisors, utilize the services of a professional with expertise in the applicable area(s) to review and evaluate the need for the applicant to provide additional information to demonstrate conformity to this section..

**End Article 8**

**ARTICLE 9 - RESERVED**

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## **ARTICLE 10 - I – INDUSTRIAL DISTRICT**

### **10.A. Intent.**

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

All uses permitted by right or by special exception shall be subject to all requirements set forth in this Article, Article 13, Article 14 and all other applicable municipal, municipal authority, state and federal laws, ordinances and regulations.

### **10.B. Permitted Uses**

**10.B.1** Any production, manufacturing, processing, assembly, fabrication, packaging, cleaning, testing, storage, distribution or other handling of materials, goods, foodstuffs and products not involving a retail activity.

**10.B.2** Wholesale business, storage and warehousing establishments.

**10.B.3** Truck Stops

**10.B.4** Truck Wash

**10.B.5** Heavy equipment sales, service and/or repair facilities.

**10.B.6** Lumber, coal and fuel distribution yards.

**10.B.7** Extraction, storage, pretreatment, loading or hauling of underground commodities and minerals including bulk water.

**10.B.8** Bookbinding, printing and publishing.

**10.B.9** Sign making.

**10.B.10** Automobile auctions and/or automobile parking or storage compounds such that any site used for the sale, parking and /or storage of more than one hundred fifty (150) vehicles on-site shall front solely upon arterial or collector roads and no portion of the auction or parking/storage compound shall be located within two hundred (200) feet of any land within a Residential or Village zoning district.

**10.B.11** Recycling stations provided there is no outdoor storage or materials used or generated and all operations shall be conducted within a completely enclosed building.

**10.B.12** Industrial parks on 20 acres or more

**10.B.13** Laboratories including research, testing, manufacturing and experimental.

**10.B.14** Trade schools.

**10.B.15** Offices.

- 10.B.16** Administrative activities in support of manufacturing or other industrial activities.
- 10.B.17** Community utilities.
- 10.B.18** Public use of buildings or land owned and operated by the Township or a municipal authority organized by the Township.
- 10.B.19** Department stores.
- 10.B.20** Health Care Offices.
- 10.B.21** Stores for the retailing of consumer goods.
- 10.B.22** Personal service shops, including barber, beauty shops, tailors, shoe repair, dry cleaning.
- 10.B.23** Banks, Offices.
- 10.B.24** Taxi and bus passenger stations.
- 10.B.25** Mortuary and undertaking establishments.
- 10.B.26** Restaurants, tea rooms, cafes and other places serving food, including private clubs, or beverages and beverage distribution centers.
- 10.B.27** Drive-in restaurants.
- 10.B.28** Laundries and dry cleaning.
- 10.B.29** Shops for contractors of plumbing, heating, painting, upholstering.
- 10.B.30** Hotels and motels, bed and breakfast.
- 10.B.31** Self-Storage Units
- 10.B.32** Automobile dealers and automobile washes.
- 10.B.33** Automobile filling stations, repair and service garages, subject to the following regulations:
- 10.B.33.a.** The subject property shall front on an arterial or collector road, as defined in the Union Township Comprehensive Plan.
- 10.B.33.b.** The subject property shall be set back at least three hundred (300) feet from any lot containing a school, day-care facility, playground, library, hospital or nursing, rest or retirement home.
- 10.B.33.c.** All but incidental repair work shall be performed within a completely enclosed building.
- 10.B.33.d.** All fuel pumps shall be located outside of building on private property and in no case within 35 feet of any street right-of-way line.
- 10.B.33.e.** All automobile parts, dismantled and derelict vehicles and similar articles shall not be stored for longer than 30 calendar days, except within a completely enclosed building unless the establishment is required to hold on the premises such parts, vehicles or articles for legal reasons.
- 10.B.33.f.** All fuel, oil or similar substances shall be stored at least 35 feet from any street right-of-way or lot line.



**10.B.33.g.** Any ventilation equipment associated with fuel storage tanks or service/repair work shall be oriented away from any adjoining residentially zoned property.

**10.B.33.h.** Access drives shall be separated seventy five (75) feet from one another if located along the same frontage as measured from edge to edge.

**10.B.34** Sales of manufactured, mobile and modular housing, subject to the following regulations:

**10.B.34.a.** No manufactured, mobile or modular home for sale may be inhabited at any time before or after said sale while said home is on the business premises.

**10.B.34.b.** Minimum lot size for the sale of manufactured, mobile and modular housing shall be 2 acres.

**10.C. Permitted Accessory Uses.**

Located on the same lot with the permitted principal uses.

**10.C.1** Recycling collection facilities as an accessory use, provided such facilities are sufficiently enclosed to prevent the scattering of debris, the materials collected are removed at regular intervals, the facility is posted to prohibit the disposal of any material, goods or furnishings that cannot be placed within the actual recycling bin, and the total size of the facility is less than three hundred (300) square feet.

**10.C.2** Off-street parking and loading facilities and signs.

**10.C.3** Dining facilities, cafeterias, restaurants, day-care or recreational facilities for employees only.

**10.C.4** Other accessory uses customarily incidental to the above permitted uses.

**10.D. Uses Permitted by Special Exception**

**10.D.1** Junkyards and Salvage yards.

**10.D.2** Telecommunication and Wireless Communication facilities

**10.D.3** Home Improvement Building Supply Stores

**10.D.4** Shopping Centers

**10.D.5** Commercial Day Care

**10.D.6** Motor Freight Terminals

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

**10.E.1** All uses, other than industrial parks which are regulated pursuant to the provisions contained in Article 14, shall comply with all applicable requirements set forth below:

Min. Lot Area	Min. Lot Width	Max. Bldg Coverage	Yard Dimensions		
			Front	Side	Rear
1 acre	100 ft	50%	50 ft.	20 ft.	20 ft.

**10.E.2** Parking areas may be included in 50% of the required yards except where they adjoin a Residential or Village zoning district. All yards or portions of yards not used for parking shall be appropriately landscaped with lawn grasses and/or trees and shrubbery.

**10.E.3** A minimum of thirty five percent (35%) of the lot shall be covered with vegetation.

**10.E.4** No buildings shall exceed fifty (50) feet in height except in accordance with the provisions of Article 13 of this Ordinance.

**10.E.5** Residential Buffer Strip – Any lot adjoining land within a residential zoning district shall maintain a seventy (75) foot setback for non-residential buildings, structures, off-street parking lots, loading areas and outdoor storage areas from the residentially zoned parcels. Such areas shall be used for a landscape strip and screen as follows:

**10.E.5.a.** A completely planted visual barrier of landscape screen shall be provided and maintained except where natural or physical man-made barriers already exist. The screen shall be composed of evergreen plants and trees arranged to form both a high level and low level screen within the seventy (75) foot landscape strip. The high level screen shall consist of evergreen trees planted with specimens no younger than three (3) years in age, at an initial height of not less than five (5) feet, and planted at intervals of not more than ten (10) feet. The low level screen shall consist of evergreen shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen shall be placed in alternating rows to produce a more effective barrier.

**10.E.5.b.** Any existing commercial facility shall not be required to comply with these screening requirements except in case of enlargement or major alteration of the facility.

**10.E.5.c.** Any landscaping material which dies shall be replaced. All landscaping materials shall be properly maintained.

**10.F. Off-Street Parking and Loading Requirements**

**10.F.1** Off-street parking shall be provided in accordance with the requirements in Article 13.

**10.F.2** Each use shall provide off-street loading and unloading space in accordance with the requirements of Article 13.

**10.G. Limitations of Signs**

Only those signs referring or relating to the uses conducted on the premises or to the materials or products made, sold or displayed on the premises shall be permitted and further provided that all signs and advertising structures be maintained in accordance with the requirements of Article 13.

**End Article 10**

## **ARTICLE 11 - ORR – OUTDOOR RECREATION-RESORT DISTRICT**

### **11.A. Intent.**

The Outdoor Recreation - Resort District is designed to accommodate and encourage recreation, tourism and related development within the Township. The district accommodates a wide variety of recreational and related activities so as to provide developers flexibility to react to the recreational preferences of the residents of the Township and tourists visiting the Township.

All uses permitted by right or by special exception shall be subject to all requirements set forth in this Article, Article 13, Article 14 and all other applicable municipal, municipal authority, state and federal laws, ordinances and regulations.

### **11.B. Permitted Uses.**

- 11.B.1** A single tract may be utilized for multiple permitted uses and permitted accessory uses.
- 11.B.2** Campgrounds
- 11.B.3** Wildlife preserve and observation areas.
- 11.B.4** Amusement parks
- 11.B.5** Agricultural Operations, excluding intensive animal husbandry
- 11.B.6** Artisan shops.
- 11.B.7** Non-intensive animal husbandry.
- 11.B.8** Personal service shops, including barber, beauty shops, tailors, and shoe repair, but excluding dry cleaning.
- 11.B.9** Outdoor attractions.
- 11.B.10** Bed and breakfasts.
- 11.B.11** Multi-vendor markets, including but not limited to a farmers market, flea market and swap meets provided that no single market stand contains more than 500 square feet, subject to the requirements of Article 14.
- 11.B.12** Indoor and outdoor entertainment and exhibitions, including but not limited to art displays/shows, movie displays (excluding "drive-in" movie theaters), stages, amphitheaters, meeting rooms, and temporary display/sales of animals, vehicles, merchandise or other products, but excluding stadiums and sports arenas.
- 11.B.13** Restaurants, excluding drive-through windows.
- 11.B.14** Bingo, in accordance with Pennsylvania law.

### **11.C. Permitted Accessory Uses.**

Located on the same lot with the permitted principal use or uses.

- 11.C.1** Structures incidental to any of the above permitted uses, including maintenance facilities and water towers/tanks.
- 11.C.2** Signs
- 11.C.3** Accessory commercial uses not exceeding 5,000 square feet in floor area per commercial use, including but not limited to convenience store/camp stores including the sale and rental of camping equipment (but excluding the sale of motor vehicle fuel), gift shops, other food concession stands, vending machines, amusement arcades and game rooms and coin operated laundry.
- 11.C.4** Petting zoos.
- 11.C.5** Swimming pools for campground, amusement park and public use.
- 11.C.6** Campground manager and employee housing, provided that such housing is located in a dwelling existing upon the lot as of the date of this Section, or if located within a new dwelling, the architecture of such dwelling is consistent with the outdoor nature of the district.
- 11.C.7** Automated teller/banking machines, commonly referred to as ATMs.
- 11.C.8** Educational/instructional classes provided to campground visitors, including but not limited to craft classes and outdoor survival seminars.
- 11.C.9** Customary accessory uses and buildings provided they are incidental to the principal use or uses.

**11.D. Uses Permitted by Special Exception.**

- 11.D.1** Removal of topsoil or clear cutting of trees. Clear cutting of trees shall not include the removal of trees necessary for the construction of improvements or installation of roads, utilities, etc.
- 11.D.2** Wireless telecommunications facilities
- 11.D.3** Shooting and archery ranges
- 11.D.4** Resort lodges (intended for overnight accommodations of the traveling public) not exceeding 25 units in a single building
- 11.D.5** Museums

**11.E. Prohibited Uses.**

- 11.E.1** Incineration of garbage, recyclables and rubbish. Nothing in this paragraph shall be deemed to prevent the maintenance of camp fires and/or bon fires.

**11.F. Minimum Lot Area and Lot Width.**

The following lot area and lot width requirements apply to all permitted and special exception uses, except where more restrictive regulations are established within this Ordinance:

	Over 15% Slope	8-15% Slope	Less than 8% Slope
Lot Area	20 acres	10 acres	10 acres
Lot Width	300 feet	200 feet	150 feet

**11.G. Minimum Yard Dimensions.**

The following yard dimensions apply to all permitted uses and special exception uses, except where more restrictive regulations are established within this Ordinance:

	Front yards	Side yards	Rear yards
Campgrounds	50 feet	15 feet	15 feet
Camping Site and/or Cabin (internal set backs only)	10 feet from private road	10 feet	10 feet
Other Structures (a) In general	50 feet from public right-of-way	25 feet	25 feet
Other Structures (b) In excess of 35 feet in height	50 feet plus one foot for each foot in height that structure exceeds 35 feet	Height of structure	Height of structure

Side and rear yard setbacks, for structures in excess of 35 feet in height, may be reduced to 25 feet, provided that:

- 11.G.1** the applicant obtains the written consent of the owner of the property adjacent to the required side or rear yard to decrease such side or rear yard,
- 11.G.2** there is no structure located on such adjacent property within the area which would be within the required side or rear yard (as measured from the proposed structure without regard to property lines), and
- 11.G.3** the adjacent property owner executes and records an appropriate deed restriction in the Office of the Recorder of Deeds for Lebanon County consenting to the waiver of the yard requirement and prohibiting the erection of a structure within such area so long as the applicant's structure in excess of 35 feet in height remains standing.

**11.H. Maximum Building Coverage and Height.**

- 11.H.1** Maximum building coverage - 50%.

**11.H.2** Maximum lot coverage - 70% of a lot may be covered by impervious coverage.

**11.H.3** Maximum height -

**11.H.3.a.** All buildings, except amusement rides shall not exceed 35 feet in height.

**11.H.3.b.** Amusement rides shall be exempt from any height limitation pursuant to Article 13. All other buildings shall not exceed 35 feet in height.

**End Article 11**

## ARTICLE 12 - F – FLOODPLAIN DISTRICT

### **12.A. Intent.**

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

### **12.B. Definition of Terms Utilized in Floodplain Districts.**

**12.B.1** ALL SOIL MAPS - soils maps prepared by the United States Department of Agricultural, Soil Conservation Service which indicate the location of soil types. Alluvial soils on these maps are soils of floodplains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.

**12.B.2** APPROXIMATED FLOODPLAIN DISTRICTS (F-1) - the Approximated Floodplain District (F-1) shall be that floodplain area for which no specific flood profiles have been provided. Where the specific base flood elevation cannot be determined for this area using other sources of data such as the U.S. Army of Engineers, Floodplain Information Reports, U.S. Geological Survey floodprone quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques currently acceptable by the Federal Insurance Administrator (e.g., HEC-2). Consideration shall be given to the methods specified by the U.S. Water Resource Council's Technical Bulletin No. 17 or 17B. This elevation information shall be subject to review by the Township and other agencies that it shall designate such as the Corps of Engineers, the Department of Environmental Protection, a river basin commission, etc.

**12.B.3** BASE FLOOD - the flood, also known as the 100 year flood, which has a 1% chance of being equaled or exceeded in any given year ; the flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared.

**12.B.4** BASE FLOOD ELEVATION - the determination by the Federal Insurance Administrator of the water surface elevation of the base flood, that is, the flood level that has a 1 % or greater chance of occurrence in any given year.

**12.B.5** CAMPING, SHORT-TERM - location of a camping unit within any one campground for a period not to exceed 15 days in any 1 calendar month.

**12.B.6** CONSTRUCTION - the term "construction" shall include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection



or relocation of a building or structure, including manufactured homes, and gas or liquid storage tanks. For floodplain purposes, "new construction" includes structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the Township.

**12.B.7** DEVELOPMENT - any manmade change to improved or unimproved real estate including, but not limited, to buildings, manufactured homes or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or the storage of equipment or materials.

**12.B.8** FLOOD - a general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.

**12.B.9** FLOOD FRINGE (F-3) - the portion of the 100 year floodplain not included in the floodway. The basis for the outermost boundary of this district shall be the base flood elevations contained in the flood profiles of the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA). These areas are shown on the Floodway Map or Flood Insurance Rate Map (FIRM).

**12.B.10** FLOODPLAIN –

**12.B.10.a.** A relatively flat or low land area adjoining river, stream or watercourse, which is subject to partial or complete inundation by water.

**12.B.10.b.** An area subject to the unusual and rapid accumulation or runoff of surface water from any source. For the purposes of this Section, the floodplain shall be considered to be the 100 year floodplain which is a floodplain having a 1% chance of being subject to the above conditions during any given year.

**12.B.11** FLOODPLAIN DISTRICTS - the zoning districts that establish the bounds of the base flood as identified the Federal Insurance Administrator so that necessary floodplain management control measures can be instituted in floodplain areas. These districts include the Approximated Floodplain (F-1), Floodway (F-2) and Flood Fringe (F-3) Districts.

**12.B.12** FLOODWAY (F-2) - the channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation of that flood more than 1 foot at any point. The detailed study of the base flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the floodplain. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study prepared by the FEMA.

**12.B.13** HISTORIC STRUCTURE - any structure that is :

**12.B.13.a.** Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

**12.B.13.b.** Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or district preliminarily determined by the Secretary to qualify as a registered historic district.

**12.B.13.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.

**12.B.13.d.** Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either :

**12.B.13.d.1)**By an approved state program as determined by the Secretary of the Interior.

**12.B.13.d.2)**Directly by the Secretary of the Interior in states without approved programs.

**12.B.14** **LOWEST FLOOR** - the lowest floor of the lowest enclosed area (including basements). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built in violation of the applicable nonelevation design requirements of this Section and the Lebanon County Floodproofing Building Code.

**12.B.15** **MANUFACTURED HOMES** - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes (1) all mobile homes and (2) camping trailers, recreational vehicles, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

**12.B.16** **MANUFACTURED HOME PARK AND/OR SUBDIVISION** - a lot or area which is a planned development and designated to contain two or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known a manufactured home subdivision.

**12.B.17** **100 YEAR FLOOD (BASE FLOOD)** - a flood selected as the base flood, that has a 1% or greater chance of occurring in any given year.

**12.B.18** **RECREATIONAL VEHICLE** - a vehicular type of portable structure which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) self-propelled or mounted on or drawn by another vehicle and (4) primarily designed as temporary living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term recreational vehicle includes, but is not limited to, travel trailers, camping trailers, truck campers and self-propelled motor homes.

**12.B.19** **STRUCTURE** - a walled or roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home or any other manmade object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that

location.

**12.B.20** START OF CONSTRUCTION - the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, filling nor does it include the installation of streets and/or walkways ; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms ; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or manufactured home subdivision, "start of construction" means the affixing of the manufactured home to its permanent site. For manufactured homes within the manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**12.B.21** SUBSTANTIAL DAMAGE - damage of any origin sustained by structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**12.B.22** SUBSTANTIAL IMPROVEMENT - any repair, reconstruction, alteration or improvement (not including general maintenance or repair) of a structure, the cost of which equals or exceeds 50% of market value of the structure either, (1) before the improvement or repair is started or (2) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this Section, substantial improvement is considered to have occurred when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to correct an existing violation of State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an "historic structure."

**12.B.23** TOXIC MATERIALS - the following materials and substances, which are listed in §38.7 of the Department of Community and Economic Development Flood Plain Management Regulations adopted pursuant to the Pennsylvania Flood Plain Management Act (Act 1978-166), have been determined to be dangerous to human life :

- 12.B.23.a.** Acetone.
- 12.B.23.b.** Ammonia.
- 12.B.23.c.** Benzene.
- 12.B.23.d.** Calcium carbide.
- 12.B.23.e.** Carbon disulfide.
- 12.B.23.f.** Celluloid.
- 12.B.23.g.** Chlorine.
- 12.B.23.h.** Hydrochloric acid.
- 12.B.23.i.** Hydrocyanic acid.
- 12.B.23.j.** Magnesium.
- 12.B.23.k.** Nitric acid and oxides of nitrogen.
- 12.B.23.l.** Petroleum products (gasoline, fuel oil, etc.)
- 12.B.23.m.** Phosphorus.
- 12.B.23.n.** Potassium.
- 12.B.23.o.** Pesticides (including insecticides, fungicides and rodenticides).
- 12.B.23.p.** Sodium.
- 12.B.23.q.** Sulfur and sulfur products.
- 12.B.23.r.** Radioactive substances, insofar as such substances are not otherwise regulated.

**12.C. Delineation of Districts.**

**12.C.1** The Floodplain Districts shall include all areas of this Township subject to inundation by flood waters of the base flood. The basis for the delineation of the three Floodplain Districts (Approximated Floodplain, Floodway and Flood Fringe Districts) shall be the official Flood Boundary and Floodway Map or Flood Insurance Rate Map (dated December 4, 1974, or the most recent revision thereof) and the Official Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA), or for those areas here no floodway has been identified in the Official Flood Insurance Study, other available studies or sources of information.

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

- 12.C.2.a.** Other official flood hazard boundary or floodway maps.

**12.C.2.b.** Alluvial soil maps prepared by the U. S. Soil Conservation Service.

**12.C.2.c.** Local data from the 1972 flood.

**12.C.2.d.** Army Corps of Engineers - Floodplain Information Report.

**12.C.2.e.** U. S. Geological Survey - floodprone quadrangles.

**12.C.2.f.** Other available studies and sources of flood plain information.

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

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

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

**12.C.6** The delineation of the Floodplain, Approximated Floodplain, Floodway and Flood Fringe Districts may be revised by the Township Board of Supervisors where natural or manmade changes have occurred and/or more detailed studies have been conducted or undertaken by the US Army Corps of Engineers, River Basin Commission or other qualified agencies or individuals. However, prior to when the district bounds are to be changed, approval shall to obtained from the Federal Emergency Management Agency (FEMA) and/or the River Basin Commission.

**12.C.7** Initial interpretations of the boundaries of the Floodplain Districts shall be made

by the Zoning Officer. Where interpretation is needed concerning the exact location of any boundary of the Floodplain Districts, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of district boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any and all technical information to support his case. 4. District Provisions. All uses, activities, construction, including manufactured homes and other development occurring within the Approximated Floodplain, Floodway or Flood Fringe Districts shall be undertaken only in strict compliance with the provisions of this Section and with all other applicable State and Federal codes, ordinances and requirements including, but not limited to, Lebanon County Floodproofing Building Code and the Lebanon County Subdivision and Land Development Ordinance. Under no circumstances shall any use, encroachment, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system. No structure, including manufactured homes, or land shall hereinafter be used and no structures, including manufactured homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Section. All permitted uses shall be regulated by the provisions of the nearest zoning district as shown on the Official Zoning Map. Where there happen to be conflicts between the provisions or requirements of the Approximated Floodplain, Floodway or Flood Fringe Districts and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the Floodplain Districts is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the Floodplain Districts are located.

#### **12.D. District Provisions.**

**12.D.1** All uses, activities, construction, including manufactured homes and other development occurring within the Approximated Floodplain, Floodway or Flood Fringe Districts shall be undertaken only in strict compliance with the provisions of this Section and with all other applicable State and Federal codes, ordinances and requirements including, but not limited to, Lebanon County Floodproofing Building Code and the Lebanon County Subdivision and Land Development Ordinance. Under no circumstances shall any use, encroachment, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system . No structure, including manufactured homes, or land shall hereinafter be used and no structures, including manufactured homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Section . All permitted uses shall be regulated by the provisions of the nearest zoning district as shown on the Official Zoning Map.

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

**12.D.2** Approximated Floodplain (F-1) and Floodway (F-2) Districts.

**12.D.2.a.** In the Approximated Floodplain and Floodway Districts no development, including manufactured homes, shall be permitted except where it can be demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all applicable local and/or State authorities.

**12.D.2.b.** Permitted Uses. In the Approximated Floodplain and Floodway Districts, the following uses and activities are permitted provided that (a) the information required herein is submitted as a part of the permit application, (b) they are in compliance with the provisions of the rarest zoning district, (c) they will not result in any increase in the level of the base flood anywhere, (d) they are not prohibited by this or any other ordinance, (e) they do not require the placement or use of permanent onlot sewage facilities within any of the Floodplain Districts and (f) they do not require encroachments, new construction, manufactured homes, storage of materials and equipment, substantial improvements, fill, vehicles or parts thereof, or other development:

**12.D.2.b.1)** Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry and sod farming and wild crop harvesting.

**12.D.2.b.2)** Public and private recreational uses and activities such as parks ; picnic grounds ; areas for short term camping or recreational vehicle uses; golf courses, boat launching and swimming areas ; hiking, bicycling and horseback riding trails ; wildlife and nature preserves; game farms ; fish hatcheries ; shooting ranges ; and hunting and fishing areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as posts and pillars and a roof shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code.

**12.D.2.b.3)** All uses and open structures customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens or play areas; signs, unroofed porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs or structural supports less than 8 feet apart which would in any manner restrict the flow of flood water

and debris and are in compliance with the applicable requirements of the Lebanon County Floodproofing Building Code ; impervious parking and loading areas ; and airport landing strips. Accessory structures shall not include manufactured homes, vehicles or parts thereof.

**12.D.2.b.4)** Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.

**12.D.2.b.5)** Water-related uses and activities such as marinas, docks, wharves, piers, etc.

**12.D.2.b.6)** Extraction of sand, gravel and other materials.

**12.D.2.b.7)** Storage of materials and equipment provided that they are not buoyant; toxic to humans, animals or vegetation ; flammable or explosive, and are not subject to major damage by flooding; or provided that such material and equipment is firmly anchored to prevent flotation or movement ; and/or can be readily removed from the area within the time available after flood warning.

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

**12.D.4** Prohibited Uses.

**12.D.4.a.** In the Floodway (F-2), Flood Fringe (F-3), and Approximated Floodplain Districts (F-1), the following uses and activities are strictly prohibited:

**12.D.4.a.1)** Hospitals, sanitariums, sanatoriums, clinics, etc. whether public or private.

**12.D.4.a.2)** Public or private nursing homes.

**12.D.4.a.3)** Jails or prisons.

**12.D.4.a.4)** Public or private schools or institutions of higher education.

**12.D.4.a.5)** New manufactured home parks and manufactured home subdivisions and substantial improvements to existing manufactured home parks.

**12.D.4.a.6)** A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons of such materials or any amount of radioactive substances.

**12.D.4.a.7)** Any other use, activity or development not specifically permitted under the terms of this Section.

**12.D.5** Additional Safeguards.



- 12.D.5.a.** No encroachments, including manufactured homes, new construction or development, shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no encroachments shall be permitted within the stream channel (from top of bank to top of bank). Furthermore, encroachments outside the stream banks but within the Floodplain District shall be permitted only when in compliance with this Section and Pennsylvania Department of Environmental Protection permit requirements.
- 12.D.5.b.** No part of any private onlot sewage disposal system shall be constructed within any Floodplain Districts.
- 12.D.5.c.** Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.
- 12.D.5.d.** The Township will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located near a Township boundary.
- 12.D.5.e.** Filling or the dumping of fill material is prohibited in the Floodplain Districts on vacant lots or on land not scheduled for approved construction activities. Fill may only be used in the Floodplain Districts to raise the finished surface of the lowest floor of a structure to an elevation of a minimum of 2 feet above the base flood elevation provided the following conditions are met:
- 12.D.5.e.1)** Use of fill shall be in compliance with the Lebanon County Floodproofing Building Code and any other applicable ordinances.
  - 12.D.5.e.2)** Use of fill shall be permitted only when the property owner or applicant provides a document acceptable by the Zoning Officer, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the base flood at any point.
- 12.D.5.f.** Prior to any stream or watercourse alteration or relocation, permit shall be obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. Also adjacent communities, the Department of Community and Economic Development, and the Federal Emergency Management Agency (FEMA) must be notified. Additionally, the Township must be assured that the flood carrying capacity of an altered or relocated watercourse will be maintained by the developer.
- 12.D.5.g.** The placement of any manufactured home in the Floodway (F-2) or Approximated Floodplain (F-1) Districts is prohibited except as a replacement unit in an existing manufactured home park or an existing manufactured home subdivision. Said replacement units shall comply with the special anchoring and site requirements of §1.5 of the Lebanon County Floodproofing Building Code.

**12.D.6** Factors to be Considered by the Zoning Hearing Board When Reviewing Special Exceptions and Variances. In viewing applications for special exceptions and variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Section, in the Pennsylvania Municipalities Planning Code (Act 247, as amended), and other State or Federal ordinances and shall apply all of the following factors:

**12.D.6.a.** The danger of life and property due to increased flood heights or velocities caused by encroachments.

**12.D.6.b.** The danger that materials may be swept onto other lands or downstream to the injury of others

**12.D.6.c.** The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

**12.D.6.d.** The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.

**12.D.6.e.** The importance of the services provided by the proposed facility to the community.

**12.D.6.f.** The requirements of the facility for a waterfront location.

**12.D.6.g.** The availability of alternative locations not subject to flooding for the proposed use.

**12.D.6.h.** The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.

**12.D.6.i.** The relationship of the proposed use or structure to the comprehensive plan and floodplain management programs of the area.

**12.D.6.j.** The safety of access to the property in times of flood by ordinary and emergency vehicles.

**12.D.6.k.** The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

**12.D.6.l.** No variance shall be granted to allow either in whole or in part any prohibited use listed herein.

**12.D.6.m.** Where appropriate, variances may be granted for the reconstruction, rehabilitation or restoration of historical structures as defined herein.

**12.D.6.n.** The granting of a variance shall provide relief only from the specific term(s) of the floodplain regulations requested, not exemption from all floodplain regulations or any applicable insurance premiums, nor any State or Federal permitting requirements.

**12.D.6.o.** Variances shall not be granted which result in any increase in the base flood elevation.

**12.D.6.p.** Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247, as amended). Variances shall be granted only when they are shown to be the minimum relief necessary,

considering the flood hazard.

**12.D.6.q.** When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:

**12.D.6.q.1)** Increased insurance premium rates will result.

**12.D.6.q.2)** Construction occurring below the base flood elevation will increase risks to life and property.

**12.D.6.r.** Other factors which are relevant to the purpose of this Section.

**12.D.7** Nonconformities. A structure, or use of a structure or land which lawfully existed before the enactment of these provisions but which is not in conformity with these provisions, may be continued subject to the following:

**12.D.7.a.** Existing nonconforming structures or uses located in the Floodway (F-2) or Approximated Floodplain (F-1) Districts:

**12.D.7.a.1)** Shall not be moved, replaced or substantially improved, but may be modified, altered or repaired to incorporate floodproofing measures as per the Lebanon County Floodproofing Building Code, provided that such measures and elevation techniques do not raise the level of the base flood.

**12.D.7.a.2)** May be expanded or enlarged, but not substantially improved, provided that said expansion or enlargement (a) does not exceed 25% of the area of the first floor of the structure existing at the effective date of a floodplain management regulation adopted by the Township, (b) is not constructed below the existing first floor elevation and (c) complies with all applicable floodproofing requirements of the Lebanon County Floodproofing Building Code. Plans for the above mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, use of fill, etc.

**12.D.7.b.** Existing nonconforming structures or uses located in the Flood Fringe (F-3) District:

**12.D.7.b.1)** May be substantially improved, moved, replaced, modified, altered, or repaired provided that such work is conducted in full compliance with the provisions of this Ordinance, the Lebanon County Floodproofing Building Code, and any other applicable codes or ordinances.

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

**12.D.7.c.** If any nonconforming structure or use, including manufactured homes, located in the Floodplain Districts is demolished, removed, substantially damaged or destroyed by any means, including floods, to an extent of 50%

or more of the market value of the structure, it shall not be reconstructed, replaced or continued except in conformity with the provisions of this Ordinance, the Lebanon County Floodproofing Building Code, and any other applicable ordinance.

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

**12.D.9** Additional Administrative Requirements.

**12.D.9.a.** To insure that all construction and development on property which contains identified floodplain areas will be conducted employing flood damage controls, the Zoning Officer shall require the following additional information to be included as part of an application for a permit:

**12.D.9.a.1)** A plan which accurately locates the proposed construction and/or development with respect to the Floodplain District boundaries, stream channel, existing floodplain development and all proposed subdivision and land development to assure that:

**12.D.9.a.1)a** All such proposals are consistent with the need to minimize flood damage.

**12.D.9.a.1)b** All public utilities and facilities, such as sewer, gas, telephone, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.

**12.D.9.a.1)c** Adequate drainage is provided to reduce exposure to flood hazard.

**12.D.9.a.2)** Such plan shall also include existing and proposed contours (at intervals determined to be adequate by the Zoning Officer based upon site conditions) and elevations of the grounds, base flood elevations, structure elevation, lowest floor elevation, size of structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types and floodproofing measures. When proposed construction and/or development involves structures and/or fill to be located within the designated floodplain, such plan shall also include details of proposed fill, pile structures, retaining walls, foundations, erosion control measures and the Zoning Officer may require more detailed contour and elevation data.

**12.D.9.a.3)** A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in this Section, the Lebanon County Floodproofing Building Code, and other applicable ordinances.

**12.D.9.b.** Review of Application by Others. The Zoning Officer may require that a copy of all plans and specifications for construction and/or development affecting identified floodplain areas be submitted to other appropriate

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

**12.D.9.c.** A record of all variances granted, including their justification, shall be maintained by the community as well as reported in the annual report to the Flood Insurance Administrator.

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

**12.D.11** Statement of Disclaim. The degree of flood protection sought by the provisions of this Section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Section does not imply that areas outside the Floodplain Districts or that land uses permitted within such districts will be free from flooding or flood damages. This Section shall not create liability on the part of this Township or any officer or employee thereof for any flood damage that results from reliance on this Section or any administrative decision made thereunder.

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

**End Article 12**

## **ARTICLE 13 - GENERAL REGULATIONS**

### **Intent.**

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

### **13.A. Visibility at Intersections; Safe Distance.**

**13.A.1** On a corner lot, nothing shall be erected (except street signs, utility poles, traffic signs or trees whose branches are trimmed to a height of 10 feet), placed, planted or allowed to grow in such manner as to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bound by the street centerlines of such intersecting streets and a line joining the street centerlines at a distance of seventy-five (75) feet from the point of intersection. Additionally, safe sight distances in accordance with current PennDOT regulations shall be maintained at all times.

### **13.B. Fences, Walls and Hedges.**

**13.B.1** Fences, walls and hedges shall be permitted in a yard, provided, however, that no fence, wall (except retaining wall) or hedge in a required front yard shall be over thirty-six (36) inches in height. Fences exceeding thirty-six (36) inches shall be permitted in a required front yard provided that said fence contains an open area of not less than seventy-five (75) percent.

### **13.C. Erection of More Than One Principal Structure or Building on a Lot.**

**13.C.1** In any district, more than one structure or building housing a permitted principal use may be erected on a single lot, provided that area, yard and other requirements of this Ordinance shall be met for each structure or building as though it were on an individual lot, AND that all requirements of the Union Township Subdivision and Land Development Ordinance are complied with. However, no more than two (2) additional family dwellings shall be permitted on any single lot.

### **13.D. Exceptions to Height Regulations.**

**13.D.1** The height limitations contained herein do not apply to spires, clock towers, microwave towers, cupolas, silos, antennas, flagpoles, water tanks, ventilators, chimneys, television, transmission or radio towers, elevators or stair bulkheads or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**13.E. Building and Lot Access and Frontage.**

**13.E.1** Every building hereafter erected or moved shall be on a lot adjacent to a public street or another access approved by the Board of Supervisors, and all buildings shall be located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking. Private streets or accesses will be approved if adequate surface and subsurface drainage are provided and maintenance is guaranteed in perpetuity by a bona fide homeowner's association or similar organization with appropriate financial security for repairs and maintenance.

**13.E.2** Every lot hereafter created shall be adjacent to a public street or a private street approved by the Board of Supervisors.

**13.E.2.a.** For any lot which existed at the effective date of this ordinance which is not adjacent to a public street or a private street approved by the Board of Supervisors, said lot may be subdivided without meeting the requirements of § 13.E.2 provided all of the following requirements are met:

**13.E.2.a.1)** The lots may only be used for single family residential purposes

**13.E.2.a.2)** Not more than 4 such lots (including the residue lands) may be created

**13.E.2.a.3)** The lots must conform to all other requirements of this ordinance including but not limited to, lot size, lot width, setbacks, etc., as well as the Township Subdivision and Land Development Ordinance, and any other applicable local, state or federal requirements.

**13.E.2.a.4)** A right-of-way 30' in width must be established from a public street to provide access to all of the lots, and each lot must be physically adjacent to the right-of-way and must meet the minimum lot width requirements of the applicable zoning district.

**13.E.2.a.5)** The access drive within the right-of-way must be at least 18' wide, and adequate measures provided to control stormwater runoff in accordance with the Township's stormwater management regulations.

**13.E.2.a.6)** The intersection of the access drive and the public street must meet PennDOT safe sight distance requirements.

**13.E.2.a.7)** An easement and maintenance agreement for the right-of-way shall be prepared and submitted for review and approval by the Township.

**13.F. Corner Lot Restriction.**

**13.F.1** On every corner lot, there shall be provided on each side thereof, adjacent to a street, a yard equal in depth to the required front yard of the prevailing zoning district in which the corner lot is located.

**13.G. Lots in Two Districts.**

**13.G.1** Where a district boundary line divides a lot in single or joint ownership of record at the time such line is established, the regulations for that district in which the largest portion lies shall apply.

**13.H. Lot Area/Lot Width for Lots Not Served With Public Water and/or Sanitary Sewers.**

**13.H.1** Where a lot is not served by a public water supply and/or sanitary sewage system, and the prevailing subdivision and land development ordinance or other State or local ordinance in force requires a higher standard for lot area or lot width than this Ordinance, the more restricted regulations of such other ordinance or regulation shall apply.

**13.I. Front Yard Exceptions.**

**13.I.1** When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the district, the front yard dimension requirements may be reduced to a depth equal to the average of the two (2) adjoining lots, provided, however, that in no case shall the front yard be reduced by more than fifty (50) percent of the required front yard for that district.

**13.J. Projections Into Required Yards.**

**13.J.1** The following projections shall be permitted into required yards and shall not be considered in the determination of yard requirements or building coverage:

**13.J.1.a.** Terraces or patios, provided that such terraces or patios are unroofed or otherwise enclosed and are not closer than five (5) feet to any adjacent lot line.

**13.J.1.b.** Projected Architectural Features. Bay windows, cornices, eaves, fireplaces, chimneys, window sills or other architectural features, provided that any single feature does not exceed five (5) square feet in external area.

**13.J.1.c.** Uncovered stairs and landings, provided such stairs or landings do not exceed three (3) feet, six (6) inches in height.

**13.J.1.d.** Lamp posts, walkways, driveways, retaining walls or steps shall be permitted within any required yard.

**13.J.1.e.** Open balconies, provided such balconies are not supported on the ground and do not project more than five (5) feet into any yard.

**13.J.1.f.** Temporary structures for exhibits, construction offices or similar purposes.

**13.K. Restrictions on Air Pollution.**

**13.K.1** All sources of air pollution must comply with rules and regulations as defined and established by the Air Pollution Commission of the Commonwealth of Pennsylvania, Department of Environmental Protection, or as modified by additional restrictions imposed by local or regional health departments.



**13.K.2** The term “air pollution” shall refer to the presence in the outdoor atmosphere of any form of contaminant including, but not limited to, the discharging from stacks, chimneys, openings, buildings, structures, vehicles, processes or any other toxic or radioactive substances, waste or any other matter in such place, manner or concentration contrary or which may be contrary to the public health, safety or welfare or which is or may be injurious to human, plant or animal life, or to property or which unreasonably interferes with the comfortable enjoyment of life or property. Normal farm operations shall be exempt from the requirements of this Subsection.

**13.L. Solid Waste Disposal.**

**13.L.1** All methods and practices of solid waste or refuse disposal shall be in compliance with Act 241 (Pennsylvania Solid Waste Management Act) of the Pennsylvania Department of Environmental Protection, or as specified by additional local ordinances and zoning requirements.

**13.L.2** Solid wastes are defined to mean garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities.

**13.M. Requirements for Sewage and Liquid Waste Disposal.**

**13.M.1** All sewage and liquid waste disposal practices must be in accordance with rules and regulations of the Pennsylvania Department of Environmental Protection.

**13.M.2** The requirements are such that all new facilities or major revisions to existing waste treatment or disposal facilities must have a permit issued by the Department of Environmental Protection.

**13.M.3** All operators of such treatment or disposal facilities must also be properly licensed as called for by the Department of Environmental Protection.

**13.N. Erosion and Sedimentation.**

**13.N.1** Prior to the issuance of a zoning permit, a copy of an approval letter (or evidence that such approval letter is not needed) from the Lebanon County Conservation District shall be submitted to the Zoning Officer.

**13.O. Public Utilities Exemptions.**

**13.O.1** For the purposes of this Ordinance, public utilities exemptions to district requirements shall extend only to accessory support and maintenance structures and buildings not requiring human occupancy.

**13.O.2** Such uses and structures, including fences, shall be located no closer than ten (10) feet to any lot line or road right-of-way line.

**13.O.3** Principal utility structures (e.g. sewage treatment plants, electrical power plants, etc.) shall be permitted in any district but shall comply in all respects with the applicable district requirements. In either case, said utility corporation shall secure

a building or zoning permit from the Zoning Officer prior to the start of construction. Said permit application shall include any and all approvals required by other agencies, etc., for the use specified.

**13.P. Parking, Storage or Use of Major Recreational Equipment.**

**13.P.1** For purposes of these regulations, major recreational equipment and/or tractor trailers, rigs or cabs are defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

**13.P.2** No more than one (1) item of major recreational equipment shall be parked or stored on any lot in any district, except in a carport, an enclosed building, in a rear yard or on that portion of a private driveway not within the road right-of-way, provided that such restrictions shall not apply to campgrounds established within the Outdoor Recreation – Resort District. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored in any location not approved for such use. Additionally, no such equipment shall be parked for loading and unloading along public streets in any district for a period of time exceeding twenty-four (24) hours.

**13.Q. Parking and Storage of Certain Vehicles.**

**13.Q.1** No more than two (2) automotive vehicles or trailers of any kind without current, valid license plates and/or State inspection stickers shall be parked or stored on any property other than in completely enclosed buildings, on State licensed and approved car/trailer lots or properly licensed and approved junkyards. Additionally, no such vehicles shall be parked or stored along public streets in any district.

**13.R. Unlicensed Vehicles.**

**13.R.1** Unlicensed vehicles without valid inspection stickers will be required to be housed in a structure unless the vehicle is farm equipment, machinery or implements. Such farm materials may be stored within any yard area as long as such materials are regularly used in the pursuit of farming.

**13.R.2** Any vehicle which is being dismantled will be required to be housed within a structure, and no parts from dismantled vehicles shall be permitted to be stored outside of a structure. There is an exception to this provision as it relates to agricultural vehicles which are being dismantled for any repairs or to maintain other agricultural vehicles. Such agricultural vehicles will be allowed to be housed outside of its structure.

**13.S. Dangerous Structures.**

**13.S.1** Upon notification and request by the Zoning Officer, any building or structure which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters

rats or vermin or endangers the safety of children playing thereabouts, shall be repaired, altered or removed to eliminate the dangerous conditions. Such improvements shall commence within thirty (30) days and be completed within ninety (90) days of notification by the Zoning Officer.

**13.T. Mobile Home Parks and Mobile Home Subdivisions.**

**13.T.1** All mobile home parks and mobile home subdivisions hereafter erected, established, substantially altered or expanded shall comply with the requirements of Article 14 of this Ordinance

**13.U. Feedlots.**

**13.U.1** New homes constructed or placed on a lot adjoining a feedlot (regardless of the zoning classification) are required to maintain these distances from an adjacent feedlot:

**13.U.1.a.** no closer than three hundred (300) feet to any adjoining lot line, and

**13.U.1.b.** no closer than five hundred (500) feet to the feedlot, per se.

**13.V. Accessory Uses, Buildings or Structures**

**13.V.1** No detached accessory building or structure shall be erected in any required front, side or rear yard, except as provided for utility sheds and play equipment within the R-1 and R-2 Zoning Districts, and no detached accessory building or structure shall be erected within five (5) feet of any other building or structure.

**13.V.2** Private noncommercial swimming pools, which are designed to contain a water depth of twenty-four (24) inches or more, must be located in a rear or side yard only, not less than fifteen (15) feet from side or rear lot lines. In-ground pools shall be entirely enclosed with a permanent fence not less than four (4) feet in height. Such fence shall contain a gate which can be locked. This fence shall be in place prior to filling of pool with water. Above-ground pools, less than four (4) feet in height and designed to contain more than one (1) foot of water, shall also require a fence and a gate, as prescribed in this Subsection.

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

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

**13.W. Off Street Loading facilities**

**13.W.1** Off-street loading shall be provided on the same lot as the use that it serves. These facilities shall be provided whenever:

**13.W.1.a.** A new use is established

**13.W.1.b.** An existing use is enlarged such that more loading space is required

**13.W.1.c.** The use of a property or building such that more loading space is required.

**13.W.2** Location

**13.W.2.a.** Except as provided elsewhere, a ground level loading area may be located in any side or rear yard.

**13.W.2.b.** No loading area is permitted between a building and an adjoining street right-of-way or within a street right-of-way.

**13.W.2.c.** No exterior portion of an off-street loading facility, including access drives, shall be located within fifty (50) feet of any Residential or Village zoning district.

**13.W.2.d.** Off-street loading facilities should be located on the face of a building not facing any land in these zoning districts.

**13.W.3** Access

**13.W.3.a.** Loading spaces shall be designed so that each vehicle may proceed to and from the space provided for it without requiring the moving of any other vehicle.

**13.W.3.b.** All driveways shall be so designed and constructed such that it will not be necessary for any vehicle to reverse onto a street.

**13.W.3.c.** All dead-end loading spaces shall be designed to provide sufficient back-up and turn-around area for all vehicles intended to use them.

**13.W.4** Spaces

**13.W.4.a.** Such loading space or spaces shall be not less than five hundred sixty (560) square feet in area with a dimension of ten (10) feet by fifty six (56) feet per space. Each such space shall have a vertical clearance of not less than fifteen and six tenths (15.6) feet.

**13.W.5** Schedule of required spaces

<u>Gross floor area</u>	<u>Number of spaces</u>
0 to 4000 square feet	0
4001 to 10,000 square feet	1
10,001 to 40,000 square feet	2
40,001 to 100,000 square feet	3
Every additional 100,000 square feet or portion thereof	1 additional

**13.W.6** If lighting of the space(s) is provided, it shall comply with the lighting standards found in this Article.

**13.X. Industrial Performance Standards**

**13.X.1** INTENT

**13.X.1.a.** To provide standards for the operation of industrial uses within the Township in order to protect the health, safety, and welfare of Township

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

**13.X.1.b.** To protect the public health and safety by imposing traffic and access controls to lessen the possibility of vehicular accidents and landscaping and screening requirements to provide a buffer area to the use and to discourage trespassing.

**13.X.1.c.** To protect the public through the requirement of a plan of access in the event of emergency conditions to allow police, fire fighters, and rescue personnel to gain access to the premises efficiently and safely.

### **13.X.2** APPLICABILITY

**13.X.2.a.** The Industrial Performance Standards contained in this section shall be the minimum standards to be met and maintained by all industrial uses within the Township. Such uses shall be defined as those uses, regardless of location, which are specified as permitted uses in Article 10 of this Zoning Ordinance or uses by special exception in Article 10 of this Zoning Ordinance, including uses of a similar nature not specifically identified in the Zoning Ordinance but which would be permitted in the Industrial District pursuant to Article 10 herein.

**13.X.2.b.** The owner and/or operator of any industrial use shall have the ability to apply to the Zoning Hearing Board for a variance from the Industrial Performance Standards contained in this section.

### **13.X.3** BUILDING REQUIREMENTS

**13.X.3.a.** With the exception of quarries, and exclusive of the arrival, departure, loading, unloading and parking of permitted vehicles, all business, servicing, manufacturing, or process of materials, goods, or products shall be conducted within completely enclosed buildings.

**13.X.3.b.** All outdoor industrial or heavy commercial use operations, mechanical equipment, and other functional accessories of each building, such as elevator, penthouses, ventilation pipes, and ducts, water pressure tanks, heating, air conditioning, and power supply units shall have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design.

### **13.X.4** STORAGE

**13.X.4.a.** Storage shall be permitted outdoors, but the items stored shall not be

visible from a public right-of-way.

**13.X.4.b.** Outdoor storage within five hundred (500) feet of a residential district boundary shall be effectively screened by a solid wall, fence, or planting so that the materials shall not be visible from the residential district.

**13.X.4.c.** All organic rubbish or storage shall be in airtight, vermin-proof containers.

### **13.X.5** CERTIFICATION

**13.X.5.a.** All applications for industrial uses must be accompanied by a certification from a professional engineer registered in the Commonwealth of Pennsylvania that the proposed use can meet the performance standards of the district.

**13.X.5.b.** The Zoning Officer may employ consultants to evaluate the environmental effects with respect to performance standards.

### **13.X.6** NOISE

**13.X.6.a.** Noise shall be measured with a sound level meter have an A-weighted filter constructed in accordance with specifications of the American National Standards Institute (A.N.S.I.).

**13.X.6.b.** No noise shall be audible beyond the lot line of an abutting zoning district exceeding the average intensity of noise, at any relevant time of the day, from street traffic at the front lot line.

**13.X.6.c.** Impact noise (intermittent sounds such as from a punch press or drop forge hammer) shall be muffled and meet the standard in B. above.

**13.X.6.d.** Any exterior public address system shall be designed and operated so that the messages conveyed over the system will not exceed the average noise level of the use, as measured at each of the property lines.

**13.X.6.e.** The following sources of noise are exempt:

**13.X.6.e.1)** Transportation vehicles not used in the ordinary conduct of business and not under the control of the owner, tenant, or lessor.

**13.X.6.e.2)** Occasionally used safety signals, warning devices, and emergency pressure relief valves.

**13.X.6.e.3)** Temporary construction activity between 6:00 a.m. and 7:00 p.m.

**13.X.6.e.4)** Other temporary uses approved by special exception by the Zoning Hearing Board.

### **13.X.7** VIBRATION

**13.X.7.a.** Vibration perceptible beyond the lot line of the industrial use shall not be permitted.

### **13.X.8** DUST AND PARTICLES

**13.X.8.a.** The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues, or other opening or any process, operation, or activity within the boundaries of any lot shall not exceed the levels set

forth below.

**13.X.8.b.** Emissions of dust and particulates shall be in accordance with the Commonwealth of Pennsylvania Rules and Regulations governing air contamination and air pollution. In case of conflict, the most restrictive will apply.

**13.X.8.c.** The emission rate of any particulate matter in pounds per hour from any single stack shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate.

**13.X.8.d.** Particulate matter emission from materials or products subject to becoming windborne shall be kept to a minimum by paving, oiling, wetting, covering, or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles of bulk material such as coal, sand, cinders, slag, sulfur, etc.

**13.X.8.e.** The maximum emission rate of dust and particulate matter from all stacks shall be 2.0 pounds per hour per acre of lot areas.

### **13.X.9** SULFUR DIOXIDES

**13.X.9.a.** Emission of oxides of sulfur (as sulfur dioxide) from combustion and other processes shall be limited in accordance with the standard of 1.0 pounds per hour per acre of lot area and maybe be computed from the sulfur analysis in the fuel or from known test data of sulfur oxides emission.

### **13.X.10** SMOKE

**13.X.10.a.** For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used. However, the Umbrascope readings of smoke may be used when correlated with Ringelmann's Chart.

**13.X.10.b.** The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited. However, smoke of a shade not to exceed Ringelmann No. 3 is permitted for up to three (3) minutes total in any one (1) eight (8) hour period.

### **13.X.11** ODOR

**13.X.11.a.** Odor thresholds shall be measured in accordance with ASTM d1391-57 "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.

**13.X.11.b.** Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary line measured either at ground level or habitable elevation.

### **13.X.12** TOXIC MATTER

**13.X.12.a.** The ambient air quality standards for the Commonwealth of Pennsylvania shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of

the Commonwealth of Pennsylvania, the release of such materials shall be in accordance with the fractional quantities permitted for such toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hour sampling period.

**13.X.12.b.** The release of airborne toxic matter shall not exceed 1/30 of the threshold limit value beyond the district boundary line.

### **13.X.13** DETONABLE MATERIALS

**13.X.13.a.** Activities involving the storage, utilization, or manufacture of products which decomposed by detonation shall include but not be limited to all primary explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35).percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

**13.X.13.b.** The storage, utilization, or manufacture of materials or products which decompose by detonation is limited to five (5) pounds. Quantities in excess of five (5) pounds of such materials may be stored or utilized, but not manufactured.

### **13.X.14** FIRE HAZARD SOLIDS

**13.X.14.a.** The storage, utilization, or manufacture of solid materials which are active to intense burning shall be conducted within walls having a fire resistance no less than two (2) hours or protected by an automatic fire extinguishing system or the building wall shall be no less than seventy-five (75) feet from all lot lines. The outdoor storage of such materials shall not be closer than one hundred (100) feet from all lot lines.

### **13.X.15** FIRE HAZARD LIQUIDS AND GASES

**13.X.15.a.** The storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers (60 gallons or less), which shall be unrestricted. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following Table I.



TABLE I

**STORAGE CAPACITY OF FLAMMABLE LIQUIDS AND GASES**

<b>LIQUIDS</b>		<b>GASES</b>
<u>ABOVE GROUND FLASH POINT, F</u>		<u>ABOVE GROUND</u>
Less than 70	70 - 200	
7,500 gal.	30,000 gal.	225,000 SCF"
<u>BELOW GROUND FLASH POINT, F</u>		<u>BELOW GROUND</u>
15,000 gal.	60,000 gal.	450,000 SCF" *SCF -

Standard Cubic Feet at 60 F. and 29.92 inches Hi.

**13.X.16 LIGHT/GLARE**

**13.X.16.a.** All uses shall comply with the lighting provisions of this Ordinance.

**13.X.17 HEAT**

**13.X.17.a.** Heat, for the purpose of this Zoning Ordinance, is the thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of ten (10) degrees F.; whether such change being the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.

**13.X.18 RADIOACTIVE RADIATION**

**13.X.18.a.** No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line or which produces emission injurious to humans, animals, or vegetation, or be of an intensity which interferes with the use of any other property. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter One, Part 20 – Standards for the Protection Against Radiation, as amended, and all applicable regulations of the Commonwealth of Pennsylvania.

**13.X.19 LIQUID OR SOLID WASTES**

**13.X.19.a.** No discharge shall be permitted at any point into any sewage disposal system, watercourse, lake, or into or on the ground, except in accord with standards approved by the Department of Environmental Protection or other regulating department or agency, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

**13.X.20 ELECTROMAGNETIC RADIATION**

**13.X.20.a.** No activities shall be permitted which emit electromagnetic radiation at any point beyond the property line or which produces emissions injurious

to humans, animals, or vegetation, or be of an intensity which interferes with the use of any other property.

**13.X.20.b.** It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government-owned plants, the regulations of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission or the Interdepartment Radio Advisory Committee regulations shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines.

**13.X.20.c.** The determination of “abnormal degradation in performance” and “of quality and proper design” shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

### **13.X.21 OUTDOOR ACTIVITIES AND EQUIPMENT SCREENING**

**13.X.21.a.** All outdoor industrial operations, mechanical equipment, and other functional accessories of each building, such as elevator, penthouses, ventilation pipes, and ducts, water pressure tanks, heating, air conditioning, and power supply units should have an architectural building material screen or covering which is an integral part of the building envelope and/or which is harmonious with the building design.

### **13.X.22 LANDSCAPING**

**13.X.22.a.** Any part or portion of a site which is not used for building or other structures, loading, parking spaces and aisles, sidewalks, and designated storage areas shall be planted with an all season ground cover. It shall be maintained to provide an attractive appearance and all non-surviving plants shall be promptly replaced.

**13.X.22.b.** Interior landscaping shall be provided for parking facilities in accordance with Section 22-609.2B of the Union Township Subdivision and Land Development Ordinance.

### **13.X.23** ACCESS AND TRAFFIC CONTROL

**13.X.23.a.** All accessways from any industrial use to any public street or highway shall be located at least two hundred (200) feet from the centerlines of any public street intersection and shall be designed in a manner conducive to safe ingress and egress.

**13.X.23.b.** Exits shall not be located on major streets or highways unless those exits are located at traffic signal controlled intersections. Exits may be located on minor streets so long as the travel path for traffic that has exited is alongside or through industrially zoned land. The developer shall be responsible for the construction of any necessary traffic control devices or additional acceleration or deceleration lanes required for egress or ingress.

**13.X.23.c.** All proposed industrial development shall be subject to the traffic impact study requirements of Part 7 of the Union Township Subdivision and Land Development Ordinance.

### **13.X.24** INTERIOR DRIVES AND PARKING FACILITIES

**13.X.24.a.** Interior drives within an industrial development shall be designed to prevent blockage of vehicles entering or leaving the site.

**13.X.24.b.** Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of facilities by refuse collection, fuel and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of accessways or vehicle parking facilities.

**13.X.24.c.** Interior drives shall be of adequate width and clearly marked by adequate painting markings, (curbing and signs) so that vehicular movements within parking areas and access drives do not impede the general traffic circulation and shall otherwise satisfy the requirements set forth in Section 22-609 of the Union Township Subdivision and Land Development Ordinance.

**13.X.24.d.** Proper clear sight distances shall be provided at all access drive intersections with other access drives or with streets in conformance with the requirements set forth in Section 22-607 of the Union Township Subdivision and Land Development Ordinance.

### **13.X.25** EMERGENCY PLAN OF ACCESS

**13.X.25.a.** A written Plan of Access must be provided by the owner in the event of emergency conditions such as fire, assuming the worst condition. All existing uses shall have twelve (12) months to comply with this requirement. The Plan of Access for emergency access to the building shall be submitted to the Township at the time of submission for a zoning permit.

## **13.Y. Signs and Advertising Structures**

**13.Y.1** The purpose of the signs and advertising structure regulations is to permit signs or advertising structures that will not, by reason of their size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety or otherwise endanger public health, safety and morals, and to permit and regulate signs in such a way as to support and compliment land use objectives set forth in this Section. Signs may be permitted only when in compliance with the provisions of this Section and any and all ordinances and regulations relating to the erection, construction, reconstruction, enlargement, relocation, replacement, alteration or maintenance of signs and similar devices.

**13.Y.2** **Area of Sign.** The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols. All double face signs shall be considered as having one sign area, except doubled-faced "V" signs that have interior angles greater than 45°.

**13.Y.3** **General Regulations.** All signs and/or advertising structures, where permitted under the terms of this Article, are subject to the following:

**13.Y.3.a** No sign shall be erected, constructed, reconstructed, replaced, altered, removed for repair, enlarged or relocated until a permit is obtained from the Zoning Officer, except that no permit shall be required by this Article for the following signs:

**13.Y.3.a.1)** Signs not exceeding 2 square feet in area and bearing only property numbers, postal box numbers or names of the occupants of the premises.

**13.Y.3.a.2)** Flags and insignia of any government, except when displayed in connection with commercial promotion.

**13.Y.3.a.3)** Legal notices, official traffic signs, community facilities signs, Township identification signs, noncommercial historical or geographical identification information or directional signs erected by government bodies.

**13.Y.3.a.4)** Geographical identification and greeting signs erected by civic and service organizations provided that they do not exceed 4 square feet in area and are comprised of the organization's standard emblem or seal.

**13.Y.3.a.5)** Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

**13.Y.3.a.6)** Signs directing and guiding traffic and parking on private property,

but bearing no advertising matter.

**13.Y.3.a.7)** Signs identifying farms, farm association and agricultural products; provided, that no farm or association identification sign exceeds 10 square feet in area and no more than one sign shall be erected per road frontage. Signs identifying agricultural products shall not exceed 2 square feet in area.

**13.Y.3.a.8)** Hunting, fishing and trespassing signs and signs indicating private ownership of roadways or property; provided, that such signs do not exceed 2 square feet in area and when erected along street frontage the signs shall be spaced at intervals of not less than 100 feet.

**13.Y.3.a.9)** Signs up to 4 square feet in area which are necessary for the identification, protection and operation of public utility facilities.

**13.Y.3.a.10)** Signs within a campground, amusement park or outdoor attraction complex informing visitors on the property of the location of various attractions, stores and other areas of the property subject to such use.

**13.Y.3.b.** Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. The Zoning Officer shall require such maintenance and, in the event the sign owner fails to comply with said requirements, the Zoning Officer shall proceed against him as provided in this Ordinance. Any sign which pertains to a time, event or purpose which no longer applies and has been abandoned, shall be removed by the owner of the sign or the owner of the premises on which the sign is located within three (3) months of the time that the purpose, time or event no longer applies.

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

**13.Y.3.d.** Signs may be internally lighted with non-glaring lights; signs may be externally lighted by lights that are shielded so there is no direct light transmitted to other properties or public rights-of-way.

**13.Y.3.e.** No sign shall be so illuminated as to have an adverse effect upon vehicular traffic, any residential district, or any part of a building or property used for residential purposes. No sign shall be illuminated so as to constitute a nuisance. No sign shall contain moving parts or use flashing or intermittent illumination. The source of the light shall be steady and stationary.

**13.Y.3.f.** All electrically illuminated signs shall be constructed to the standards/listing of the Underwriters Laboratories, Inc. and the latest edition of the National Electrical Code.

**13.Y.3.g.** No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility.

**13.Y.3.h.** No animated, sequential, intermittent, automatic changing video display, flashing, rotating or oscillating signs shall be permitted except for time and temperature signs.

**13.Y.3.i.** No sign shall emit smoke, visible vapors, particles, sound or odor.

**13.Y.3.j.** No inflatable signs shall be permitted.

**13.Y.3.k.** No sign shall be higher than 35 feet from the ground to the highest part of the sign.

**13.Y.3.l.** No overhead sign shall have a clearance of less than eight (8) feet between any pedestrian walk and the lowest part of the sign or less than seventeen (17) feet six (6) inches between any roadway and the lowest part of the sign.

**13.Y.3.m.** No sign shall be erected as to obstruct entrance to or exit from a required door, window, fire escape or other required exit way.

**13.Y.3.n.** No sign shall be erected that screens traffic signals or signs or utilizes red, green or amber lights or reflective material that creates a flashing action and is so located as to render ineffective any traffic sign or signal. Any sign which resembles, imitates or might otherwise be confused with an official traffic sign or signal, by way of its appearance or content, shall be prohibited.

**13.Y.3.o.** Unless otherwise provided, no sign shall be painted, pasted or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb or street.

**13.Y.3.p.** Unless otherwise provided, no portion of any sign shall be erected within or placed on an existing structure in the road right-of-way. Additionally, no portion of any sign shall be erected in the "clear sight triangle" as specified herein.

**13.Y.3.q.** Unless otherwise specified, all signs shall be on-premises and no sign shall be erected until a permit has been secured from the Zoning Officer and approval has been received from any other applicable State or local agencies.

**13.Y.3.r.** No sign shall contain obscene material.

**13.Y.4** **Signs Permitted in All Districts.** The following signs are permitted in any zoning district.

**13.Y.4.a.** Temporary signs which do not require a permit:

**13.Y.4.a.1)** Temporary signs of painters, mechanics, contractors, realtors and the like not exceeding a total of 16 square feet in area, provided such signs are removed as soon as the work has been completed.

**13.Y.4.a.2)** Temporary signs and banners of a noncommercial nature across a public right-of-way are permitted provided:

**13.Y.4.a.2)a** Permission is obtained from the Township Supervisors.

**13.Y.4.a.2)b** They are erected in a location which will not cause a traffic

hazard.

**13.Y.4.a.2)c** They meet safety standards and are maintained.

**13.Y.4.a.2)d** They are removed when their temporary use is completed.

**13.Y.4.a.3)** Temporary signs announcing a campaign, drive or event of civic, philanthropic, educational or religious organization. Such signs shall not exceed 12 feet in area and shall be removed within 48 hours after completion of the campaign, drive or event.

**13.Y.4.a.4)** Temporary signs directing patrons, members, audience or customers to temporary exhibits, shows, events or activities (e.g., yard sales, fruit sales, conventions, etc.). Such signs shall not exceed 12 square feet in area and shall be removed within 48 hours after completion of the campaign, drive or event.

**13.Y.4.a.5)** Signs erected in conjunction with a political election provided that all signs are removed within 48 hours after the date of the election.

**13.Y.4.b.** Off-premises directional signs which require issuance of a permit:

**13.Y.4.b.1)** Off-premises directional signs which are used to direct patrons, members, audience, customers, and clients to service clubs, churches, commercial, industrial, institutional or other organizations may be erected subject to the following requirements:

**13.Y.4.b.1)a** A sign shall indicate only the name of the organization and the direction to the facility.

**13.Y.4.b.1)b** Except at intersections, no sign shall be placed within 200 feet of another sign associated with the same principal use.

**13.Y.4.b.1)c** All signs shall be placed within 2 miles of the use and no more than six signs for each principal use may be erected within the borders of the Township.

**13.Y.4.b.1)d** All signs shall consist of dark lettering on a light background, excluding standard issue signs. The signs shall not exceed 3 square feet in area and no moving parts, flashing lights or any type of illumination shall be permitted.

**13.Y.4.b.1)e** At intersections of public streets, no more than one sign post accommodating all directional signs may be erected per corner. Said posts shall not exceed 6 inches in width and shall not be less than 3 feet, nor greater than 8 feet in height above ground. No more than one sign per principal use may be attached to any sign post and no portion of any sign shall be erected within the "clear sight triangle" as specified herein.

**13.Y.4.b.1)f** Application for off-premises directional sign shall include a map indicating location of placement requests and the land owner's written approval, name to be placed on sign and distances from the facility to each sign.

**13.Y.4.c.** One name plate for a home occupation; provided, that the sign does not exceed 4 square feet in size and identifies only the name of the occupant and title of the occupation. If lighted, the sign shall be illuminated without objectionable glare. No displays or change in facade shall indicate from the exterior that the building is being used for any purpose other than that of a dwelling.

**13.Y.4.d.** One institutional sign and/or one bulletin board for places of worship, schools, hospitals, libraries, museums, social clubs and similar uses; provided, each sign or bulletin board does not exceed 16 square feet in area and is located no closer to a road right-of-way than  $\frac{1}{2}$  the depth of the existing front yard or 25 feet, whichever is less. If lighted, it shall be illuminated without objectionable glare. Additionally, if such property fronts on more than one street, each street frontage may contain the above-mentioned signs.

**13.Y.4.d.1) Subdivision Signs.**

**13.Y.4.d.1)a Temporary.** A sign advertising lots for sale, giving prices, dimensions, services, etc., and which shall be removed within 30 days of the sale date of the last lot.

**13.Y.4.d.1)b Permanent.** A sign containing only the name of the development or subdivision and designed to be permanently affixed to the land.

**13.Y.4.d.1)c** One sign per road frontage may be permitted, provided the sign is placed at an entrance to the subdivision, is located on the property to be subdivided and does not exceed 24 square feet in area. No portion of any sign shall be erected within the "clear sight triangle" as specified herein.

**13.Y.5** **Signs in Residential and Agricultural Districts.** The following types of on-premises signs may be permitted in residential and agricultural districts unless otherwise prohibited:

**13.Y.5.a.** Signs for the advertisement of agricultural business as follows:

**13.Y.5.a.1)** For each property involved in agri-business, one sign may be erected, provided no sign or portion thereof shall be located closer to the road right-of-way than the depth of the existing front yard or 25 feet, whichever is less.

**13.Y.5.a.2)** Wall or Projecting Sign. Maximum sign area shall not exceed 16 square feet.

**13.Y.5.a.3)** Freestanding Sign. Maximum sign area shall not exceed 25 square feet.

**13.Y.5.b.** Signs for nonconforming commercial or industrial uses as follows:

**13.Y.5.b.1)** For each property involved in a commercial or industrial use, a total sign area of 30 square feet shall be permitted. No sign or portion thereof shall be located closer to the road right-of-way than one-half the depth of the existing front yard or 15 feet, whichever



is less.

**13.Y.5.b.1)a** Projecting Sign. Maximum sign area shall not exceed 12 square feet.

**13.Y.5.b.1)b** Freestanding Sign. Maximum sign size shall not exceed 16 square feet.

**13.Y.5.b.1)c** Wall or Window Sign. Maximum sign size shall not exceed 12 square feet.

**13.Y.5.c.** Signs as permitted in §13.Y.4 of this Ordinance.

**13.Y.6** Signs in Commercial, Industrial and Outdoor Recreation - Resort Districts.

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

**13.Y.6.a.** Signs for the advertisement of agri-business

**13.Y.6.b.** Signs for commercial, office, institutional, industrial, recreational and outdoor uses as follows:

**13.Y.6.b.1)** One wall sign for each road frontage, provided it is attached to the wall of the principal building and projects horizontally not more than 12 inches there from and occupies not more than 15% of the total area of the front of the principal building. It shall not project more than 3 feet above the roof line or parapet wall.

**13.Y.6.b.2)** One projecting or roof sign for each road frontage, provided it shall not project beyond a vertical plane 2 feet inside the road right-of-way line and does not exceed 20 square feet in area. Said signs shall not exceed a height of 35 feet.

**13.Y.6.b.3)** One freestanding sign for each road frontage, provided it does not exceed 60 square feet in area. It shall not extend beyond a vertical plane 2 feet inside the lot from the road right-of-way line and shall not exceed a height of 35 feet.

**13.Y.6.b.4)** General shopping district identification signs, provided they are separate and not attached to any building. Maximum of two such signs for any one general shopping district. The height of signs shall be a maximum of 35 feet measured from the ground, and the maximum size of the sign portion itself shall not exceed 100 square feet.

**13.Y.6.c.** Off-premises billboards and advertising sign boards may be erected and maintained, provided:

**13.Y.6.c.1)** The total display area of all such signs shall not exceed twenty (20) square feet for each ten (10) feet of road frontage and the total display area of any sign shall not exceed two hundred (200) square feet in area.

**13.Y.6.c.2)** Said signs shall not be placed less than five hundred (500) feet

apart, nor within five hundred (500) feet of existing billboards or advertising sign boards.

**13.Y.6.c.3)** No sign or portion thereof shall be located closer than 25 feet to the road right-of-way and shall not exceed 35 feet in height.

**13.Y.6.c.4)** Said signs shall not be placed closer than three hundred (300) feet from lands in the Residential, Village or Outdoor Recreation – Resort zoning districts and shall not be placed closer than fifty (50) feet from side or rear property lines.

**13.Y.6.c.5)** Design and construction of said signs shall conform to applicable requirements of the Building Code. Conflicts between these Code provisions and any others found in this Ordinance shall be resolved in favor of the provision that is more restrictive.

**13.Y.6.c.6)** Notwithstanding the foregoing, off-premises billboards and advertising signs shall not be permitted in the Outdoor Recreation –Resort District.

**13.Y.6.d.** Signs as permitted in §13.Y.5 of this Ordinance.

**13.Y.7** **Nonconforming Signs.** Any signs erected, constructed, replaced, altered, enlarged or relocated before the effective date of this Ordinance, which would not otherwise be permitted under the terms of this Ordinance, may remain and continue to be used, maintained and repaired, provided:

**13.Y.7.a.** A nonconforming sign shall not be replaced, altered, relocated or reconstructed, except to bring the sign into total compliance with the provisions of this Ordinance.

**13.Y.7.b.** A nonconforming sign may be used, maintained and repaired, subject to the following requirements:

**13.Y.7.b.1)** Maintenance and repair of a nonconforming sign is permitted when said activities are necessary to maintain the sign in a presentable, functional condition. Maintenance and repair activities shall not include alterations, relocation or reconstruction, but may include replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. Prior to the removal of a nonconforming sign for maintenance, repair or message change, a permit shall be secured from the Zoning Officer. Said permit shall allow the applicant to re-erect the repaired or "remessaged" nonconforming sign within 30 days of issuance. If the nonconforming sign is not erected within the specified time, it shall lose its nonconforming status and any successive sign shall conform to all applicable Ordinance requirements.

**13.Y.7.b.2)** Nothing in this Ordinance shall prohibit the change in the advertising, identifying or directional message of a nonconforming sign so long as the change does not involve any alterations, relocation or reconstruction of the nonconforming sign. Message

changes of a nonconforming sign that are a result of a transfer in ownership of the premises on which the principal use is located, excluding contract advertising signs, shall be prohibited and any successive sign shall conform to the Ordinance requirements. If the message change requires removal of the sign, a permit shall be secured as in the above subsection.

**13.Y.7.b.3)** A nonconforming sign, which has been damaged or destroyed by fire, explosion, accident or calamity, to an extent which is greater than 50% of the sign or sign value, may not be repaired, except in compliance with the provisions of this Ordinance. A nonconforming sign which has sustained less than 50% damage of the sign or sign value may be repaired provided:

**13.Y.7.b.3)a** The repaired sign is virtually unchanged, except for building materials and message, or is less nonconforming than the original sign.

**13.Y.7.b.3)b** Repair is completed within 60 days from the date of damage. Failure to repair within 60 days shall result in the loss of nonconforming sign rights and any successive sign shall conform to all applicable Ordinance requirements.

**13.Y.7.b.4)** When a nonconforming sign has been demolished or destroyed by deterioration or removal, or has been moved from its location for reasons other than for an approved repair, maintenance or a change in message, said sign shall not be reconstructed or replaced, except in complete conformity with the provisions of this Ordinance.

**13.Y.7.c.** A nonconforming sign which pertains to a time, event, purpose or use which no longer applies, has been abandoned or changed shall be removed by the owner of the sign or the owner of the premises on which the sign is located.

**13.Y.7.d.** Proposed signs that are associated with a nonconforming use shall conform to the regulations of the district in which the sign is located.

**13.Y.8 Permanent Freestanding Signs.** If the sign is to be supported by a separate structure to be erected for that purpose, then the applicant shall supply a map of the lot indicating the location of the proposed sign and the relative distances to a point perpendicular to the lot lines. A scaled diagram or photograph of a similar sign shall also be attached.

### **13.Z. Off-Street Parking.**

**13.Z.1** Intent.

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

impairment of traffic circulation and access. All off-street parking facilities shall also be constructed in conformance with the standards found in the Union Township Subdivision and Land Development Ordinance.

**13.Z.1.b.** Off-street parking facilities, including access driveways, shall be required in accordance with the provisions of this Section as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use:

**13.Z.1.b.1)** Whenever a building is constructed or a new use established.

**13.Z.1.b.2)** Whenever the use of an existing building is changed to a use requiring more parking facilities.

**13.Z.1.b.3)** Whenever an existing building is altered or enlarged so as to increase the amount of parking spaces required under this Article.

**13.Z.2** Continuation of Parking Facilities.

**13.Z.2.a.** All off-street parking facilities or those required as accessory to a use of a proposed or altered building shall continue unobstructed in operation, shall not be used for automobile service or repair, except by resident occupant and not for business purposes, and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of spaces if provided for such use in another approved location.

**13.Z.2.b.** In order to insure the continued use for parking purposes of any areas established therefore by persons who are not the owners thereof, the Township Supervisors may require, before approval, evidence in writing that the owner or owners of the land to be included in such parking areas have, by covenant, agreed to allow the use of such land for the required off-street parking; such covenant to be approved by the Township Solicitor.

**13.Z.3** **Standards and Definitions.** For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

**13.Z.3.a.** **ACCESSORY PARKING SPACE** -an open or closed area accessible from a street for parking of motor vehicles of owners, occupants, employees, customers or tenants of the main building or use. Each parking space in other than an industrial park zone shall not be less than 10 feet wide and not less than 20 feet long, exclusive of all drives, curbs and turning space. In an industrial park zone for owners, employees or tenants, each parking space shall be not less than 9 feet wide and not less than 18 feet long. For customers and visitors, each parking space shall be not less than 10 feet wide and not less than 20 feet long. The number of spaces shall be determined from an accurate plan of the area.

**13.Z.3.b.** **FLOOR AREA** - the total area of all the floors measured from the exterior faces of the building (except the floor area used for storage or packaging of merchandise may be excluded), or, where set forth in the schedule below only the floor area used by a specific use.

**13.Z.3.c. SEAT** - the number of seating units installed or indicated, or each 24 lineal inches, pews or space for loose chairs or similar seating facilities; spacing of rows shall be 30 inches on center.

**13.Z.3.d. REQUIRED MINIMUM PARKING SPACE** - the minimum number of spaces required by applying the schedule below to a specific building or group of buildings.

**13.Z.4** Schedule of Required Off-Street Parking Spaces

**13.Z.4.a.** Institutional

**13.Z.4.a.1)** Schools below grade ten – one space for each employee, plus one space for each six seats in assembly rooms.

**13.Z.4.a.2)** Schools tenth grade and above - one space for each three students enrolled.

**13.Z.4.a.3)** Vocational training and adult education facilities – one space for each one and one half students enrolled.

**13.Z.4.a.4)** Governmental; municipal building use for administrative functions – one space for each 200 square feet of office floor area, plus one space for each four seats in assembly room.

**13.Z.4.a.5)** Place of worship, theater – one space for each three seats in principal assembly rooms.

**13.Z.4.a.6)** Hospital – one space per two beds, plus one space for each employee.

**13.Z.4.a.7)** Home for the aging, nursing home – one space per each four guest rooms or apartment units, plus one space for each employee.

**13.Z.4.a.8)** Galleries, libraries, cultural centers – one space for each four hundred (400) feet of floor area, plus one space for each employee.

**13.Z.4.a.9)** Clubs, lodges – one space for each two seats in assembly hall/rooms

**13.Z.4.b.** Residential

**13.Z.4.b.1)** One and two-family dwelling – two spaces per dwelling unit.

**13.Z.4.b.2)** Multifamily residence and townhouses – three spaces per dwelling unit.

**13.Z.4.b.3)** Boarding House and Bed and Breakfasts – one space per bedroom.

**13.Z.4.c.** Commercial

**13.Z.4.c.1)** Retail store, banks, service establishments, shopping centers – one space per 200 square feet of ground floor area; one space per 300 square feet of floor area of upper floors plus one space for each employee.

**13.Z.4.c.2)** Restaurants – one space per 50 square feet of floor area utilized by patrons and customers or one space per two seats, whichever

requires the greater number of spaces plus one space for each employee.

- 13.Z.4.c.3)** Food markets and grocery stores – one space per one hundred (100) square feet of floor area plus one per each employee on the two largest shifts.
- 13.Z.4.c.4)** Convenience stores – one space per seventy five (75) square feet of floor area plus one space for each employee.
- 13.Z.4.c.5)** Hotels, motels – one space per guest room or unit and one per each employee on the two largest shifts.
- 13.Z.4.c.6)** Professional offices of veterinarians, physicians, dentists, etc. – one space per one hundred fifty (150) square feet of floor area plus one space for each doctor, dentist or other professional.
- 13.Z.4.c.7)** Other offices – one space per two hundred (200) square feet of ground floor area; one space per three hundred (300) square feet of floor area of upper floors.
- 13.Z.4.c.8)** Self-storage units – one space per each twenty five (25) storage units plus one per each two hundred fifty (250) square feet of office space plus two space per any resident manager.
- 13.Z.4.c.9)** Mortuary – one space per thirty (30) square feet of assembly rooms or one space for each four (4) seats, whichever requires the greater number, but in no case less than twenty (20) spaces.

**13.Z.4.d.** Industrial

- 13.Z.4.d.1)** Executive offices, sales offices – one space per 200 square feet of executive and sales office floor area.
- 13.Z.4.d.2)** Service and storage establishments, laboratories, manufacturing plants, related warehousing and other industrial uses – one space for every two employees on the combined employment of the two largest successive shifts.

**13.Z.4.e.** Recreational/Other Buildings or Uses

- 13.Z.4.e.1)** Campgrounds – one space per camping site, plus one space per employee, plus one space in an overflow lot for each 5 camping sites.
- 13.Z.4.e.2)** Amusement parks – 10 spaces per acre within the limits of the amusement park, excluding parking areas plus one space for each employee.
- 13.Z.4.e.3)** Dance hall, skating rink, swimming facility (other than a swimming facility accessory to a residential development) – one space per fifty (50) square feet of floor area used for dancing, skating or swimming plus one space for each employee.
- 13.Z.4.e.4)** Bowling alley, billiard rooms – four spaces per bowling lane/billiard table plus one for each employee on the largest shift.

- 13.Z.4.e.5)** Amusement arcades – one space per each eighty (80) square feet of floor area plus one space for each employee.
- 13.Z.4.e.6)** Athletic fields – one space for each four (4) seats of spectator seating; however, if no spectator seating is provided, then one per participant per field.
- 13.Z.4.e.7)** Golf driving ranges – one space per tee and one space per employee.
- 13.Z.4.e.8)** Miniature golf courses – two (2) spaces per hole and one space per employee.
- 13.Z.4.e.9)** Riding schools or horse stables – one space per two (2) stalls plus one per every four (4) seats of spectator seating.
- 13.Z.4.e.10)** Picnic areas – one space per table.
- 13.Z.4.e.11)** For a specific building or use not scheduled, the Zoning Officer shall apply the unit of measurement of the above schedule deemed to be the most similar to the proposed building or use.

**13.Z.4.f.** Separate or Combined Use of Facilities.

- 13.Z.4.f.1)** A building containing one use shall provide the off-street parking spaces as required for the specific use.
- 13.Z.4.f.2)** A building or group of buildings containing two or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of the spaces required for each use.

**13.Z.4.g.** Parking and Garage Facilities for Residence.

- 13.Z.4.g.1)** Accessory parking facilities shall be located on the same lot as the dwelling served.
- 13.Z.4.g.2)** Each single-family, duplex and two-family dwelling shall have on its premises a private parking space sufficient in capacity for the storage at one time of at least two passenger automobiles for each dwelling unit on the premises.
- 13.Z.4.g.3)** Each multiple-family dwelling shall have a private parking space sufficient in capacity for the storage at one time of at least two passenger automobiles for each dwelling unit on the premises.

**13.Z.4.h.** Access Drives to Parking Areas.

- 13.Z.4.h.1)** The location and width of entrance and exit drives to parking facilities shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets.
- 13.Z.4.h.2)** The center line of the access drives on the frontage street shall be at least 100 feet from the right-of-way line of the nearest intersecting street.

- 13.Z.4.h.3)** Where there is more than one access drive to a parking area, the drives shall be limited to one-way travel either as an entrance to or exit from the parking area unless the access drives are setback at least one hundred (100) feet from one another, measured center line to center line.
- 13.Z.4.h.4)** All access drives shall be set back fifteen (15) feet from any side or rear property line; however, this setback can be waived along one property line when a joint parking lot is shared by adjoining uses.
- 13.Z.4.h.5)** Business and/or parking lots shall not create an undue burden upon traffic flow and parking facilities on an adjacent street.
- 13.Z.4.h.6)** Entrances and exits shall be limited to three lanes. The width of such entrance and exit drives, measured at the street property line, and the access drives internal to the parking areas shall conform with the following schedule:

<b>Minimum Width (feet)</b>	
One lane	12
Two lanes	24
Three lanes	36

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

**13.Z.4.i.** Improvements to Parking and Loading Areas.

- 13.Z.4.i.1)** All parking areas, loading areas and access driveways, except for parking areas, loading areas and access driveways constructed within the Outdoor Recreation - Resort District and those appurtenant to one and two family dwellings, shall have an asphalt, concrete or other similar hard surface, approved by the Township Supervisors.
- 13.Z.4.i.2)** Surface water shall not be permitted to discharge over public sidewalks or roadways onto other premises.
- 13.Z.4.i.3)** The maximum grade of the parking area shall not exceed 6%.
- 13.Z.4.i.4)** Parking areas within the Outdoor Recreation - Resort District shall be improved with stone or similar substance and shall be maintained in mud free condition and in a manner to minimize dust.
- 13.Z.4.i.5)** Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards.
- 13.Z.4.i.6)** The Township Supervisors may require, at the developer's expense, landscape features or a fence between a parking or



loading area and a side or rear lot line of a residential use or district.

**13.Z.4.i.7)** All curbs and bumper guards shall be constructed in accordance with standards established by the Township Supervisors.

**13.Z.4.j.** Illumination of Parking and Loading Areas.

**13.Z.4.j.1)** Parking and loading areas shall be illuminated whenever necessary to protect the public safety.

**13.Z.4.j.2)** Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and residential streets and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

**13.Z.4.k.** Approval of Parking and Loading Plans.

**13.Z.4.k.1)** Detailed drawings of off-street parking and loading areas (except for one and two-family dwellings) shall be submitted to the Zoning Officer for approval prior to their construction.

**13.Z.4.k.2)** The drawings shall show eachspace, dimensions of driveways, aisles and other feature required under the provisions of this Section. In instances when the drawings do not show full compliance with the requirements of the Section, the Zoning Officer shall reject the plans.

**13.Z.4.k.3)** The decision of the Zoning Officer may he appealed to the Zoning Hearing Board who may, in specific cases, when the size, shape or location of the parking or loading area is such that it is impractical to meet the strict requirements of this Section, upon proper showing, vary the strict terms hereof in accordance with the powers granted in this Ordinance.

**13.Z.4.l.** **Parking and Storage of Certain Vehicles.** Wrecked or dismantled automotive vehicles and trailers of any kind or type without current license plates shall not be parked or stored on any street or on any residentially zoned property other than in completely enclosed buildings.

**13.AA.** **Lighting Standards**

**13.AA.1** Under canopy lighting, for such applications as gas/service stations, hotels/motels, fast-food/bank/drug store drive-ups, shall be accomplished using flat lens, full cut-off fixtures aimed straight down and shielded in such a manner that the lowest edge of the fixture shall be below the light source at all lateral angles.

**13.AA.2** Wall mounted luminaries on commercial, industrial, non-residential and multi-family residential buildings and structures shall have fixtures that fully cut off direct light from view. All parking lot and site perimeter lighting shall be located on poles, other architectural features or at ground level and must be directed towards the property interior.

**13.AA.3** All non-residential site lighting sources shall be directed away from public streets

and private properties.

**13.AA.4** Flagpoles flying the United States and/or Commonwealth of Pennsylvania flag may be illuminated from dusk until dawn. The light source shall have a beam spread no greater than necessary to illuminate the flag.

**13.AA.5** The illumination projected from any use onto a residential use shall at no time exceed 0.1 foot-candles, measured line-of-sight from any point on the receiving residential property.

**13.AA.6** The illumination projected from any use onto a non-residential use shall at no time exceed 1.0 foot-candles, measured line-of-sight from any point on the receiving property.

**13.AA.7** For all other lighting applications not otherwise specified herein, control of glare leaving a subject property shall be achieved through the use of cutoff fixtures, shields, baffles and the appropriate fixture mounting height, wattage, aiming angle and fixture placement. Such devices and techniques shall be used for all lighting applications to achieve the standards in numbers 5 and 6 above and to insure that the subject use's lighting is nonobjectionable and does not constitute a nuisance.

**13.AA.8** Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, is exempt from the provisions contained within this Section.

**13.AA.9** Any use proposing to install federal or state required security lighting may, to the minimum extent necessary, apply for a variance from these provisions before the Zoning Hearing Board.

**13.AA.10** These provisions shall be considered apart from the provisions for lighting of streets and pedestrian ways found in the Union Township Subdivision and Land Development Ordinance.

**13.AA.11** Exterior Lighting Plan

**13.AA.11.a.** Any applicant for any approval shall submit an exterior lighting plan with the initial application, whether that application be for a special exception use, a use permitted by right requiring a land development or subdivision plan approval, or a use permitted by right that does not require any of the above approvals and only requires a zoning permit.

**13.AA.11.b.** An exterior lighting plan shall include, but not be limited to, a detailed grid of illumination levels, the number of lighting fixtures, the height and location of the mounting fixtures, including the underside of any canopies, and details as to how lighting will be recessed, how lighting will be shielded and the angle of shielding.

**End Article 13**

## **ARTICLE 14 - SUPPLEMENTAL REGULATIONS**

### **14.A. Kennels or Riding Stables**

Kennels or riding stables are permitted provided that no building shall be located within one hundred (100) feet of any lot or street line, no kennel runway or animal exercise pen shall be located within 200 feet of any lot or street line, exclusive of clearly identified bridle paths and that noise and odor shall not be objectionable. Kennels shall be properly constructed in accordance with standards of the Department of Agriculture and the Humane Society so as to provide for the well being of animals and safety of people and their property.

### **14.B. Sandpits, Gravel Pits, Removal of Topsoil and Other Resource Extraction**

Sandpits, gravel pits, removal of topsoil and the excavation, extraction or removal of any natural resource from the land or ground for any purpose, are permitted only upon approval of the Zoning Hearing Board, subject to the following conditions:

**14.B.1** The proposed operation shall not adversely affect soil fertility, drainage and lateral support of abutting land or other properties, nor shall it contribute to soil erosion. Erosion and sedimentation control measures shall be in accordance with the applicable standards and specifications set forth in the current edition of "Soil Erosion and Sedimentation Control Handbook" as prepared by the Lebanon County Soil Conservation District.

**14.B.2** Where any open excavation will have a depth of 10 feet or more and a slope of more than 30°, there shall be a substantial fence, approved by the Zoning Hearing Board, with suitable gates, where necessary, effectively blocking access to the area in which such extraction is located. Such fence shall be located no less than 50 feet from the edge of the excavation. All operations shall be screened from nearby residential uses as required by the Zoning Hearing Board.

**14.B.3** That portion of access roads located within 100 feet of any lot in residential use or lot zoned for residential use shall be provided with a dustless surface. Access roads shall connect to collector or major road networks avoiding undue movement through residential areas.

**14.B.4** At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

**14.B.5** A site plan shall be submitted showing proposed operation and how adverse situations shall be avoided. In addition, a plan for rehabilitation showing both existing and proposed final contours, shall be submitted and approved by the Zoning Hearing Board. After any such operations, the site shall be made reusable to a use permitted in the Zoning District. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be respread over the premises after the operation is terminated. Except where lakes are created and retained, the area shall be brought to final grade by a layer of earth (capable

of supporting vegetation) of at least 2 feet or to original thickness, whichever is less. Fill shall be a suitable material approved by the Zoning Hearing Board.

**14.B.6** All operations shall comply with the provisions of the Pennsylvania Surface Mining and Reclamation Act.

#### **14.C. Lodges, Clubs, Camps, Outdoor Recreation Facilities**

Lodges, clubs, camps and outdoor recreational facilities such as private and public playgrounds, golf clubs, country clubs, swimming clubs and tennis courts shall be subject to the following conditions:

**14.C.1** The sum of all areas covered by principal and accessory buildings shall not exceed 20% of the area of the lot.

**14.C.2** That exterior lighting, other than that essential for the safety and convenience of the users of the premises shall be prohibited. All exterior lighting shall be shielded from the view of all surrounding streets and lots.

#### **14.D. Institutional Uses**

Institutional uses such as churches, schools, hospitals, cemeteries are subject to the following safeguards and conditions:

**14.D.1** Heavy traffic generators such as hospitals, churches and schools should be located so as to be readily accessible from roads that are adequate to handle the anticipated traffic.

**14.D.2** Lighting shall be designed as to prevent glare to adjoining properties.

**14.D.3** Adequate parking shall be provided for on the lot for each activity, either main or accessory, to the lot at the rate of the most similar use as outlined in Article 13.

**14.D.4** That such uses shall be located on a lot or not less than 5 acres.

#### **14.E. Professional Offices**

Professional office buildings shall be subject to the following conditions:

**14.E.1** All off-street parking shall be adequately screened from adjoining lots, from residential property and from any street by walls, fences or by grading, planting or landscaping, at the owner's expense.

**14.E.2** Lighting shall be designed so as to prevent glare to adjoining properties or public rights-of-way.

#### **14.F. Commercial Swimming Pools**

**14.F.1** Commercial swimming pools shall be subject to the following conditions:

**14.F.2** The minimum lot area shall be 2 acres.

**14.F.3** All off-street parking shall be adequately screened from adjoining lots, from residential property and from any street by walls, fences or by grading, planting, or landscaping.

- 14.F.4** No pool or other facility shall be located within 40 feet of any property line.
- 14.F.5** An attendant shall be present at all times that the pool is in operation.
- 14.F.6** A permanent enclosure not less than 6 feet high must be provided, capable of being locked.
- 14.F.7** Lighting shall be designed so as to prevent glare to adjoining properties or public rights-of-way.
- 14.F.8** Hours of operation shall be limited to between 8 a.m. and 11 p.m.

#### **14.G. Rooming or Boarding Houses**

- 14.G.1** Rooming or boarding houses shall be subject to the following conditions:
- 14.G.2** Building construction and standards shall be in accordance with the provisions contained in the latest edition of the BOCA Basic Building Code and Department of Labor and Industry standards.
- 14.G.3** Off-street parking shall be provided at a rate of one space for each roomer or boarder.
- 14.G.4** Signs shall be limited to one sign not exceeding 4 square feet and not more than one sign shall be permitted.
- 14.G.5** Each guest room shall be provided with individual sanitary facilities and no such facilities shall be used in common with any other guest room.

#### **14.H. Buildings of Structures Exceeding 2 ½ Stories or 35 feet**

Buildings or structures exceeding 2 ½ stories or 35 feet, except those listed in Article 13 shall be subject to the following conditions:

- 14.H.1** Heights to a maximum of 50 feet may be permitted provided that for each 1 foot of height in excess of 35 feet, 1 foot of additional setback from the street right-of-way (front yard) shall be provided.
- 14.H.2** The height limits shall be discussed and approved by the appropriate fire company officials to assure that fire equipment and water pressure is sufficient to adequately handle the situation in the case of fire.

#### **14.I. Shooting and Archery Ranges**

Shooting and archery ranges shall be subject to the following conditions:

- 14.I.1** Such ranges shall be located no closer than 100 feet to any lot line or any other use on the lot.
- 14.I.2** Such range shall be designed and constructed in accordance with the National Rifle Association Source Book or other recognized safety standard approved by the Zoning Hearing Board, including incorporation of berms if necessary for the protection of safety of persons or property.
- 14.I.3** The hours of operation shall be limited to 8:00 a.m. to dusk.

**14.I.4** Alcoholic beverages shall be prohibited from such ranges.

**14.I.5** All persons utilizing the range for the first time shall be required to attend a range orientation and safety program before utilizing the range.

#### **14.J. Resort Lodges**

Resort lodges shall be subject to the following conditions:

**14.J.1** Such structures shall contain no more than 25 rooms or suites intended to be separately rented per structure.

**14.J.2** Such structures shall be designed and constructed with an exterior appearance that is in harmony with the nature of the district.

**14.J.3** Such structures shall be constructed such that access to individual rooms/suites shall be made from an interior hallway.

**14.J.4** Parking shall be provided at the rate of one parking space per room/suite, plus one space for each employee.

**14.J.5** Such structure shall only be permitted on a lot upon which another permitted use has been legally established.

#### **14.K. Museums**

Museums and art displays shall be subject to the following conditions:

**14.K.1** Such museums shall focus primarily upon state or local history, events or artists.

**14.K.2** Such museums shall be designed and constructed with an exterior appearance that is in harmony with the nature of the district.

#### **14.L. Taxi, Bus and Other Transit Stations**

**14.L.1** The applicant shall submit a Traffic Impact Study as provided for by the Township Subdivision and Land Development Ordinance.

**14.L.2** The applicant shall present sufficient evidence as to how the use will provide for the expected demand for off-street parking; the applicant shall also present evidence of the ability to provide additional off-street parking spaces, if demand increases.

**14.L.3** The applicant shall present sufficient evidence that the number of off-street parking spaces provided for transportation vehicles will be adequate to accommodate the anticipated demand.

**14.L.4** The facility shall have a minimum of three hundred (300) feet of road frontage along an arterial road.

**14.L.5** The subject property shall be located no closer than five hundred (500) feet to any Residential or Village zoning districts or to any property containing a school, day-care facility, park, playground, library, hospital or facility for the care of the aged or infirm.

**14.L.6** All structures, including but not limited to air compressors, fuel pump islands and

kiosks, shall be set back at least fifty (50) feet from all street right-of-way lines.

**14.L.7** Points of access to the facility shall have a minimum separation distance of one hundred fifty (150) feet from each other as measured from the closest points of the cartway edges.

**14.L.8** All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, other material used or discarded in any service or repair operation, or junked, demolished or dismantled vehicles shall be permitted.

**14.L.9** The outdoor storage of unlicensed vehicles is prohibited.

**14.L.10** The demolition or junking of vehicles or machinery is prohibited.

**14.L.11** The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

#### **14.M. Home Improvement Building Supply Store**

**14.M.1** If the property accommodating such use covers more than two (2) acres, it shall front on an arterial or collector road.

**14.M.2** Gross floor area shall include outside retail sales, display or storage area whether permanent or temporary in nature.

**14.M.3** All outside retail sales areas shall have a dust-free surface and a completely enclosed minimum six (6) foot high fence and gate.

**14.M.4** All outside storage and retail sales areas (exclusive of nursery and garden stock) shall be located within a side and/or rear yard, and shall be screened from adjoining roads and properties.

**14.M.5** All drilling, cutting, sawing, mixing, crushing, or other preparation of building materials, plus any testing or repair of motorized equipment, shall be conducted within a completely enclosed building.

#### **14.N. Shopping Centers**

**14.N.1** The subject property shall front on an arterial or collector road as identified in the Union Township Comprehensive Plan.

**14.N.2** All shopping center access drives shall be set back at least two hundred (200) feet from the intersection of any street right-of-way lines.

**14.N.3** The minimum lot area shall be two (2) acres.

**14.N.4** The minimum lot width shall be two hundred (200) feet.

**14.N.5** Curbs shall be provided along all public rights-of-way. An internal pedestrian circulation design shall be provided which allows for safe and convenient movement of pedestrians to and from parking areas and shops.

**14.N.6** Required minimum setbacks for shopping centers up to and including eighty thousand (80,000) square feet of gross floor area shall be as required of all uses in

the Commercial zoning district as described in Article 7. For shopping centers in excess of eighty thousand (80,000) square feet of gross floor area, required minimum setbacks are as follows:

	Front Yard	Side Yard	Rear Yard	From Residential/Village Zones
Buildings and Structures	75	35	35	75
Off-street Parking/ Loading, Dumpsters	35	25	25	50

**14.O. Recreational Facilities**

**14.O.1** Required parking will be determined based upon the types of activities proposed and the schedule listed in Article 13 of this Ordinance. In addition, the Zoning Hearing Board may require an unimproved grassed overflow parking area to be provided for peak use periods, located and designed in a manner which prohibits vehicles from crossing adjoining properties and directly accessing adjoining roads.

**14.O.2** The application for a special exception shall be accompanied by a working plan for the clean-up and disposal of litter and the prevention of loitering on the subject property.

**14.O.3** No outdoor storage is permitted.

**14.O.4** The Township may require the applicant to provide a traffic study in compliance with the traffic study standards found in the Township’s Subdivision and Land Development Ordinance.

**14.O.5** Eating or retail uses associated with the recreational facility shall be clearly accessory to the principal recreational use(s).

**14.O.6** Sidewalks to and/or within Recreational Facilities may be required by the Board of Supervisors when the Board feels that there is a reasonable ground to believe that, because of nearby existing, proposed or contemplated (through zoning) residential, commercial, institutional or other kinds of development, pedestrian traffic will be generated to and from the Recreation Facility in an amount that sidewalks are needed to properly and safely provide access.

**14.P. Commercial Day Care**

**14.P.1** Enrollment shall be defined as the largest number of students and/or individuals under day-care supervision at any one time during a seven day period.

**14.P.2** One off-street parking space shall be provided for each six (6) individuals enrolled.

**14.P.3** Passenger “drop-off” and “pick-up” areas shall be provided on-site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.



**14.P.4** An outdoor play/recreation area shall be provided at a rate of one hundred (100) square feet per individual enrolled. Off-street parking compounds shall not be used as outdoor play areas. Outdoor play/recreation areas shall not be located within the front yard and must be set back ten (10) feet from all property lines. Outdoor play/recreation areas shall be completely enclosed by a six (6) foot high fence. All outdoor play/recreation areas must be provided with a means of shade, such as shade tree(s) or pavilion(s).

#### **14.Q. Self-Storage Units**

**14.Q.1** Off-street parking spaces shall be provided according to the schedule listed in Article 13 of this Ordinance.

**14.Q.2** Off-street parking requirements may be satisfied by the provision of combination parking/driving lanes adjacent to the storage units. Such lanes shall have a minimum width of twenty six (26) feet when units open onto one (1) side of the lane only and thirty (30) feet when units open onto both sides of the lane.

**14.Q.3** Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially-zoned land and adjoining roads, and is not located anywhere in front of the principal building. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked or inoperative vehicles.

**14.Q.4** All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive, or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area, as described above.

**14.Q.5** Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction or reconstruction of any boat, engine, motor vehicle or furniture is prohibited.

**14.Q.6** No door openings for any storage unit shall be constructed facing any residentially-zoned property.

**14.Q.7** Self storage units shall be used solely for the dead storage of property. The following lists examples of uses expressly prohibited upon the site:

**14.Q.7.a.** Auctions, commercial wholesale or retail sales, or garage sales.

**14.Q.7.b.** The servicing, repair or fabrication of motor vehicles, boars, trailers, lawn mowers, appliances or other similar equipment.

**14.Q.7.c.** The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

**14.Q.7.d.** The establishment of a transfer and storage business.

**14.Q.7.e.** Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.

## **14.R. Junk Yards and Salvage Yards**

- 14.R.1** The minimum lot area shall be five (5) acres.
- 14.R.2** The outdoor area devoted to the storage of junk and materials for salvage shall be completely enclosed by fence adequate to completely block the view of the site to a height of eight (8) feet above grade.
- 14.R.3** No material may be stored or stacked so that it is visible from adjoining properties or roads; otherwise, no such materials shall be piled to a height greater than thirty (30) feet.
- 14.R.4** All junk and materials for salvage shall be stored or arranged to permit access by firefighting equipment and to prevent accumulation of water.
- 14.R.5** Burning and/or melting of any material is prohibited.
- 14.R.6** Junkyards and salvage yards shall be maintained in such a manner as to prevent any public or private nuisance including the emission of offensive or noxious sounds or odors and the breeding or harboring of rats, flies or other vectors.
- 14.R.7** Junkyard and salvage yard operations shall not be permitted on land having a slope in excess of five (5) percent.
- 14.R.8** All gasoline, diesel and oils shall be drained from junk or scrapped vehicles into containers in accordance with all applicable state or other regulatory agency regulations.
- 14.R.9** No garbage or organic waste shall be stored in any junkyard or salvage yard.

## **14.S. Telecommunication and Wireless Communication Facilities**

- 14.S.1** Any communication tower, antenna, or antenna support structure shall be set back from each property line a distance equal to its height plus fifty (50) feet. This setback shall also be applicable to guide wire anchors for the communication tower.
- 14.S.2** No site shall be located within five hundred (500) feet of any land within Residential or Village zoning districts, the nearest property line of any existing residence, the nearest property line of any approved lot which has been subdivided during the last five (5) years for residential purposes, which has not yet been constructed, and the nearest property line of any lot proposed for residential purposes which has been submitted for preliminary or final subdivision approval.
- 14.S.3** All towers, guide wire anchors, antennae, antenna support structures, associated ground-mounted satellite dishes and similar equipment shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- 14.S.4** The applicant shall submit notice of approval for the proposed installation from the Federal Aviation Administration and the Federal Communications Commission.
- 14.S.5** The applicant shall demonstrate that the proposed location is necessary for the efficient operation of the system and that existing telecommunication or wireless

communication facilities or other existing structures in the Industrial zone do not have sufficient height or satisfactory location to facilitate communication to the service area of the communication provider. The applicant shall also submit expert testimony that the communication tower or antenna is the minimum height required to function satisfactorily.

- 14.S.6** The applicant shall submit expert testimony to demonstrate that the proposed communication tower, antenna and/or antenna support structure are designed and constructed in conformance with all applicable national and statewide building codes and in a manner that insures the structural integrity of all elements.
- 14.S.7** The applicant shall submit a plan for the removal of the communication tower, the communication antenna, and/or antenna support structure within three (3) months of when the facility becomes functionally obsolete or is no longer in use.
- 14.S.8** In order to reduce the number of communication towers, antenna support structures or antennae, any proposed tower, support structure or antenna shall be designed to accommodate other users, including but not limited to police, fire and emergency services.
- 14.S.9** Two (2) off-street parking spaces shall be provided.

#### **14.T. Farm Occupations**

- 14.T.1** A farm occupation may only be conducted on farms containing at least ten (10) acres. All farm occupations are subject to the following criteria:
- 14.T.2** For the purposes of this Ordinance, farm occupations may involve the following uses:
  - 14.T.2.a.** Retail sales of agricultural products principally produced on the farm (with a display area not to exceed 500 square feet)
  - 14.T.2.b.** Facilities for the service and repair of farm machinery and equipment, and small engines
  - 14.T.2.c.** Other facilities contributing to the rural lifestyle characteristic of Union Township. Such facilities include:
  - 14.T.2.d.** Arts and crafts manufacturing, with a retail sales display area not to exceed five hundred (500) feet
  - 14.T.2.e.** Blacksmith and tool sharpening shops
  - 14.T.2.f.** Carriage, wagon and related appurtenances manufacturing, sales and service
  - 14.T.2.g.** Woodworking, furniture, and cabinet making shops
  - 14.T.2.h.** Metalworking shops
  - 14.T.2.i.** Country housewares, hardware and dry goods stores, with a retail display area not exceeding one thousand (1,000) square feet
  - 14.T.2.j.** Butcher shops
  - 14.T.2.k.** Tailor and shoe shops

**14.T.2.1.** Bake shops with no more than five hundred (500) square feet of retail sales display area

**14.T.3** No more than two (2) acres of land shall be devoted to such use, including areas used for structures, parking, storage, display, setbacks, landscaping, etc. However, any lane serving the farm occupation and a home and/or farm contained upon the same lot shall not be included as lot area devoted to the farm occupation

**14.T.4** No more than fifty percent (50%) of the area devoted to a farm occupation shall be covered by buildings, parking lots or any other impervious surface

**14.T.5** At least one owner of the farm occupation must live on the property on which the farm occupation is conducted, and no more than two (2) non-residents of the farm parcel shall be employed by the farm occupation.

**14.T.6** No farm occupation shall be located within three hundred (300) feet of any property used principally for residential purposes (except for dwellings located upon the same parcel as the farm occupation)

**14.T.7** All farm occupations shall be conducted upon the same lot as an actively farmed parcel

**14.T.8** The use must be conducted within one completely-enclosed building. In no case shall such use occupy more than three thousand (3,000) square feet of gross floor area

**14.T.9** Any out-building used for such farm occupation shall be located behind the principal farm residence on the site or, as an alternative, at least three hundred (300) feet from the street right-of-way

**14.T.10** Any outdoor storage of supplies, materials or products shall be located behind the building in which the farm occupation is located. Such outdoor storage shall also be screened from adjoining roads and properties

**14.T.11** Any activities that produce noxious dust, odor, light, or noise, perceptible at the property line are prohibited

**14.T.12** All off-street parking and loading areas shall be contained behind the principal farm residence

**14.T.13** Any sign used for a farm occupation shall not exceed five (5) square feet in total area

**14.T.14** The applicant shall submit written evidence from the SEO that the proposed use has an approved means of sewage disposal.

**14.T.15** The Zoning Hearing Board may attach additional conditions upon a farm occupation to preserve the rural character of the area, and protect adjoining uses.

#### **14.U. Multifamily Residential or Townhouse Developments**

**14.U.1 Permitted Uses.** Multifamily or townhouse buildings shall consist solely of residential dwelling units, rental office, recreational and parking facilities; however, coin-operated washing and drying machines and vending machines for foods, beverages, newspapers or cigarettes located inside the building shall be

permitted provided that these are for the tenants' use only. Sample apartments or townhouse for display purposes shall be permitted for each type of construction.

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

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

	<u>Garden Apartment</u>	<u>Townhouses</u>
Minimum gross site area:	2 acres	2 acres
Minimum individual lot area:	--	3000 sq. ft.
Minimum lot width at building line:	300 feet	20 feet <sup>1</sup>
Maximum lot coverage of gross land area:	40%	40%
Minimum side yard:	50 feet	20 feet <sup>2</sup>
Minimum rear yard:	75 feet	30 feet
Minimum front yard:	50 feet	30 feet
Distance between buildings:	See §14.U.4.c	
Parking area set back from lot line or street ultimate right-of-way:	30 feet	30 feet <sup>3</sup>
Maximum dwelling units per gross acre:	10	8
Minimum usable open space (not including parking or driveway areas) devoted solely to recreational use and activity:	0.25 square feet for every one (1) square feet of gross floor area <sup>4</sup>	
Maximum height:	3 stories or 35 feet	3 stories or 35 feet

<sup>1</sup> Minimum width of a townhouse dwelling unit is 20 feet per unit.

<sup>2</sup> Applies to end building only.

<sup>3</sup> Applies only to parking lots and joint parking areas, not to separate parking area for individual townhouses.

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

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

**14.U.3.a.** No more than forty percent (40%) of the total number of townhouse groupings shall contain more than six (6) dwelling units and in no case shall there be any group of townhouses consisting of more than eight dwelling units

**14.U.3.b.** The developer shall vary architectural treatments of individual apartments within apartment projects and individual dwelling units in a townhouse development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials or use of color. No more than three (3) townhouse units in a row may have the same setback, and the setback variation of the units shall be at least four (4) feet. Variety and flexibility in design layout and arrangement of buildings, parking area, services, recreation areas, common open space and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.

**14.U.3.c.** The horizontal distance between groups of townhouses or garden apartments shall be:

**14.U.3.c.1)** Two times the average height of the two groups of townhouses and garden apartments for front or rear walls facing front or rear walls.

**14.U.3.c.2)** One and one-half times the average height for front or rear walls facing side walls.

**14.U.3.c.3)** Equal to the height of the highest building for side walls facing side walls.

**14.U.3.d.** The minimum width of any side yard abutting a street, driveway or parking area should not be less than 30 feet.

**14.U.3.e.** No front yard shall exceed impervious coverage of sixty percent (60%).

**14.U.3.f.** Access and service shall be provided in the front of each townhouse. Parking may be provided on the lot, as carports, as an integral part of the townhouse or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.

**14.U.3.g.** Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted to and approved by the Planning Commission.

**14.U.3.h.** Garden apartment buildings shall not exceed 150 feet in length.

**14.U.3.i.** In the event a development is designed to contain more than one permitted use, the plan submitted shall indicate an area designation for each such use and all requirements of this Ordinance for each area so designated.

**14.U.4** Parking Facilities.

**14.U.4.a. Number of Spaces.** Off-street parking, whether in a garage, on-lot, or in a common parking lot shall be provided on the premises at the rate of three spaces for each dwelling unit.

**14.U.4.b.** Requirement for parking lots shall be as follows:

- 14.U.4.b.1)** All access drives and parking lots shall be at least 15 feet from any building on the lot and from exterior lot lines (except carports and garages).
- 14.U.4.b.2)** Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.
- 14.U.4.b.3)** All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
- 14.U.4.b.4)** Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view and from adjoining residential districts. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for approval.
- 14.U.4.b.5)** All accessways and parking areas shall be suitably paved with a permanent hard surface covering.
- 14.U.4.b.6)** No more than 15 continuous spaces shall be permitted in any continuous rows without interruption by landscaping.
- 14.U.4.b.7)** No more than 60 parking spaces shall be accommodated in any single parking area.
- 14.U.4.b.8)** No more than two interconnected parking areas shall be permitted without having direct access to a public street or a private street meeting municipal street standards.
- 14.U.4.b.9)** The total length of any single or combined parking area shall not exceed 500 feet. The length shall be measured from the center line of the public or private street providing access to the furthest point of the parking area.

**14.U.4.c.** Site Requirements.

- 14.U.4.c.1)** Entrance and exit ways and interior accessways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
- 14.U.4.c.2)** Entrance and exit ways shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site but shall at no time exceed 30 feet in width.

**14.U.5** Drainage.

**14.U.5.a.** A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site and so as not to permit excess flow of water across streets

or adjoining properties. The rate of any discharge shall not be greater than existed prior to development based on a 100 year storm frequency. Plans for such drainage system shall be submitted and shall be subject to approval by the Engineer of the Township in accordance with the Township's storm water management provisions.

**14.U.5.b.** All provisions of existing municipal ordinances and prevailing subdivision and land development ordinance regarding storm drainage shall be complied with.

**14.U.6** **Lighting.** Lighting for buildings, accessways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents and shall be provided in accordance with the requirements of this Ordinance and the Township Subdivision and Land Development Ordinance.

**14.U.7** **Storage of Trash and Rubbish.** Exterior storage areas for trash and rubbish shall be well screened on three sides and contained in covered, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

**14.U.8** **Site Plan Review and Approval.** Multifamily and townhouse developments shall be deemed to be a subdivision governed by the provisions and procedures of any prevailing subdivision and land development ordinance and the procedures established in said ordinance for approval shall be followed.

#### **14.V. Campgrounds**

**14.V.1** All campgrounds hereinafter erected, established, substantially altered or expanded shall comply with the following provisions:

**14.V.2** **Camping Sites.** Individual camping sites shall contain a minimum of seven hundred fifty (750) square feet with a minimum width of twenty-five (25) feet. Unless equipped with a cabin, each camping site shall contain a clear, level, well-drained, mud-free gravel pad for accommodating the cabin, camper or tent.

**14.V.3** **Camping Site Parking.** Each camping site shall contain at least one (1) parking space for the parking of a passenger vehicle, which shall be no less than ten (10) feet by twenty (20) feet in dimension. The parking space need not be paved, but shall be a clear, level, well-drained, mud-free gravel pad.

**14.V.4** **Accessory Commercial Use Parking.** Commercial uses intended to primarily serve persons staying at the campground need not otherwise comply with the parking requirements set forth in Article 13 provided that one (1) parking space per employee shall be provided.

**14.V.5** **Visitors Parking.** Overflow parking shall be provided for the use of visitors of registered guests at the rate of one (1) parking space per five (5) campsites. Such overflow visitor parking lot(s) may be lawn area designated for such use and convenient to the campsites served.

**14.V.6** **Streets and Roads.** Streets and roads within a campground need not be paved, but shall be graded to provide positive drainage from the road surface, maintained



in a mud-free condition, in a manner to minimize dust and be a minimum of twelve (12) feet in width for one-way travel and twenty-four (24) feet in width for two-way travel. Parking shall be prohibited along streets and roads within a campground.

**14.V.7 Noise.** Sound in excess of seventy (70) decibels, as measured at the boundary line of the property, shall not be permitted between the hours of midnight (i.e. 12:00 AM) and 7:00 AM the following morning. Sound in excess of ninety (90) decibels, as measured at the boundary line of the property, shall not be permitted between the hours of 7:01 AM and 11:59 PM.

**14.V.8 Lighting.** Lighting shall be designed and arranged so to comply with the lighting provisions of this Ordinance and the Subdivision and Land Development Ordinance, as amended.

**14.V.9 Stormwater Control.** Plans for adequate handling of stormwater shall be prepared by a registered civil engineer who shall prepare plans for all necessary culverts, storm sewers and other draining structures, in compliance with the Subdivision and Land Development Ordinance, as amended.

**14.V.10 Waste Disposal.** Adequate locations for collecting waste, recyclables and rubbish shall be provided. Waste disposal locations shall be vermin resistant and secure.

**14.V.11 Water Supply.** Water supplies serving the campground and accessory uses shall comply with all applicable local, State and Federal laws including, but not limited to, the regulations issued by the Pennsylvania Department of Environmental Protection. The applicant shall provide the certification of a professional engineer that sufficient water supplies exist on the property for everyday and fire/emergency use.

**14.V.12 Toilet and Shower Facilities.** Toilet and shower facilities shall be provided in accordance with standards for campgrounds issued by the American Camping Association or similar national camping organization.

**14.V.13 Manager on Premises.** A manager or similar employee shall be present on the campground premises at all times the campground is in operation.

#### **14.W. Amusement Parks.**

An amusement park shall be subject to the following provisions:

**14.W.1 Amusement Rides.** Individual amusement rides shall be separated within the amusement park so as to facilitate the movement of pedestrians and not interfere with emergency vehicle access to all areas of the amusement park. Further, amusement rides shall comply with all applicable Federal and State regulations, including ASTM Standard F-770 and the Pennsylvania Uniform Construction Code.

**14.W.2 Parking.** There shall be ten (10) parking spaces for each acre of ground within the amusement park, excluding parking areas. The parking lots and access driveway need not be paved, but shall be improved and maintained in a mud-free condition and in a manner to minimize dust.

**14.W.3 Accessory Commercial Use Parking.** Commercial uses intended to primarily serve persons visiting the amusement park need not otherwise comply with the parking requirements set forth in Article 14, provided that one (1) parking space be provided per employee.

**14.W.4 Streets and Roads.** Streets and roads within an amusement park need not be paved, but shall be graded to provide positive drainage from the road surface, be maintained in a mud-free condition and be a minimum of twelve (12) feet in width for one-way travel and twenty-four (24) feet in width for two-way travel. Except for park and service vehicles, there shall be no motor vehicle traffic within an amusement park, except directly to and from the public road and parking lot.

**14.W.5 Noise.** Sound in excess of seventy (70) decibels, as measured at the boundary line of the property, shall not be permitted between the hours of midnight (i.e. 12:00 AM) and 7:00 AM the following morning. Sound in excess of ninety (90) decibels, as measured at the boundary line of the property, shall not be permitted between the hours of 7:01 AM and 11:59 PM.

**14.W.6 Lighting.** Lighting shall be designed and arranged so to comply with the lighting provisions of this Ordinance and the Subdivision and Land Development Ordinance, as amended. Firework displays shall not be subject to this limitation, provided that such displays are properly permitted and conducted prior to midnight and limited to Fridays, Saturdays or holidays.

**14.W.7 Stormwater Control.** Plans for adequate handling of stormwater shall be prepared by a registered civil engineer who shall prepare plans for all necessary culverts, storm sewers, and other draining structures, in compliance with the Subdivision and Land Development Ordinance, as amended.

**14.W.8 Waste Disposal.** Adequate locations for collecting waste, recyclables and rubbish shall be provided. Waste disposal locations shall be vermin resistant and secure.

**14.W.9 Water Supply.** Water supplies serving the amusement park and accessory uses shall comply with all applicable local, State and Federal laws including, but not limited to, the regulations issued by the Pennsylvania Department of Environmental Protection. Applicant shall provide the certification of a professional engineer that sufficient water supplies exist on the property for everyday and fire/emergency use.

**14.W.10 Landscaping.** The parking areas associated with the amusement park shall be screened from public roads with landscaping that achieves the screening described in Article 8 of this Ordinance.

#### **14.X. Multi-Vendor Markets.**

Multi-vendor markets shall be subject to the following provisions:

**14.X.1** Such markets shall not operate more than three (3) consecutive days and no more than fourteen (14) days in any calendar month.

**14.X.2** The proprietor of such market shall provide the Township with a schedule of the next month's events/sales on or before the 20<sup>th</sup> day of the current month. For example, the proprietor shall provide the schedule of events for February to the

Township on or before January 20. Events/sales not listed on the schedule provided to the Township shall not be permitted without the specific approval of the Township Zoning Officer.

**14.X.3** Seven (7) days prior to an event/sale, the proprietor of such market shall provide the Township a roster of the vendors (including names and addresses) participating in the event/sale.

**14.X.4** The proprietor of such market shall provide adequate authorized traffic control personnel or devices to allow for the safe movement of vehicles to, from and past the property upon the day(s) of sales/events.

#### **14.Y. Hospitals**

Hospitals shall be subject to the following provisions:

**14.Y.1** A minimum of five (5) acres of contiguous land area shall be required to accommodate a hospital. The facility shall also comply with the area and bulk regulations of the zoning district.

**14.Y.2** Public sewer and water shall be used.

**14.Y.3** The subject property shall have frontage along an arterial or collector road, as identified in the Union Township Comprehensive Plan.

**14.Y.4** All buildings and structures shall be set back at least fifty (50) feet from all property lines.

**14.Y.5** Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned properties.

**14.Y.6** If the subject property adjoins land within a residential zoning district, there shall be maintained a seventy five (75) foot setback for all buildings, structures, off-street parking lots, loading areas and outdoor storage areas from the residentially zoned parcels. Such areas shall be used for a landscape strip and screen as follows:

**14.Y.6.a.** A completely planted visual barrier of landscape screen shall be provided and maintained except where natural or physical man-made barriers already exist. The screen shall be composed of plants and trees arranged to form both a high level and low level screen within the seventy five (75) foot landscape strip. The high level screen shall consist of trees planted with specimens of an initial height of not less than five (5) feet and planted at intervals of not more than ten (10) feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen shall be placed in alternating rows to produce a more effective barrier.

**14.Y.6.b.** Any landscaping material which dies within eighteen (18) months of planting shall be replaced. All landscaping materials shall be properly maintained.

**14.Y.7** Exterior storage areas for trash and rubbish shall be properly screened with

secured fencing and landscaping materials. All containers shall be air-tight, vermin-proof, and shall have adequate capacity to accommodate the projected volumes of solid waste. No such storage area will be permitted within seventy five (75) feet of any property in residential use or fifty (50) feet of any lot line of any other property.

**14.Z. Accessory Uses Not Located On the Same Lot as the Principal Use**

**14.Z.1** The sale of the lot on which the accessory use/structure is to be located shall not create a non-conformity for the principal use/structure.

**14.Z.2** No non-residential accessory uses/structures shall be permitted to be located on a lot that is located in a residential zoning district.

**14.Z.3** All other standards for accessory uses/structures shall be met.

**14.AA. Non-commercial keeping of livestock**

**14.AA.1** Non-commercial keeping of livestock is permitted subject to the following criteria:

**14.AA.1.a.** All structures uses to house non-commercial livestock shall be prohibited from placement in the front yard, and shall be set back at least 25 feet from all property lines.

**14.AA.1.b.** When animals are not contained within a housing structure, they shall be kept within a fenced enclosure unless they are leashed, haltered, or bridled and under the direct control of the owner or an authorized agent of the owner of the animals. Such fencing shall prevent the escape of the animals and be set back at least ten (10) feet from all property lines.

**14.AA.1.c.** All animal wastes shall be properly stored and disposed of so as not to be objectionable at the site's property line and such storage areas or containers shall be set back a minimum of one hundred (100) feet from all property lines, existing street right-of-way lines, wetlands and waterways.

**14.AA.1.d.** No animal shall have direct access to a jurisdictional wetland, impoundment, stream, spring or well on the parcel. However, stabilized stream crossing areas designed and constructed as such shall be exempted from this requirement.

**14.AA.1.e.** The use shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration or other nuisance effects beyond the property lines of the parcel.

**14.AA.1.f.** The proposed use shall comply with all applicable State, Federal and local regulations, including, but not limited to, nutrient management, building codes, lighting, erosion and sediment control and storm water management.

**14.BB. Home Occupation**

**14.BB.1** In any district, all dwelling units and their accessory structures with direct access

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

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

**14.BB.3** Home occupation shall be limited to the occupants of the residence and no more than one (1) paid or unpaid assistant or employee at any one time.

**14.BB.4** Two (2) off-street parking spaces in addition to those required for the residential units shall be required for any such home occupation.

**14.BB.5** The home occupation, if conducted wholly within the dwelling, shall not occupy more than twenty-five (25) percent of the habitable floor area. If conducted within an accessory structure, the home occupation shall not occupy more than seven hundred fifty (750) square feet. This area shall include all functions or activities of the home occupation.

**14.BB.6** Home occupation shall be subject to the following limitations:

**14.BB.6.a.** No emission of unpleasant or other odorous matter shall be permitted.

**14.BB.6.b.** No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.

**14.BB.6.c.** No glare and heat from any home occupation shall be permitted.

**14.BB.6.d.** No vibration perceptible beyond the dwelling unit or building in which the home occupation is conducted shall be permitted.

**14.BB.6.e.** No noise shall be audible beyond the dwelling unit or building in which the home occupation is conducted, whichever shall be the smaller, which exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.

**14.BB.6.f.** No emission of any objectionable smoke shall be permitted.

**14.BB.6.g.** Electric or electronic devices shall be shielded in such manner as not to interfere with radio or television reception or transmission of any kind.

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

**14.CC.1.a.** Minimum lot area of 15 acres.

**14.CC.1.b.** Applicant shall submit a plot plan of the lot indicating the runway and approach area and existing residences located within 750 foot radius of the runway.

**14.CC.1.c.** Runway shall be no closer than 500 feet to any residential district and no closer than 200 feet to any property line or road right-of-way line.

**14.CC.1.d.** A description of equipment and facilities to be utilized and a description of overall development plans for the lot shall be made available to the Zoning Hearing Board.

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

**14.CC.1.f.** Any pulsating or intermittent lighting is prohibited.

**14.CC.1.g.** Floodlights, spotlights and other lighting devices shall be arranged or shielded so as to illuminate parallel to the ground and not in an upward direction.

**14.CC.1.h.** Any radio electronic device shall be permitted only with approval and license by the Federal Communications Commission.

**14.CC.1.i.** All facilities of this nature shall conform and operate under the standards set by the Federal Aviation Administration and the Pennsylvania Aeronautical Commission.

**14.CC.1.j.** The Zoning Hearing Board may impose other conditions as are appropriate to public safety and welfare, including hours of operation, frequency of use and a location in relation to existing residences.

#### **14.DD. Mobile Homes.**

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

#### **14.DD.2 Definitions.**

**14.DD.2.a. DEPENDENT TRAILER COACH or DEPENDENT MOBILE HOME** - is one which does not have a water closet and bathtub or shower.

**14.DD.2.b. EXISTING TRAILER PARK or MOBILE HOME PARK** - is that area of land on which trailer coaches or mobile homes are parked and occupied or on which sanitary facilities, roads or other facilities have already been installed to accommodate additional trailer coaches or mobile homes intended for human habitation at the date this Chapter becomes effective.

**14.DD.2.c. FLOODPLAIN** - is that area of land subject to inundation of flood water of the 100 year frequency.

**14.DD.2.d. INDEPENDENT TRAILER COACH** - is one which does have a

water closet and bathtub or shower.

**14.DD.2.e. MOBILE HOME** -a transportable, single-unit structure intended for permanent occupancy as a single-family dwelling or office, which is contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations.

**14.DD.2.f. SERVICE BUILDING** - a building house communal toilet, laundry or other sanitary facilities necessary for the health and convenience of the trailer occupants.

**14.DD.2.g. TRAILER COACH** - any vehicle used or maintained for use as a conveyance upon highways or township streets so designed and so constructed as to permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons.

**14.DD.2.h. TRAILER COACH LOT OR MOBILE HOME LOT** - a unit of level, adequately drained ground of definite size, clearly indicated by corner markers for the placing of a trailer coach or mobile home or trailer coach and tow car or mobile home and tow car.

**14.DD.2.i. TRAILER PARK OR MOBILE HOME PARK** - any site, lot, field or tract of ground upon which two or more trailer coaches or mobile homes are placed and shall include any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such park.

**14.DD.3** Application.

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

**14.DD.3.b. Dependent Trailers or Mobile Homes Not to Be Used.** No dependent trailer or dependent mobile home whatsoever shall be used for human occupancy after the effective date of this Chapter.

**14.DD.4** Permits.

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

**14.DD.4.b. Fees.** An application shall be accompanied by an established fee.

**14.DD.5** Trailer Parking Outside a Trailer Park or Mobile Home Park.

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

**14.DD.5.b. Parking or Use of Trailers or Mobile Homes on Private Land.** No trailer, coach or mobile home shall be parked, used or occupied on any tract of ground within the Township of Union, Lebanon County, except as provided in this Chapter; provided, however, that the Township Supervisors may at any regular or special meeting approve a temporary trailer or mobile home permit in hardship cases.

**14.DD.5.c. Parking on the Premises of an Occupied Dwelling.** No person shall park, use or occupy any trailer coach or mobile home for more than 48 hours on the premises of any occupied dwelling or vacant lot unless a permit therefor shall have been first obtained, nor shall any person permit such parking, use or occupancy of his premises unless the occupant of the trailer coach or mobile home shall have first obtained a permit therefor.

**14.DD.5.d. Application for Permit.** Applications for the permit shall contain the street and number of the occupied dwelling, the name of the occupant of the said dwelling and his permission to locate; a statement of the nature and location of sanitary facilities and the permission of the occupant of the dwelling house for their use and a statement that all waste water from trailer coach or mobile home shall be emptied into a proper sewer connected fixture. Application for permit to locate on a vacant lot shall contain the street with the name and approximate distance from the nearest intersection, a statement of the nature and location of sanitary facilities and a statement that all waste water from the trailer coach or mobile home shall be emptied into a proper sewer connected fixture.

**14.DD.5.e. Trailers or Mobile Homes on Vacant Lots.** There shall be no more than one mobile home or trailer coach on each acre of ground. Every mobile home or trailer coach must have its own sewage disposal system approved in accordance with the rules and regulations of the Department of Environmental Protection. Each trailer coach or mobile home must be set on a permanent masonry foundation. Metal straps or bands, wire rope or similar material must be connected from the mobile home frame to the ground or pad at least at all corners to anchor the unit.

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

**14.DD.6.a.** It shall be unlawful within Union Township for any person or persons to construct or operate a trailer park or mobile home park without first securing a permit.

**14.DD.6.b.** No trailer park or mobile home park shall be operated within Union Township, except as provided in this Chapter.

**14.DD.6.c.** The permit for a trailer park or mobile home park shall be obtained from the Township Secretary or other authorized person at an established fee, plus an additional fee for each available space, whether or not occupied, and shall be made prior to expiration at an established fee for each available space whether or not occupied. Such renewal shall be for a period of 12 months.

**14.DD.6.d.** Permit for trailer parks or mobile home parks must be conspicuously



displayed at all times.

**14.DD.6.e.** There shall be no refund for unused permits.

**14.DD.7** Application for a Trailer Park or Mobile Home Park Permit.

**14.DD.7.a.** Any applicant for permit to operate a trailer park or mobile home park shall agree in his application that a responsible attendant shall be in charge of the trailer park or mobile home park at all times. At the time of application, the name, address and telephone number of the attendant to be in active charge of the proposed trailer park or mobile home park shall be set forth. Any changes after the permit is granted shall be filed with the authority issuing the permit within 10 days from the date of change. Such attendant shall supervise the park and be, together with the licensee, responsible for any violation of the provisions of this Chapter which occurs in the operation of such a trailer park or mobile home park.

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

**14.DD.8.a.** No Development Prior to Approval.

**14.DD.8.a.1)** No person, firm or corporation proposing to open a trailer park or mobile home park, or expand an existing trailer park or mobile home park so as to accommodate additional trailers, in the Township of Union shall proceed with any construction work on the proposed park until he has obtained all necessary Subdivision and Land Development Plan approvals and a permit therefore from the Township Secretary or other authorized person.

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

**14.DD.9.a.** Location. The site shall not be:

**14.DD.9.b.** Close to swamps or other potential breeding places for insects or rodents.

**14.DD.9.c.** Subject to fire or safety hazards

**14.DD.9.d.** Exposed to chronic nuisances, such as noise, smoke, fumes or odors.

**14.DD.9.e.** The site should have access to a public street or highway adequate to handle the traffic generated by the park.

**14.DD.9.f.** No trailer coach or mobile home or water supply or sewage system, including drain field, shall be placed within the boundary of a floodplain.

**14.DD.10** Access. All trailer lots shall abut on an interior drive.

**14.DD.11** Storm Drainage. Plans shall be in compliance with all applicable Township ordinances.

**14.DD.12** Driveways. All driveways shall be adequately drained. Alignment and design shall be according to the Township Subdivision and Land Development and all other applicable Ordinances and Regulations. Entrance and exit to public lots shall be planned for maximum safety and adequate control.

**14.DD.13** Parking Spaces. Two parking spaces shall be provided for each trailer lot or

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

**14.DD.14** Walks. All walks shall be of not less than 4 inches in thickness. A walk not less than 3 feet in width shall be provided on each side of all drives servicing trailer or mobile homes. Such walks shall connect to all service buildings and to pedestrian exists to the park in manner suitable to the Planning Commission. A sidewalk not less than 30 inches in width shall connect from these walks to each trailer or mobile home.

**14.DD.15** Lighting. Drives for public walkways shall be lighted to the satisfaction of the Planning Commission and a minimum of 200 watts of light shall be provided for each 80 feet of driveway.

**14.DD.16** Trailer Coach Lots And Mobile Home Lots. A lot shall be provided for each trailer coach or mobile home with the boundaries indicated by corner markers. Each lot shall be not less than 3,000 square feet in area with a minimum width of 40 feet and a minimum depth of 75 feet. Every trailer coach or mobile home shall be so located on the lot that there shall be at least 30 feet clearance between coaches or homes.

**14.DD.17** Setbacks. There shall be a 40 foot setback for all buildings, trailers and parking areas from the right-of-way line of any public or platted street. Where a future right-of-way line has been officially established by the Township, the setback shall be measured from said line. All buildings, trailer coaches, mobile homes or parking areas shall be setback a minimum of 25 feet from all sides and rear property lines of the trailer park or mobile home park and a minimum of 25 feet from drives.

**14.DD.18** Play Space. A minimum of 10,000 square feet of suitable play space shall be provided in an area or areas suitable to the Planning Commission for trailer parks or mobile home parks of 10 or less trailer lots or mobile home lots. An additional 200 square feet of play space shall be provided for each additional trailer lot or mobile home lot.

**14.DD.19** Other Public Space. Adequate space shall be provided for clothes drying adjoining laundry facilities.

**14.DD.20** Waste Disposal. Adequate central location for collecting waste and rubbish shall be provided. An incinerator may be provided if approved by the Planning Commission.

**14.DD.21** Water Supply. Water supply shall be approved by the State Department of Health (Environmental Protection).

**14.DD.22** Hot Water Supply. An abundant supply of hot water shall be provided at all times in service buildings and behind washing and laundry facilities.

**14.DD.23** Toilet Facilities. Toilet facilities shall be provided in accordance with recommended standards for trailer courts or mobile home courts.

**14.DD.24** Laundry Facilities. Automatic washing and drying equipment shall be provided adequate to the needs of the park with not less than one washer and one

dryer for each 10 trailers or mobile homes or major fraction thereof.

**14.DD.25** Service buildings, toilets, water supply and sewage disposal facilities shall be provided in accordance with the HHFA publication "Recommended Standards for Trailer Courts," and shall meet the requirements of the Pennsylvania Department of Environmental Protection.

**14.DD.26** Fire Hydrants. Where adequate public water is available a fire hydrant shall be installed within 600 feet of every trailer or mobile home.

**14.DD.27** Each mobile home shall be situated on a mobile home stand having not fewer than 10 columns or piers to support the weight of the mobile home; alternatively, the mobile home may be supported by columns on a concrete pad or slab. In either case, metal straps or bands, wire rope or similar material must be connected from the mobile home frame to the ground or pad at least at all corners to anchor the unit.

**14.DD.28** Each mobile home shall be provided with a skirting of durable material which shall entirely enclose the area beneath the mobile home.

**14.DD.29** Operation of Trailer Parks or Mobile Home Parks.

**14.DD.29.a.** **Care of Camp.** All drainage facilities, driveways, sidewalks, parking areas, service buildings, water supply and sewage disposal systems and other facilities required by this Chapter shall be maintained in a workable, safe and sanitary condition at all times.

**14.DD.29.b.** **Water Supply.** If the water supply for a trailer camp or mobile home camp is from a private source, it shall be tested for sanitary quality at intervals of 180 days. Tests shall be at a laboratory approved by the Pennsylvania Department of Environmental Protection.

**14.DD.29.c.** **Garbage Receptacles.** The park shall provide supervision and equipment sufficient to prevent littering the ground with rubbish and debris. Fly-tight metal depositories with tight-fitting covers shall be located at each trailer or mobile home or at a central location conveniently located not farther than 200 feet from any trailer coach or mobile home. Depositories shall be kept in a sanitary condition at all times. Garbage and rubbish shall not be mixed.

**14.DD.29.d.** **Registration.** The park shall keep a record of all guests, noting:

**14.DD.29.d.1)** Name and address of each occupant.

**14.DD.29.d.2)** License numbers of all units.

**14.DD.29.d.3)** State issuing such licenses.

**14.DD.29.d.4)** Time of arrival and departure.

**14.DD.29.d.5)** The park shall keep a copy of the registry available for inspection at any time by any authorized person and shall not destroy such a registry until the expiration of 12 months following the date of departure thereof.

**14.DD.29.e.** **Other Construction.** No other structure shall be erected on the lot or

attached to the trailer or mobile home.

**14.DD.29.f. Plumbing Installation.** All plumbing installation, alteration or repairing in the park shall be done in accordance with the "American Standard National Plumbing Code."

**14.DD.29.g. Electric Work.** All electrical work shall be in conformity with the National Board of Fire Underwriters.

**14.DD.29.h. Animals.** It shall be the duty of the park attendant to prevent the running at large of dogs, cats or other animals or pets.

**14.DD.29.i. Relocation or Suspension of Permit.** If upon inspection it shall be found that the permit holder has violated any provision of this Chapter, the Township Supervisors shall have the power to revoke or suspend any license and order the trailer coaches or mobile homes removed or the trailer park or mobile home park.

**14.DD.29.j. Inspection.** An inspection shall be made by a designated representative of the Township Supervisors to determine that all requirements of this Chapter have been complied with. The Township Supervisors may also require that the park be inspected at any time.

**14.DD.29.k. Provisions.** The provisions and regulations of this Chapter shall apply upon the adoption thereof to new trailer parks or mobile home parks, to any extension of the same or to any increase in the number of trailers or mobile homes in a park; provided, however, that the Township Supervisors may, upon application, grant such extensions of time or waive such requirements as may in their judgment be required by the specific circumstances, if literal enforcement of the provisions and regulations of this Chapter would result in unnecessary expense or hardship.

**End Article 14**

## **ARTICLE 15 - NONCONFORMING LOTS, USES, STRUCTURES AND BUILDINGS**

### **15.A. Statement of Intent.**

**15.A.1** Within the zoning districts established by this Ordinance or subsequent amendments thereto, there exist or will exist certain nonconformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated or restricted under the terms of this Ordinance or subsequent amendments thereto.

**15.A.2** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and on which actual building construction is completed within 1 year after such date.

### **15.B. Nonconforming Lots of Record.**

In any district, structures and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, that yard dimensions and requirements, other than those applying to area or width, or both, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

### **15.C. Nonconforming Uses of Land.**

Lawful uses of land, which at the effective date of this Ordinance or as a result of subsequent amendments thereto become nonconforming and where such use involves no individual structure or building, the use may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

**15.C.1** Extension. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was owned or leased by the user at the effective date of adoption or amendment to this Ordinance.

**15.C.2** Discontinuance. Whenever a nonconforming use has been discontinued for a period of 12 consecutive months, such use shall not thereafter be re-established. Any future use shall be in conformity with the provisions of this Ordinance.

**15.C.3** Change or Moving of Use. A nonconforming use, if changed to a conforming use, shall not thereafter be chanced back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use, provided that the Zoning Hearing Board shall find that the proposed use is equally

appropriate or more appropriate in the zoning district than the existing non-conforming use.

**15.C.4** Additional Structures or Buildings. No additional structures or buildings not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

**15.D. Nonconforming Structures or Buildings.**

Structures or buildings which at the effective date of this Ordinance or subsequent amendments thereto become nonconforming by reason of restrictions on area, lot coverage, height, yards, location on the lot or other requirements concerning the building or structure, may be continued to be used by the present or subsequent owner so long as such structure or building remains otherwise lawful, subject to the following provisions:

**15.D.1** Enlargement. No such nonconforming structure or building may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its non-conformity.

**15.D.2** Damage or Destruction. A nonconforming structure which is destroyed or partially destroyed by fire, explosion or by any means shall be reconstructed and used only in conformity with the provisions of this Ordinance. However, if construction begins within 12 months after destruction or partial destruction, and carries on without interruption, the same nonconforming structure or building may be re-established provided that it shall not exceed the height, area or volume of the destroyed or partially destroyed building or structure and such reconstructed building or structure shall not increase any dimensional nonconformity.

**15.D.3** Moving of Structure or Building. No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.

**15.E. Nonconforming Uses of Structures or Buildings.**

Lawful uses of structures or buildings which at the effective date of this Ordinance or as a result of subsequent amendments thereto become non-conforming, may be continued by the present or any subsequent owner so long as such use remains otherwise lawful, subject to the following provisions:

**15.E.1** Extension. A nonconforming use may be extended throughout any part of an existing structure or building, or a new extension may be constructed; provided, that any structural alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard and coverage requirements for the zoning district in which the structure or building is located. However, such extension of a nonconforming use shall not exceed 50% of the gross floor area occupied by said nonconforming use at the time such nonconforming use became nonconforming.

**15.E.2** Change of Use. A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may,

by special exception, be changed to another nonconforming use, provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.

**15.E.3** Discontinuance. Whenever a nonconforming use of a structure or building or portion thereof has been discontinued or abandoned for 12 consecutive months, future use of such structure or building shall be in conformity with the provisions of this Ordinance.

**15.E.4** Damage or Destruction. Destruction or partial destruction of the structure or building in which a nonconforming use is located, such that the non-conforming use is discontinued or abandoned for 12 consecutive months, shall eliminate the non-conforming use. However, if reconstruction begins within 12 months after destruction or partial destruction and carries on without interruption, the same nonconforming use may be re-established. The Zoning Hearing Board may, by special exception, authorize another equally appropriate or more appropriate use to be re-established.

**15.F. Unsafe or Unlawful Structures or Buildings.**

If a nonconforming structure or building or portions thereof containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, such structure or building shall not thereafter be restored, repaired or rebuilt, except in conformity with the regulations of the zoning district in which it is located.

**15.G. Uses Under Special Exception Provisions not Nonconforming Uses.**

Any use which is permitted as a special exception in a zoning district under the terms of this Ordinance and which existed at the adoption of this Ordinance (other than a change through Zoning Hearing Board action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such zoning district, but shall, without further action, be considered a conforming use.

**15.H. Registration of Nonconforming Uses and Structures or Buildings.**

To facilitate the administration of this Ordinance, it shall be the duty of the Zoning Officer to prepare and maintain an accurate listing of all nonconforming uses, structures and buildings. Such a listing shall be a matter of public record and shall constitute sufficient notice of the nonconforming status of said property and the limitations therein expressed and implied to any transferee acquiring any right to use or own such property.

**15.I. Repairs and Maintenance.**

Nothing in this Ordinance shall be deemed to prevent any repairs or maintenance of a nonconforming building or structure.

**End Article 15**

## ARTICLE 16 - ADMINISTRATION AND ENFORCEMENT

### 16.A. Intent.

#### 16.A.1 Administration, Enforcement and Authority.

16.A.1.a. A Zoning Officer shall be appointed by the Township Board of Supervisors to administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Township Supervisors may direct. The Zoning Officer shall administer the Ordinance in accordance with its literal terms and he shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance.

16.A.1.b. If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall have the authority to order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings, signs or structures or illegal additions, alterations or structural changes; discontinuance of any illegal work in process; or any other action provided by this Ordinance to ensure compliance with, or prevent violation of its provisions.

16.A.1.c. A Zoning Officer may not hold any elective office in the Township.

#### 16.A.2 Duties and Powers of Zoning Officer.

It shall be the duty of the Zoning Officer to enforce, literally, the provisions of this Ordinance and amendments and he shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

16.A.2.a. Receive applications for and issue zoning permits and sign permits as permitted by the terms of this Ordinance.

16.A.2.b. Keep an official record of all business and activities. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as they remain in existence.

16.A.2.c. Make inspections as required to fulfill his duties including determining compliance with all provisions of this Ordinance and any conditions of Boards' approvals granted pursuant to the provisions of this Ordinance. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties with the consent of the owner.

16.A.2.d. Issue permits for special exception uses or for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in



accordance with the regulations of this Ordinance.

- 16.A.2.e.** Be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.
- 16.A.2.f.** Issue certificates of use and occupancy in accordance with the terms of this Ordinance.
- 16.A.2.g.** The Zoning Officer shall identify and register nonconforming uses and structures created as a result of the adoption of this Ordinance or created as a result of amendments thereto.
- 16.A.2.h.** The Zoning Officer shall investigate alleged violations of the Zoning Ordinance when in receipt of a signed written complaint stating fully the cause and basis thereof. If a signed written complaint is received, said investigation shall be completed within thirty (30) days of said complaint. A written report of all investigations of the Zoning Ordinance shall be prepared and filed by the Zoning Officer and a copy sent to the Board of Township Supervisors.
- 16.A.2.i.** Upon the request of the Board of Supervisors or Zoning Hearing Board, the Zoning Officer shall be responsible for keeping this Ordinance and the Zoning Map up-to-date, including any amendments thereto.

## **16.B. Zoning Permit.**

No building, including mobile home, structure, swimming pool or permanent sign shall be erected, constructed, moved, added to or structurally altered, nor shall land be put to any use without a zoning permit therefore, issued by the Zoning Officer. No such permit shall be issued, except in conformity with the provisions of this Ordinance or upon written order from the Zoning Hearing Board in the form of a special exception, variance or as otherwise provided for by this Ordinance, any applicable laws or any court of competent jurisdiction. No zoning permit shall be required for repairs to and maintenance of any building, structure, sign or land, provided that such repairs do not change the use, alter the exterior dimensions of the building, structure or sign, or otherwise violate the provisions of this Ordinance or other ordinances of the Township. Further, no provision of this Ordinance shall eliminate the applicability of the Uniform Construction Code of the Commonwealth of Pennsylvania to the construction, alteration or maintenance of any building or structure as prescribed by the laws of the Commonwealth of Pennsylvania.

### **16.B.1** Form of Application.

**16.B.1.a.** All applications shall be made in writing by the property 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, the application shall contain written authorization of the owner that the proposed work is authorized by the owner. The application shall be accompanied by two sets of plans showing at least the following information if applicable:

**16.B.1.a.1)** Actual dimensions and shape of the lot to be built upon, including contours at 2 foot intervals within 200 feet of the building.

**16.B.1.a.2)** The exact size and location on the lot of buildings, structures or

sign existing and/or proposed extensions thereto.

- 16.B.1.a.3)** The number of dwelling units, businesses, etc. all structures are to accommodate, if applicable.
- 16.B.1.a.4)** Parking spaces provided and/or loading facilities including driveways and access drives.
- 16.B.1.a.5)** Statement indicating the existing or proposed use.
- 16.B.1.a.6)** Height of structure, building or sign.
- 16.B.1.a.7)** All other information necessary for such Zoning Officer to determine conformance with and provide for enforcement of this Ordinance including proposed building coverage and impervious coverage, distance of buildings and structures from lot lines and street –rights-of-way, landscaping and buffer yards and screens, and solid waste storage areas outside of buildings.
- 16.B.1.a.8)** A statement indicating the type of construction and the manner of installation for signs, together with the materials to be used.
- 16.B.1.a.9)** A written agreement that the applicant is the owner of the premises on which the sign will be erected or that the applicant has obtained the consent of the owner or lessee of such premises to erect such sign.
- 16.B.1.a.10)** Approved permit for sewage disposal.
- 16.B.1.a.11)** If the proposed development, excavation, or construction is located within the Floodplain Zone, the following information is specifically required to accompany the application:
  - 16.B.1.a.11)a** The accurate location of the floodplain and floodway.
  - 16.B.1.a.11)b** The elevation in relation to the National Geodetic Vertical Datum of 1929 (NGVD) of the lowest floor.
  - 16.B.1.a.11)c** The elevation in relation to the NGVD to which all structures and utilities will be flood proofed or elevated.
- 16.B.1.a.12)** Applications involving any excavation or earthmoving shall require submission of one or more of the following:
  - 16.B.1.a.12)a** Applications for permits involving agricultural or non-agricultural use where any of the following conditions apply shall require submission of written evidence that the proposed use has a Conservation Plan or an Erosion and Sedimentation Pollution Control Plan approved by the Lebanon County Conservation District
    - i) The area of earth disturbance will be one (1) acre or larger.
    - ii) The piping of storm water or the alteration of natural or man-made watercourses is proposed.
    - iii) The site includes slopes exceeding ten (10) percent.
    - iv) The site contains or abuts a body of water or a watercourse.

- v) The site and proposed use or activity presents the potential for sedimentation to nearby bodies of water.

**16.B.1.a.12)b** Applications for permits that do not involve agricultural uses or activities, and do not involve any of those conditions listed above shall require the submission of a signed statement by the applicant that an adequate Erosion and Sedimentation Pollution Control Plan will be developed, implemented, and maintained prior to any excavation or earthmoving on the site.

**16.B.1.a.13)**The following information shall be provided as a part of the application for all commercial and industrial uses:

**16.B.1.a.13)a** A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

**16.B.1.a.13)b** Engineering plans for treatment and disposal of sewage and industrial waste, tailings, and unusable by-products.

**16.B.1.a.13)c** Engineering plans for the handling of traffic, noise, glare, air pollution, water pollution, vibration, fire hazards, or safety hazards, smoke, or emission of any potentially harmful or obnoxious matter or radiation.

**16.B.1.a.13)d** Designation of the manner by which sanitary sewage and storm water shall be disposed and water supply obtained.

**16.B.1.a.13)e** The proposed number of shifts to be worked and the maximum number of employees on each shift.

**16.B.1.a.13)f** Where use by more than one (1) firm is anticipated, a list of firms which are likely to be located in the center, their floor area, and estimated number of employees shall be provided.

**16.B.1.b.** One copy of the plans shall be returned to the applicant by the Zoning Officer after he shall have marked such copies either as approved or disapproved and attested to same by his signature on such copy.

**16.B.1.c.** One copy of all such plans shall be retained by the Zoning Officer for his permanent records.

**16.B.1.d.** Such approval and zoning permit shall be issued or refused within 30 days from date of application. In case of refusal, the applicant shall be informed of his rights of appeal. The application for a permit shall be submitted in such form as the Zoning Officer may prescribe.

**16.B.2** Expiration of Zoning Permit.

**16.B.2.a.** Zoning permit shall expire within 3 months from date of issuance if work described in any permit has not begun. If work described in any zoning permit has begun within the 3 month period, said permit shall expire after

1 year from date of issuance thereof. However, an extension of time not to exceed 1 year may be granted by the Zoning Officer.

**16.B.2.b.** If the work described therein has not been completed within 2 years from the date of issuance, all work shall cease and shall not thereafter be commenced unless and until a new building and zoning permit is obtained.

**16.B.3** Revocation of Zoning Permit.

The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of fact in the application or on the plans upon which the Permit or approval was based, or if it is found that the work performed or the use to which the property is put is not in conformance with the application, or for any other cause set forth in this Ordinance.

**16.B.4** Display of Zoning Permit.

All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy.

**16.C. Certificate of Use and Occupancy.**

A certificate of use and occupancy shall be required upon the completion of the work contemplated. It shall be unlawful to sue and/or occupy any structure, building and/or land or portions thereof in any manner until a certificate of use and occupancy has been issued.

**16.C.1** Form of Application. The application for certificate of use and occupancy shall be submitted in such form as the Zoning Officer may prescribe and shall be submitted at such time that the zoning permit holder provides notification that the proposed work that was listed under the zoning permit has been completed.

**16.C.2** Issuance of Certificate of Use and Occupancy.

**16.C.2.a.** The Zoning Officer shall inspect any structure, building, sign and/or land or portions thereof and shall determine the conformity therewith. If he is satisfied that the completed work is in conformity with this Ordinance and with the work listed in the zoning permit he shall issue a certificate of use and occupancy.

**16.C.2.b.** Certificate of use and occupancy shall be granted or refused in writing, within 10 days from the date of application.

**16.C.2.c.** In zones in which performance standards are imposed, no certificate of occupancy shall become permanent until 30 days after the facility is fully operating and only after, upon reinspection by the Zoning Officer, it is determined that the facility is in compliance with all performance standards. After said reinspection, the Zoning Officer shall notify the applicant that the facility is in full compliance with all performance or that

the facility does not comply and that the certificate of use and occupancy is still temporary.

**16.C.2.d.** The Zoning Officer may issue a Temporary Certificate of Use and Occupancy for such temporary structures as tents, trailers, and construction-related buildings when located on construction sites, or when intended for other temporary uses or occupancy. Such Temporary Certificates shall be for a period of time to be determined by the Zoning Officer, but shall in no case exceed six (6) months.

**16.D. Enforcement Notice.**

The Zoning Officer shall serve a notice of violation on any person, firm, corporation or partnership responsible for violating any of the provisions of this Ordinance or in violation of a detailed statement of a plan approved thereunder. Notice of violation shall be in writing, indicating the location of the property in question, the name of the owner of record, the nature of the violation including which Ordinance requirements have not been met, the action necessary to correct same, that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a designated period of time in accordance with procedures set forth in this Ordinance, and the possible sanctions for failure to comply with the violation notice in the time period set forth. If the notice of violation is not complied with within the time period set forth in said notice, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and; or land involved in said violation.

**16.E. 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 Zoning Officer, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or landscaping, or to prevent in or about such premises any act, conduct, business, or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

**16.F. Enforcement Remedies**

**16.F.1** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable

rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, cost and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.

**16.F.2** The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

**16.F.3** Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

**16.F.4** District justices shall have initial jurisdiction over proceedings brought under this Section.

#### **16.G. Schedule of Fees, Charges and Expenses.**

**16.G.1** The Board of Supervisors shall establish, by resolution,, a schedule of fees, charges and expenses and collection procedures for zoning permits, certificates of occupancy, special exceptions, variances and appeals and other matters pertaining to this Ordinance. The Board of Supervisors may make any necessary changes to the fee schedule by resolution adopted at any public meeting of the Board of Supervisors. Such changes shall not be considered an amendment to this Ordinance.

**16.G.2** The schedule of fees shall be available for inspection in the office of the Zoning Officer and may be altered or amended by the Board of Supervisors, by resolution.

**16.G.3** Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal and no mandated time frames shall start.

#### **16.H. Public Utility Corporations Exempted.**

**16.H.1** This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission, after a public hearing, decides that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public.

**16.H.2** This exemption shall not apply to telecommunications antennas, communications equipment buildings, and communications towers for wireless telecommunications services regulated under the 1996 Telecommunications Act.

**16.I. Compliance with State and Federal Regulations.**

No authorization for a zoning permit or a Certificate of Use and Occupancy shall be granted by the Zoning Hearing Board or the Zoning Officer for any use, building, structure, or sign unless evidence has been submitted to the Township that the applicant has complied with all applicable laws, rules and regulations of the Commonwealth and federal governments.

**16.J. Amendments.**

The provisions of this Ordinance and boundaries of zoning districts as set forth on the official zoning map may, from time to time, be amended or changed by the Board of Supervisors of the Township, in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.

**16.J.1 General Procedure**

Proposals for amendment, supplement, change, modification, or repeal of the Zoning Ordinance may be initiated by the Board of Supervisors, by the Township Planning Commission, or by a petition to the Board of Supervisors by an interested party, subject to the following provisions:

**16.J.1.a.** Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

**16.J.1.a.1)** In addition to the requirement that notice be posted under clause (1), where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection.

**16.J.1.b.** In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Township Planning Commission an opportunity to submit recommendations in writing to the Board of Supervisors.

**16.J.1.c.** If, after any public hearing held upon an amendment, the proposed amendment is changed, or is revised, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to

vote on the amendment.

**16.J.1.d.** At least thirty (30) days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the Lebanon County Planning Commission for recommendations.

**16.J.1.e.** Within thirty (30) days after the enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the Lebanon County Planning Commission.

**16.J.1.f.** A petition for amendment, supplement, change or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned, and all of the reasons supporting the petition to be considered. The petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of the petition materials.

## **16.J.2** Publication and Advertisement

**16.J.2.a.** Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

**16.J.2.a.1)** A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published;

**16.J.2.a.2)** An attested copy of the proposed ordinance shall be filed in the County Law Library or other County office designated by the Lebanon County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

**16.J.2.b.** In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, readvertise, in one



newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

**16.J.2.c.** Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

**16.J.3** Curative Amendments by Landowner

A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in the Municipalities Planning Code.

**16.J.4** Curative Amendments by the Board of Supervisors

If the Board of Supervisors determines that this Zoning Ordinance or any portion thereof is substantially invalid, the Board of Supervisors shall declare by formal action, this Zoning Ordinance or portions hereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity and amend this Ordinance in accordance with the requirements in the Municipalities Planning Code.

**End Article 16**

## **ARTICLE 17 - ZONING HEARING BOARD**

### **17.A. Creation; Appointment; Organization.**

#### **17.A.1** Creation of Board

The Board of Supervisors hereby creates a Zoning Hearing Board, herein referred to as the Board, consisting of three residents of the Township appointed by the Board of Supervisors pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, who shall perform all the duties and have all the powers prescribed by said Code and as herein provided.

#### **17.A.2** Appointment

One member of the Board shall be designated to serve until the first day of January following the adoption of this Ordinance, one until the first day of the second January thereafter and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve for a term of 3 years. Members of the Board shall hold no other elected or appointed office in the Township nor shall any member be an employee of the Township.

#### **17.A.3** Alternate Members

The Board of Supervisors may appoint by resolution at least one but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office an alternate member shall be three (3) years. When seated in accordance with Section 8.A.7.c., an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth on this Ordinance and otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the board nor be compensated pursuant to Section 8.A.6 unless designated as a voting alternate member pursuant to Section 8.A.7.c of this Ordinance.

#### **17.A.4** Removal

Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held if the Board member requests one in writing.

#### **17.A.5** Vacancies

Vacancies shall be filled by appointment by the Board of Supervisors for the unexpired portion of the vacated term as provided by the Second Class Township Code.

#### **17.A.6** Compensation and Expenditures for Services

**17.A.6.a.** The members of the Board may receive such compensation as shall be fixed by the Board of Supervisors, by resolution, but in no case may it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

**17.A.6.b.** Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

**17.A.7** Organization

**17.A.7.a.** The Board may promulgate such rules and forms for its procedure, not inconsistent with this and other ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary to the proper performance of its duties and to the proper exercise of its powers. Such rules shall be continued in force and effect, until amended or repealed by the Board or by law.

**17.A.7.b.** The Board shall elect from its own membership its officers who shall serve annual terms as such, and may succeed themselves.

**17.A.7.c.** If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

**17.A.8** Minutes and Records

The Board shall keep full stenographic records of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be immediately filed with the Secretary of the Board of Supervisors. The Board shall submit a report of its activities each year to the Board of Supervisors.

**17.B. Public Hearings.**

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

**17.B.1** Public Notice

Written notice shall be given and shall be given to the applicant, the Township Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance and to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at

least one week prior to the hearing.

**17.B.2** Fees

The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

**17.B.3** Conduct of Hearing

The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

**17.B.4** Parties

The parties to the hearing shall be Union Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear before the Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

**17.B.5** Powers

The chairman or acting chairman of the Zoning Hearing Board or the hearing office presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

**17.B.6** Parties Right of Representation

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

**17.B.7** Rules

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

**17.B.8** Record

The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such

appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

**17.B.9** Communication

The Zoning Hearing Board or hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of a communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

**17.B.10** Decisions

The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with reasons therefore. Conclusions based on any provisions of this Ordinance or any Township ordinance, rule or regulation, or the MPC, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Zoning Hearing Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 8.B of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

**17.B.11** Notification of Decision

A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him. To all other persons who have filed their name and address with the Zoning Hearing Board no later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of

the decision or findings and a statement of the place at which the full decision or findings may be examined.

### **17.C. Jurisdiction**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

#### **17.C.1 Substantive Validity Challenge**

Substantive challenges to the validity of this Ordinance, except those brought before the Board of Supervisors pursuant to Section 609.1 or Section 916.1(a)(2) of the Municipalities Planning Code. In all such challenges, the Zoning Hearing Board shall take evidence and make a record thereon as provided in Section 8.B.8. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

#### **17.C.2 Procedural Challenge**

Challenges to the validity of this Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of this Ordinance.

#### **17.C.3 Appeals from the Determination of the Zoning Officer**

Appeals from the determination of the Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

#### **17.C.4 Appeals from the Determination of Flood Hazard or Flood Plain Provisions**

Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard provisions within this Ordinance.

#### **17.C.5 Variances**

Applications for variances from the terms of this Ordinance and the flood hazard provisions within this Ordinance, herein the Natural Features Overlay.

#### **17.C.6 Special Exceptions**

Applications for special exceptions under this Ordinance or flood plain or flood hazard provisions within this Ordinance herein the Natural Features Overlay.

#### **17.C.7 Appeals from the Preliminary Opinion of the Zoning Officer**

Appeals from the Zoning Officer's determination of Preliminary Opinion pursuant to Section 916.2 (and any subsequent amendments) of the Municipalities Planning Code.

#### **17.C.8 Appeals from the Determination of Erosion and Sedimentation and Stormwater Management**

Appeals from the determination of the Zoning Officer or Township Engineer in the

administration of any provision of this Ordinance with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under the Subdivision/Land Development Ordinance.

## **17.D. Variances**

### **17.D.1 General**

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule, prescribe the form of application.

### **17.D.2 Standards for Variance**

The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

**17.D.2.a.** That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;

**17.D.2.b.** That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

**17.D.2.c.** That such unnecessary hardship has not been created by the appellant;

**17.D.2.d.** That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare, and;

**17.D.2.e.** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

### **17.D.3 Filing Requirements**

**17.D.3.a.** All applications for variances shall be submitted to the Zoning Officer. All applications shall be made on a form supplied by the Township and shall contain all information requested on such form. All application shall also contain the following information:

**17.D.3.b.** Name and address of the applicant, and if different, the name and address of the landowner. If the applicant is not the landowner of record, information demonstrating that the applicant has the legal right to make the application shall accompany the application.

**17.D.3.c.** Dimensions and shape of the lot to be developed, and the exact location

and dimensions of any structure existing or to be erected.

**17.D.3.d.** The height of any proposed buildings or structures.

**17.D.3.e.** Existing and proposed uses of all existing and proposed structures and land uses.

**17.D.3.f.** Existing and proposed off-street parking and loading facilities.

**17.D.3.g.** A site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.

**17.D.3.h.** A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including citations to Sections of this Ordinance under which the application is filed.

**17.D.3.i.** A listing of all special exception uses and/or variances which the applicant is requesting in connection with the proposed use.

#### **17.D.4** Conditions

The Zoning Hearing Board in approving variance applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described herein.

#### **17.D.5** Site Plan Approval

Any site plan presented in support of the variance shall become an official part of the record for said special exception. Approval of any variance will also bind the use in accordance with submitted site plan; therefore, should a change in the site plan be required as part of the approval of the variance, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the granting of another variance.

#### **17.D.6** Expiration of Variance

Unless otherwise specified by the Zoning Hearing Board, a variance which has been authorized by the Zoning Hearing Board shall expire if the applicant fails to obtain a zoning permit within six (6) months from the date of authorization thereof or fails to commence a substantial amount of work within six (6) months from the date of issuance of the permit for such work.

### **17.E. Special Exceptions**

#### **17.E.1** General

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria set forth in this Ordinance.

#### **17.E.2** Filing Requirements



All applications for special exceptions shall be submitted to the Zoning Officer. All applications made on the form supplied by the Township shall contain all information requested on such form. All applications shall also contain the following information:

- 17.E.2.a.** Name and address of the applicant, and if different, the name and address of the landowner. If the applicant is not the landowner of record, information demonstrating that the applicant has the legal right to make the application shall accompany the application.
- 17.E.2.b.** Dimensions and shape of the lot to be developed, and the exact location and dimensions of any structure existing or to be erected.
- 17.E.2.c.** The height of any proposed buildings or structures.
- 17.E.2.d.** Existing and proposed uses of all existing and proposed structures and land uses.
- 17.E.2.e.** Existing and proposed off-street parking and loading facilities.
- 17.E.2.f.** A site plan with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
- 17.E.2.g.** A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance, including citations to Sections of this Ordinance under which the application is filed.
- 17.E.2.h.** A listing of all special exception uses and/or variances which the applicant is requesting in connection with the proposed use.

### **17.E.3** Referral to Township Planning Commission

All applications for a special exception shall be referred to the Township Planning Commission for review and comment. However, the Zoning Hearing Board shall meet the time limits for a decision provided in this Section, regardless of whether the Township Planning Commission has provided comments.

### **17.E.4** General Criteria

Each applicant must demonstrate compliance with the following:

- 17.E.4.a.** The proposed use shall be consistent with the purpose and intent of this Ordinance;
- 17.E.4.b.** The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
- 17.E.4.c.** The proposed use will not substantially change the character of the subject property's neighborhood;
- 17.E.4.d.** Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
- 17.E.4.e.** For development within the Floodplain Zone, that the application complies with those requirements listed in this Ordinance;

**17.E.4.f.** The proposed use shall comply with those criteria specifically listed in this Ordinance. In addition, the proposed use must comply with all other applicable regulations contained in this Ordinance; and,

**17.E.4.g.** The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

**17.E.5** Conditions

The Zoning Hearing Board in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described herein.

**17.E.6** Site Plan Approval

Any site plan presented in support of the special exception shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another special exception approval.

**17.F. Procedures for Application to the Zoning Hearing Board.**

The Board shall act in strict accordance with the procedure specified by Article IX of the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. In the event the procedures set forth in this Ordinance shall be in conflict with or contrary to the procedures set forth in the Pennsylvania Municipalities Planning Code, as amended, then and in such event the procedures set forth in the latter shall prevail. Applications and appeals, together with the required filing fee, as established by the Board of Supervisors, shall be submitted to the Secretary of the Zoning Hearing Board.

**17.F.1.a.** Parties Appellant Before the Zoning Hearing Board. Appeals under Section 8.C(3, 4, 7 and 8) and proceedings to challenge this Ordinance under Section 8.C(1 and 2) may be filed with the Board in writing by the landowner affected, by an officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 8.D and for special exception under Section 8.E may be filed with the Board by any landowner or any tenant with the permission of such landowner.

**17.F.1.b.** Time Limitations; Persons Aggrieved. No person shall be allowed to file any proceeding with the Board later than 30 days after any application for

development, preliminary or final, has been approved by an appropriate officer to the Township agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval has been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

### **17.G. Stay of Proceedings.**

Upon filing of any proceeding referred to in Section 8.G, and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

### **17.H. Expiration or Revocation of a Zoning Hearing Board Decision.**

**17.H.1** The granting or approval of a special exception or variance shall be valid only for the petitioner and the property specified in the petition. Alterations or changes to the use or building authorized by the Zoning Hearing Board shall require re-application to the Board. If the special exception or variance has not been implemented within 2 years of the date of the Zoning Hearing Board decision, said approval shall expire and become null and void. If the property affected by the variance or special exception is transferred in ownership prior to the implementation of the special exception or variance, said approval shall immediately become invalid upon such transfer or ownership.

**17.H.2** The Zoning Hearing Board may revoke approval of a variance or special exception where:

**17.H.2.a.** The petitioner repeatedly violates conditions or safeguards specified in the Board's decision.

**17.H.2.b.** The petitioner initiates use or construction contrary to the Board's decision.

**17.H.2.c.** The petitioner is found to have misrepresented or falsified information pertinent to the Board's decision.

**17.H.3** Violation of the conditions or safeguards or use or construction contrary to that Specified by the Zoning Hearing Board decision shall be deemed a violation of

this Ordinance, punishable under Section 7.F of this Ordinance. Revocation of the Zoning Hearing Board approval shall not preclude the Township from proceeding in courts of law or equity to prevent or remedy violations of this Ordinance.

**17.I. Appeals From the Zoning Hearing Board.**

Any person or persons or the Township aggrieved by any decision of the Zoning Hearing Board may appeal to the Court of Common Pleas. Appeal shall be taken in accordance with Act 247 (the Municipalities Planning Code), and other prevalent laws of the State of Pennsylvania.

**17.J. Duties of Zoning Officer, Zoning Hearing Board, Township Supervisors and Courts on Matters of Appeal.**

**17.J.1** It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and then the Zoning Hearing Board. Recourse from the decisions of the Zoning Hearing Board shall be to the courts as provided in Section 8.J.

**17.J.2** It is further the intent of this Ordinance that the duties of the Township Supervisors in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Ordinance. Under this Ordinance the Township Supervisors shall have only the duties (i) of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law; (ii) of establishing a schedule of fees and charges as stated in Section 7.G; and (iii) those duties specifically noted in other Sections of this Ordinance.

**End Article 17**

## **ARTICLE 18 - MISCELLANEOUS**

### **18.A. Appeals.**

Proceedings for securing review of any ordinance, decision, determination or order of the Board of Supervisors, its agencies or officer, adopted or issued pursuant to this Ordinance, shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

### **18.B. Effective Date.**

This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Union Township, Lebanon County, Pennsylvania.