

## **Chapter 27**

### **Zoning**

#### **Part 1**

##### **Title, Purpose, Interpretation, Application and Notice**

- §27-101. Title
- §27-102. Purpose

#### **Part 2**

##### **Definitions**

- §27-201. General Definitions and Usages
- §27-202. Specific Definitions

#### **Part 3**

##### **Zoning Districts**

- §27-300. Types of Zoning Districts
- §27-301. Official Zoning Map
- §27-302. District Boundaries – Rules for Interpretation
- §27-303. Application of District Regulations
- §27-304. Historic District Overlay
- §27-305. Institutional District Overlay
- §27-306. Village District Overlay
- §27-307. Floodplain District Overlay

#### **Part 4**

##### **District Regulations**

- §27-400. TC – Town Center District
- §27-401. GC – Gateway Commercial District
- §27-402. C – Commercial District
- §27-403. LI – Light Industrial District
- §27-404. I – Institutional District
- §27-405. P – Park District
- §27-406. R1 – Low Density Residential District
- §27-407. R2 – Medium Density Residential District
- §27-408. R3 – High Density Residential District
- §27-409. R4 – Manufactured Homes District

**Part 5**  
**General Regulations**

- §27-500. Signs
- §27-501. Parking
- §27-502. Outdoor Lighting
- §27-503. Landscaping
- §27-504. Compliance with Other Township Regulations
- §27-505. Access to Structures
- §27-506. Erection of More Than One Principal Structure on a Lot
- §27-507. Prohibited Uses
- §27-508. Fences, Walls and Hedges
- §27-509. Water Supply and Sewerage Facilities Required
- §27-510. Home Occupation Regulations
- §27-511. No-impact Home-based Business
- §27-512. Gasoline Pumps and all Other Equipment
- §27-513. RESERVED (This section intentionally left blank.)
- §27-514. Minimum Floor Area
- §27-515. Foundations
- §27-516. Front Yard Exceptions
- §27-517. Residential Conversion Regulations
- §27-518. Reduction of Lot Area
- §27-519. Exceptions to Height Regulations
- §27-520. RESERVED (This section intentionally left blank.)
- §27-521. Control of Street Access
- §27-522. Loading Areas
- §27-523. Corner Lot Restrictions
- §27-524. Projections into Yards
- §27-525. Storage of Vehicles and Recreational Equipment
- §27-526. Driveways
- §27-527. Accessory Buildings, Structures, and Uses
- §27-528. Bed and Breakfast Inn Regulations
- §27-529. Conduct of Agricultural Activities
- §27-530. Recreational Development Regulations
- §27-531. Standards for Public Utility Uses
- §27-532. Forestry
- §27-533. Alternative Energy Requirements
- §27-534. Roadway Access
- §27-535. Wireless Telecommunications Facilities
- §27-536. Setbacks from Quittapahilla Creek
- §27-537. Setbacks from Quittie Creek Nature Park
- §27-538. Homesharing

**Part 6**

**Historic and Environmental Resource Protection**

- §27-600. Historic Resource Protection
- §27-601. Woodland Controls
- §27-602. Reserved
- §27-603. Reserved
- §27-604. Environmental Performance Standards
- §27-605. Floodplain District Overlay (FDO)

**Part 7**

**Non-Conforming Lots, Uses, Structures and Buildings**

- §27-700. Statement of Intent
- §27-701. Non-Conforming Lots of Record
- §27-702. Non-Conforming Uses of Land
- §27-703. Non-Conforming Structures
- §27-704. Non-Conforming Uses of Structures or Land and Structures in Combination
- §27-705. Special Exception or Conditional Uses are not Non-Conforming Uses

**Part 8**

**Administration and Enforcement**

- §27- 800. Zoning Officer
- §27- 801. Zoning Permits
- §27- 802. Certificate of Use and Occupancy
- §27- 803. Sign Permits
- §27- 804. Schedule of Fees, Charges and Expenses
- §27- 805. Amendments
- §27- 806. Causes of Action
- §27- 807. Enforcement Notice
- §27- 808. Enforcement Remedies
- §27- 809. Appeals
- §27- 810. Conditional Use Procedures
- §27-811. Uses Not Provided For

**Part 9**

**Zoning Hearing Board**

- §27-900. Creation and Organization
- §27-901. Public Hearings
- §27-902. Functions of the Zoning Hearing Board
- §27-903. Procedures for Application to the Zoning Hearing Board
- §27-904. Time Limitations
- §27-905. Submission of Applications for Special Exceptions and Variances
- §27-906. Multiple and Pending Applications

**Part 10  
Enactment**

- §27-1000. Public Utilities Corporation Exempted
- §27-1001. Severability
- §27-1002. Repeal of Conflicting Ordinances
- §27-1003. Effective Date

**Appendix 1  
Recommended Plant Species**

10-12-16

AN ORDINANCE OF THE TOWNSHIP OF ANNVILLE, LEBANON COUNTY, PENNSYLVANIA, REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; AND FOR SAID PURPOSES CREATING DISTRICTS AND ESTABLISHING THE BOUNDARIES OF SUCH DISTRICTS; PROVIDING FOR CHANGES IN THE REGULATIONS, RESTRICTIONS AND BOUNDARIES OF SUCH DISTRICTS; DEFINING CERTAIN TERMS USED HEREIN; CREATING A ZONING HEARING BOARD; PROVIDING FOR ENFORCEMENT; IMPOSING FINES AND PENALTIES FOR VIOLATION IN ORDER TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE RESIDENTS OF THE TOWNSHIP OF ANNVILLE; AND REPEALING ORDINANCE NO. 407 OF ANNVILLE TOWNSHIP ENACTED DECEMBER 27, 1983, AS AMENDED.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Annville, Lebanon County, Pennsylvania, by the authority of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code as amended as follows:

10-12-16

## **Part 1**

### **Title, Purpose, Interpretation, Application and Notice**

#### **§27-101. Title**

This Ordinance shall be known as the Annville Township Zoning Ordinance.

#### **§27-102. Purpose**

This chapter is enacted for the purpose of promoting the health, safety and general welfare of the community. It is intended to:

- Protect value, amenity, convenience, and safety by guiding future development and growth.
- Encourage the most appropriate use of land throughout the Township by regulating the type, location and use of Structures, public grounds and other facilities.
- Facilitate energy conservation and the development of alternative sources of energy.
- Support the vitality of the central business district by fostering small business development and creating a business-friendly environment.
- Recognize the special needs of institutions located within the Township.
- Promote preservation of the Township's natural and historic resources (sites and Structures).
- Take into account past development, which may be incompatible with current practice.
- Provide for the administration and enforcement of this ordinance.

## Part 2

### Definitions

#### §27-201. General Definitions and Usages

Unless otherwise expressly stated, the following words shall, for the purposes of this Ordinance, have the meaning herein indicated:

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

The words *as amended from time to time* and the like as applied to any statute, ordinance, code regulation, plan or map, includes replacements, supplements or restatements thereof;

The word *person* includes a firm, association, organization, partnership, trust, company, or corporation or similar entities as well as an individual.

The word *land* includes the words *water* and *marsh*.

The word *lot* includes the word *plot* or *parcel*.

The terms *shall* and *must* are always mandatory, the word *may* is permissive.

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

Words in the masculine gender include the feminine and the neuter.

The word *building* includes *structure* and shall be construed as if followed by the phrase *or part thereof*.

The terms *such as*, *including* and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such terms appear without limiting or derogating from the general application of the sentence, clause or phrase in which such terms appear.

References to a particular Article, Section or Subsection which inherently refers to other Articles, Sections or Subsections, includes all Articles, Sections or Subsections referred to.

In addition to the definitions in this article, additional definitions in this or other ordinances, applicable regulations, or appendices thereto may apply or be called into application by reference. In case of conflict, the more stringent or restrictive definition shall apply.

When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

Figures and drawings contained in this chapter are for the purpose of illustration. If a discrepancy exists between such illustration and the text of this chapter, the text shall control.

**§27-202. Specific Definitions.** (See also further definitions pertaining to the Institutional Overlay, §27-305; Signs, §27-500; Alternative Energy Requirements, §27-533; and the Floodplain Overlay, §27-606).

*Access drive* – A private drive providing vehicular access between a public or private street and a building, parking area or loading area within a land development.

*Access point* – The location of the intersection of an access drive with a public street.

*Accessory dwelling unit (ADU)* – A temporary dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption to the occupants of the principal dwelling. The ADU may be attached to an existing house or garage, or it may be built as a stand-alone unit, but it usually uses the water and energy connections of the primary house.

*Accessory structure* – a building detached from and subordinate to the principal building or use on the same lot and used for purposes customarily incidental to the principal building, but not including vehicles, manufactured homes, travel trailers, truck trailers, or any parts thereof. An accessory structure may not house a principal use nor may it stand alone on a lot as a principal building.

*Accessory use* – a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

*Act 247* – See *Pennsylvania Municipalities Planning Code*.

*Adjacent grade* – The natural elevation of the ground surface prior to construction next to the proposed structure.

*Adult entertainment establishment* – Any one of the following:  
An establishment, having as a substantial or significant portion of its stock in trade or in which are displayed or viewed, magazines, periodicals, books, drawings, photographs, videos, paraphernalia, or other materials which are distinguished or characterized by their emphasis on depicting, describing or displaying sexual activities or conduct or exposed male or female genital areas, which establishment excludes minors by virtue of age pursuant to the laws of the Commonwealth of Pennsylvania.

An establishment or place of assembly to which the public is permitted or invited: (a) which has all or a substantial or significant portion of its stock in trade consisting of the following items: (i) books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas; or (ii) instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; or (b) wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas; or (c) which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping; or persons whose performance or activities include simulated or actual sex acts; or (d) offer its patrons any other retail goods, services, or entertainment which is

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characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas; (e) or any establishment having a source of income or compensation derived from the practice of massage and which has a fixed place of business where any person, firm, association or corporation engages in or carries on the practice of massage, provided, however, that this shall not be construed to include a hospital, nursing home, medical clinic or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the Commonwealth of Pennsylvania, nor barber shops or beauty salons in which massages are administered only to the scalp, face, neck or the shoulders.

*Agriculture* – the cultivation of the soil for food products or other marketable products, not including animal husbandry or storage and/or processing of products grown on other premises.

*Airport* – an improved airstrip/landing strip where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, accommodations for passengers, freight, etc.

*Airstrip/Landing strip* – an area adapted with minimal improvements for use as a temporary runway for aircraft.

*Alley* – a public thoroughfare, other than a street, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation. Frontage on an alley shall not be construed as satisfying the requirements related to frontage on a street. The Township will maintain a list of its alleys.

*Alteration* – any change to the total floor area of a building, including, but not limited to the addition or removal of walls beneath an existing roofed area, any extension of a roof to cover additional lot area, or any construction which increases the cubic content of a building. As applied to the Annville Historic District, an alteration also includes any change, modification, or addition to a part or all of the exterior of any structure which can be seen from a public right-of-way. Such changes may be: changes to, or modifications of, structural or architectural details, or visual characteristics; grading; surface paving; the addition of new structures; or the placement or removal of significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, or steps affecting the historical qualities of the property.

*Alteration, structural* – any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

*Amusement arcade* – an establishment which has as its principal business offering to patrons mechanical or electrical amusement devices or games such as pinball machines, ping pong, darts, shooting galleries, pool tables, videos, computer or similar devices and games.

*Animal hospital* – A building, structure, or area of land where small animals such as dogs and cats are given medical care, other than the premises where such animals are boarded. Larger animals, such as horses, cows, pigs, and sheep, are not to be accommodated outside the Institutional District.

*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* – the practice of raising, breeding or keeping of livestock or fowl that involves large numbers of animals or birds concentrated in a small area utilizing mass feeding. This shall include feedlots, poultry houses, and other buildings, structures, corrals, or pens in which animals are confined in close quarters. This shall also include the raising of swine under any conditions.

*Animal husbandry, non-intensive* – 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* – A dwelling unit for rent or lease, which is either accessory to a principal use or one of three or more dwelling units in an apartment building, and which provides separate, independent living and sanitary facilities for one (1) family or individual, including provisions for cooking and sleeping. Where such a unit contains no specific bedroom area, it shall be deemed an efficiency apartment and regulated as all other apartment dwelling units.

*Apartment building* – A residential building containing three (3) or more dwelling units or apartments designed for separate, independent living, cooking, and sanitary facilities for each dwelling unit or apartment.



*Applicant* – A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

*Application for development* – Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a land development plan.

*Approved private street* – A right-of-way that provides the primary vehicular access to a lot, not dedicated or deeded to the Township, but approved by the Board of Commissioners and shown on a recorded subdivision or land development plan.

*Architectural detail* – Decorative elements of a building façade such as cornices, lintels, brackets, fish scale shingles, columns, fluting, and quoins that give the building its character.

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

*Auditorium or Theater* – A building containing a stage and/or screen and seating for meetings, performances, or screening of movies.

*Authority* – A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the Municipalities Authorities Act of 1945.

*Automobile body shop* – A building that is used for the repair or painting of

bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles for conveyance.

*Automobile service station* – A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobile), are retailed directly to the public on premises, including sale of minor accessories and service for automobiles. An automobile service station may include a convenience store not to exceed 3,000 square feet. The definition does not include the display of motor vehicles for sale.

*Automotive repair station* – A place where general repair and engine rebuilding services may be carried out. The definition does not include the display of motor vehicles for sale.

*Bank* – An institution for lending, borrowing, exchanging, issuing, and safeguarding money: an office or building used for such purposes.

*Bar* – See *Tavern*.

*Basement* – A space having at least one-half (1/2) of its floor to ceiling height above the average level of the adjoining ground and with a floor to ceiling height of not less than six and one-half (6.5) feet. This space shall include any area of the building having its floor below ground level on all sides. Such a space shall be considered a story.

*Bed and Breakfast* – A premises originally designed as a residential structure that provides overnight guest accommodations, including breakfast, as regulated under this Ordinance.

*Block* – An area bounded by streets and alleys.

*Board or Zoning Hearing Board* – The Zoning Hearing Board of Annville Township.

*Board of Commissioners* – The Board of Commissioners of Annville Township, Lebanon County, Pennsylvania.

*Boarder, Roomer, or Lodger* – A person occupying any room or group of rooms in a boarding house.

*Boarding House* – Any dwelling charging for sleeping arrangements within a room when said dwelling is also occupied by the owner or resident manager. The lodgers, with or without meals, are provided a temporary residence in rooms that do not meet the definition of a “dwelling unit” as defined in this ordinance, but typically provide communal kitchen/dining facilities. This definition excludes non-profit visitor accommodations, bed and breakfasts, homeshares, group homes, nursing homes, retirement homes, personal care homes, hotels, motels, dormitories, student group residents, and fraternity or sorority houses.

*Buffer area* – a yard space, adjacent to a property line or building, which contains landscaping and plantings designed to screen, separate and shield a potentially incompatible use from adjoining properties.

*Building* – a structure that has a roof supported by columns, piers, or walls, which is intended for the shelter, housing, or enclosure of persons, animals or chattel or

which is to house a use of a commercial or manufacturing activity.

*Building, attached* – A building that has two (2) parting walls in common.

*Building, detached* – A building that has no parting walls.

*Building, semi-detached* – A building that has only one (1) parting wall in common.

*Building, principal* – A building in which the main and dominant use of the lot is conducted.

*Building area* – The total areas of outside dimensions on a horizontal plane at ground level of the principal building and all accessory structures exclusive of cornices, eaves, gutters, or chimneys projecting not more than eighteen (18) inches; bay windows not extending more than one (1) story and not projecting more than five (5) feet; and steps and balconies.

*Building coverage* – The percentage of a lot covered by principal and accessory structures.

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

*Building length* – The longest horizontal measurement of a building.

*Building line* – The line within a property defining the minimum required distance between any structure or portions thereof to be erected or altered and an adjacent street right-of-way. Such line shall be measured at right angles from the street right-of-way line that abuts the property upon which said structure is located or to be located and shall be parallel to said right-of-way line.

*Building setback* – The minimum distance a structure must be set back from a street right-of-way line.

*Café* – See *Sidewalk café*.

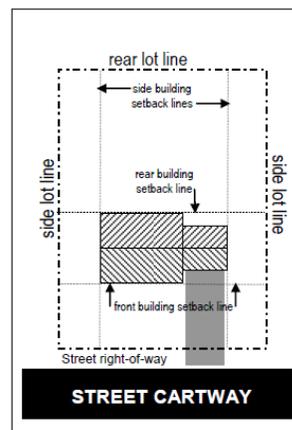
*Canopy (freestanding)* – A rigid multisided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground.

May be illuminated by means of internal or external sources.

*Carport* – A shelter for one or more vehicles that is not enclosed fully by walls and one or more doors

*Car wash* – A lot on which motor vehicles are washed or waxed, either by the patrons or by others, using machinery specially designed for the purpose.

*Cartway* – The portion of a street right-of-way intended for vehicular use, whether paved or unpaved, between the curbs but not including curbs or sidewalks. Where there



are no curbs, the cartway is that part between the edges of the paved or hard-surface width.

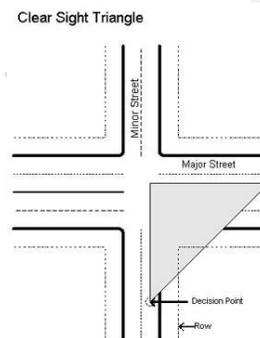
*Cellar* – A space having less than one-half (1/2) of its floor to ceiling height above the average finished level of the adjoining ground or with a floor to ceiling height of less than six and one-half (6.5) feet. This space shall include any area of the building having its floor below ground level on all sides. Such a space shall not be considered a story.

*Cemetery* – An area for the burial of the dead.

*Certificate of Use and Occupancy* – A statement, based on an inspection, signed by the issuing agent, setting forth that a building, structure, sign, or land complies with the Zoning Ordinance, or that a building, structure, sign, or land may be lawfully employed for specific uses, or both, as set forth therein.

*Certificate of Zoning Compliance* – A certificate issued and enforced by the Zoning Officer upon the completion of the construction of a new building or upon a change or conversion of a structure or use of a building. This document certifies that the applicant has complied with any and all requirements and regulations provided herein and all other applicable requirements. This certificate is also utilized for registration of non-conforming uses or non-conforming uses of land and structures in combination.

*Clear sight triangle* – A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Sight distance measurement shall be made from a point two (2) feet above the centerline of the road surface to a point ten (10) feet above the centerline of road surface.



*Co-location* – The act of placing two or more antennas on one communications tower or other structure.

*Commercial school* – A school for the teaching of a trade or skill, carried on as a business.

*Common open space* – A parcel of land or water or combination of both located within a development site and designed and intended for use or enjoyment of residents of a planned development, meeting the following standards:

- a. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public.
- b. Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned.
- c. Will be deeded to the Township and/or deed restricted to permanently prevent uses of land other than "common open space" and non-commercial recreation.
- d. Does not use any of the following areas to meet minimum open space requirements:
  - (1) Existing street rights-of-way.
  - (2) Vehicle streets or driveways providing access to other lots.
  - (3) Land beneath building(s) or land within 20 feet of a building

- (other than accessory structures and pools clearly intended for noncommercial recreation, off-street parking (other than that clearly intended for noncommercial recreation).
- (4) Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Township Commissioners would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions.
  - (5) Portions of land that have a width of less than 20 feet.

*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 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 two hundred fifty (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.

*Compatible* – When used to describe the relationship among buildings, compatible means having characteristics that are similar to the majority of existing historic buildings on the block. These characteristics include, but are not limited to:

- a. Constructed of the same original materials, such as wood, brick, or stucco, as existing buildings on the block, or constructed of materials that are very similar in appearance to the original materials, such as dark gray asphalt shingles to replace slate shingles, cut to the same size and shape.
- b. Contain structural details that are similar to other buildings on the block, such as:
  - (1) Decorative shingles, cornices and fascia.
  - (2) Lintels over windows and doors.
  - (3) Shape, size, and placement of windows.
  - (4) Thickness and placement of mullions in the sash of windows.
  - (5) Shape and placement of porches and columns.

*Composting* – The conversion of organic matter, such as yard waste, to fertilizer.

*Conditional use* – A use permitted by the Township Commissioners pursuant to the provisions of this Ordinance.

*Condominium* – Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended are designated for

separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

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

*Coverage* – See *Building coverage* or *Lot coverage*.

*Crematorium* – A furnace or establishment for the incineration of corpses.

*Crosswalk* – (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and in the absence of a sidewalk on one side of the roadway, that part of the roadway included within the extension of the lateral lines of the existing sidewalk. (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Cul-de-sac* – A street intersecting another street at one end and terminating at the other end in a paved vehicular turnaround.

*Curb* – A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

*Day care center* – A facility where care is provided at any one time for six (6) or more children under the age of twelve, where the child care area(s) are not being used as a family residence and where full-time adult supervision is provided.

*Demolition* – The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure or site. Demolition includes the removal of a structure from its site or the removal, stripping, concealing or destruction of the facade or any significant exterior architectural features which are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction.

*Demolition by neglect* – A situation in which a property owner, or others having legal possession, custody or control of a property, allow the condition of property located in the Annville Township Historic District to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure or its relevant architectural detail to a degree that the structure and its character may potentially be lost to current and future generations.

*Density* – Unless otherwise stipulated in this Ordinance, the term density shall mean gross density which shall be determined by dividing the total number of dwelling units by the total site area.

*Developer* – A person or company that builds on or improves a parcel or tract of land.

*Development plan* – The provisions for the development of a planned residential development, including a plat of subdivision; all covenants relating to use, location, and

bulk of buildings and other structures; intensity of use or density of development; streets, ways, and parking facilities; common space; and public facilities.

*Distance between buildings* – This measurement shall be made at the closest point.

*District* – A portion of Annville Township within which certain uniform regulations and requirements or combinations thereof apply under the provisions of this Ordinance.

*Dormitory* – A residential facility other than a fraternity or sorority house that houses more than ten (10) students and staff-persons of an accredited college or university, and which does not meet the definition of *Dwelling unit*.

*Drainage* – The flow of water or liquid waste and the methods of directing such flow, whether natural or artificial.

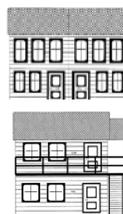
*Driveway* – A private roadway providing access to a highway or street.

*Drive-through service window* – A customer service window located in a principal structure as an accessory to an office or retail establishment that is intended to enable customers to transact business with an employee inside the building without leaving their motor vehicles. It is presumed the motor vehicle will exit the premises immediately after the transaction of business.

*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, nursing home, institutional residences, rooming house, boarding house, or tourist home.

*Dwelling, single family detached* – A detached (separate) building designed for or occupied exclusively by one (1) family on an individual lot; however, this shall not include single unit manufactured homes which are defined separately.

*Dwelling, single family semi-detached* – A building with one (1) dwelling unit from the ground to roof and only one (1) parting wall in common with another dwelling unit. Commonly described as a duplex, the semi-detached, single-family dwelling is on an individual lot, is connected on one (1) side to a similar dwelling on an adjacent lot.



*Dwelling, two-family detached* – A separate building on an individual lot with two (2) dwelling units from ground to roof (one unit over the other). These units are not designed for further subdivision.



*Dwelling, two-family semi-detached* – A building with two (2) dwelling units from ground to roof (one unit over the other) and only one (1) parting wall in common with another, connected to a building which may contain one (1) or two (2) dwelling units. The two-family semi-detached dwelling is on an individual lot.

*Dwelling unit* – One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other

rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

*Dwelling unit, multi-family* – Multiple separate units for residential inhabitants contained within one building or several buildings within one complex, including, but not limited to, apartment buildings, condominiums, and townhouses.

*Eave line* –The lower border of the roof where it joins with the façade.

*Electronic notice* – Notice given by a municipality through the internet of the time and place, and subject to be considered at a public meeting.

*Erect* – To build, construct, attach, hang, place or suspend, to include as well the painting of wall signs or other graphics.

*Essential services* – The erection, construction, alteration, or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems and their essential buildings, excluding communications towers and communications antennas as defined herein.

*Façade* – The exterior surface of a building up to the eave line.

*Family* – One or more individuals related by blood, marriage or adoption (including person receiving formal foster care) or up to five (5) unrelated individuals who maintain a common household and live within one dwelling unit. A family also expressly includes the number of unrelated persons residing in a *Group Home*, as defined in this ordinance.

*Family child day care home* – A home other than the child’s own home, operated for profit or not-for-profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.

*Farm* – A parcel of land of ten (10) or more acres used principally in the raising or production of agricultural products, with the customary dwelling, farm structures, storage and equipment. Adjoining tracts, parcels or separately deeded properties which are owned and farmed integrally as part of the same farming operation shall be considered jointly as one farm.

*Felling* – The act of cutting a standing tree so that it falls to the ground.

*Fence* – A barrier constructed of wood, metal, stone, chain link, or similar materials designed for the purpose of limiting or excluding access to a lot or for the purpose of screening a lot or portion thereof from the exterior of the lot.

*Financial institution* – Bank, savings and loan association, savings bank, investment company, investment manager, investment banker, securities broker/dealer, philanthropic foundation.

*Flag* – Sign made of flexible material, mounted on poles, wires, or on the façade of a building, which is the official symbol of national, state and local governments and agencies, past and present, or private corporations.

*Flea market* – Business with short-term or daily rental of stalls, booths or selling spaces to individual persons for selling used and new consumer merchandise,

antiques, art and craft items and collectibles at retail. Resale of merchandise is allowable, but not as a branch or outlet of a business with another location elsewhere outside the flea market. Such uses as junk sales, weapons sales, used car sales, thrift shops, and consignment shops are excluded from this definition.

*Floor 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:

- a. Basement space.
- b. All spaces other than cellar space with structural headroom of seven feet, six inches or more.
- c. Interior balconies and mezzanines.
- d. Enclosed or roofed porches or terraces or other roofed spaces.
- e. Attic spaces (with or without a finished floor) providing structural headroom of seven feet and six inches or more is available over 50 percent of such attic space.
- f. Accessory structures.

However, the *floor area* shall not include:

- a. Cellar space, except that cellar space which is occupied.
- b. Elevator shafts, stairwells, bulkheads, accessory water tanks or cooling towers.
- c. Crawl spaces, garages, carports, breezeways, open porches, decks, balconies and terraces.

*Footcandle* – A unit of incident light quantity stated in lumens per square foot and measurable with an illumination meter, a.k.a. foot-candle meter or light meter.

*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.

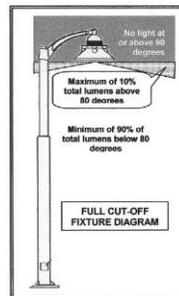
*Full cutoff* – A term used by the lighting industry to describe a lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.

*Funeral home* – A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- a. embalming and the performance of other services used in preparation of the dead for burial;
- b. the performance of autopsies and other surgical procedures;
- c. the storage of caskets, funeral urns, and other related funeral supplies; and
- d. the storage of funeral vehicles, but shall not include facilities for cremation.

Where a funeral home is permitted, a funeral chapel shall also be permitted.

*Garage, private* – A structure which is accessory to the principal building, which provides for the storage of motor vehicles of the families residing on the premises, and in which no occupation, business or service for profit is conducted.



*Garage, repair* – A structure, building or area of land or any portion thereof used primarily for the servicing and repairs of automotive vehicles. A repair garage may provide one (1) or more of the following services: general mechanical repair of motor vehicles including state inspection, lubrication, washing, or sale of accessories and motor vehicle fuels. Uses permissible as a repair garage do not include bodywork, straightening of body parts, painting, welding, and storage of certain vehicles. A repair garage is not an automobile body shop or a retail automotive parts store.

*Glare* – The sensation produced by lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye. Glare is subjective and cannot be measured with a meter.

*Governing body* – Shall mean the Board of Commissioners of Annville Township, Lebanon County, Pennsylvania.

*Grade, finished* – The completed surfaces of lawns, walks and roads brought to grades as shown on official plans of designs relating thereto.

*Greenhouse* – An enclosure made predominately of clear glass used for the cultivation or protection of plants.

*Group home* – A dwelling unit occupied by persons with disabilities, as defined and protected by the Federal Fair Housing Act, as amended, and regulations promulgated thereunder and the Pennsylvania Human Relations Act, as amended. A facility providing residents, who are persons with anticipated duration of residence of at least one (1) year, with specialized services including but not limited to providing food, shelter, and personal assistance or supervision in such matters as dressing, bathing, diet or self-administered medication, and personal care services as defined in the regulations for personal care boarding homes of the Department of Human Services, for a minimum of three (3) persons but no more than ten (10) persons who are not relatives of the operator, who are developmentally disabled, intellectually disabled, mentally ill, physically handicapped, or elderly persons, or dependent children, referred by the appropriate county or state agency responsible for placement, and providing qualified staff who provide care, supervision and services for such residents. To qualify for assignment to a group home, any mentally ill person or intellectually disabled person shall be certified by the Lebanon County Mental Health/Intellectual Disabilities/Early Intervention Program as capable of residing in a group home and receiving services from a local community health program. A group home shall at all times provide a staff to resident ratio of one (1) staff member for from three (3) to eight (8) residents and two (2) staff members for nine (9) or ten (10) residents. A group home shall not:

- a. offer services to non-residents,
- b. advertise commercially to solicit residents, or
- c. include a skilled nursing or intermediate care facility or any other institution or facility defined and regulated by the PA Department of Health or the PA Department of Human Services.

No person receiving treatment under Article III (Involuntary Examination and Treatment) or Article IV (Terminations Affecting Those Charged with Crime, or Under Sentence) of the Act of July 9, 1976 (P.L. 817, No. 143), known as the Mental

Health Procedures Act, shall be eligible for such facility.

*Habitable floor area* – The sum of the floor area of all heated, finished rooms within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars, and attics; attached garages which have been converted into an integral part of the living quarters; but does not include garages, porches (whether roofed, unroofed or enclosed), roofed terraces, unfinished and unheated basements, attics, cellars, or garages.

*HARB* – The Historical Architectural Review Board created by Ordinance 587 to review proposed changes visible from a public right-of-way in the Historic District.

*Hazardous waste* – Waste that is dangerous or potentially harmful to health or the environment as defined in the Pennsylvania Solid Waste Management Act, as amended.

*Head shop* – A retail outlet that receives ninety percent or more of its gross revenues from the sale of paraphernalia related to the consumption of cannabis, other recreational drugs and/or new age herbs. Products typically include but are not limited to, water pipes, bongs, roach clips, pipes, rolling papers, rolling machines, and whipped cream chargers containing nitrous oxide.

*Health and fitness center* – A building, or part thereof, providing facilities and programs designed to improve the physical well-being of the patrons thereof. Such facilities include, not by way of limitation, spas, tennis or racquet clubs, swimming pools, basketball courts, gymnastic and calisthenics facilities, and weight-training facilities.

*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.

*Highway access point* – A place of egress from or access to a street or highway created by a driveway or another street or highway.

*Highway frontage* – The lot dimension measured along the right-of-way line of any one street or highway abutting a lot.

*Home occupation* – An occupation of a service or professional nature conducted as an accessory use within a dwelling where certain conditions are met. See §27-510.

*Homeshare* – Properties listed on an online marketplace allowing anyone from private residents to commercial property owners to rent out space on a short term basis for transient guests. Bed and Breakfast establishments, boarding houses, hotels, and motels shall not be considered Homesharing properties.

*Hospital* – An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution-related facilities, such as laboratories, outpatient facilities,

training facilities, medical offices, and staff residences.

*Hotel* – Any non-residential building wherein sleeping or rooming accommodations are offered or furnished to the general public, with or without meals. The term *hotel* includes buildings designated as motels, inns, lodges, tourist courts, tourist cabins, and similar terms but shall not be construed to include trailers or manufactured homes. The term *hotel* shall not include boarding houses.

*Hydric soil* – Soils developed under conditions sufficiently wet to support the growth and regeneration of hydrophytic vegetation and soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions (an anaerobic situation is one in which molecular oxygen is absent) in the upper part. Criteria for identifying hydric soils include somewhat poorly drained soils that have water table less than 0.5 feet from the surface for a significant period (usually a week or more) during the growing season; are poorly drained or very poorly drained and have either water table at less than 1.0 foot from surface for a significant period during the growing season if permeability is equal to, or greater than, 6.0 inches per hour in all areas within 20 inches, or have water table at least 1.5 feet from the surface for a significant period during the growing season if permeability is less than 6.0 inches per hour in any layer within 20 inches; soils that are ponded for long duration (from 7 days to 1 month) or very long duration (greater than 1 month) during the growing season; or soils that are frequently flooded for long or very long duration during the growing season.

*Illuminance* – The quantity of incident light per unit area, measured with a light meter in footcandles.

*Impervious surface* – A surface not easily penetrated by water such as, but not limited to, roads, buildings, sidewalks, access drives, loading areas, parking areas, and paved recreation areas.

*Impervious coverage* – The percentage of a lot covered by impervious surfaces.

*Junk* – Scrap or discarded material, not including refuse or garbage kept in a proper container for the purpose of prompt disposal.

*Junk yard* – A lot, land or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

*Kennel* – An enclosure or area (located outside a dwelling) which is designed for keeping more than three (3) birds, or animals, but not to include pet zoos or menageries.

*Landing* – A place where logs, pulpwood, or firewood are temporarily assembled for transportation to processing facilities.

*Landowner* – The owner of a legal or equitable interest in land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee (if he is authorized under the lease to exercise the right of the landowner), or other person having a proprietary interest in land.

*Landscaping* – Reshaping land by moving earth, changing its appearance, as

well as preserving, rearranging, or adding to the vegetation to produce a visual, aesthetic or environmental effect appropriate to the use of the land.

*Laundromat* – A business premises equipped with individual clothes washing or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a multi-family housing development.

*Light trespass* – Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

*Livestock* – Any member of the bovine, caprine, equine, gallinaceous (except for *Gallus gallus domesticus*), ovine, or porcine, species, including but not limited to cows, steers, horses, ponies, pigs, sheep, goats and poultry (except chickens).

*Lodging house* – See *Boarding House*.

*Loading /Unloading space* – An off-street space, exclusive of access area, used for the parking of a vehicle while loading or unloading merchandise or materials.

*Lop* – To cut tops and slash into smaller pieces to allow material to settle close to the ground.

*Lot* – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed, or built upon as a unit. The area and depth of a lot abutting a street shall be determined by measurements to the street line.

*Lot, corner* – A lot abutting two or more intersecting public or private streets, or at the point of abrupt change of direction of a single street (an interior angle of less than 135 degrees). In all districts, corner lots shall have one (1) required front yard, one required rear yard, and two required side yards (all required yards being measured from either the road right-of-way line or the adjacent interior lot line). The yard toward which the front entrance of the building faces shall be designated as the front yard and the yard opposite this yard shall be the rear yard.

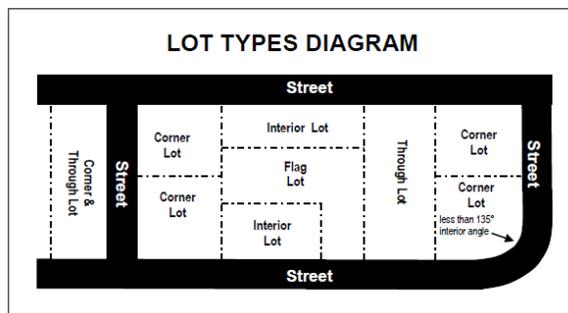
*Lot, flag* – A lot whose lot width at its street line is less than that required at the building setback line. Prohibited.

*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 (2) parallel or approximately parallel streets.

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

*Lot coverage* – The percentage of the lot or property area covered by buildings or structures and other impervious surfaces.



*Lot depth* – A mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

*Lot frontage* – That portion of a block or lot that fronts on a street.

*Lot line* – Any line dividing a lot from another lot, street, or parcel.

*Front Lot Line:* The line separating a lot from a street right-of-way. The front lot line is also the street line.

*Rear Lot Line:* The lot line that is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten feet long.

*Lot of record* – A lot or parcel recorded in the office of the Recorder of Deeds of Lebanon County, Pennsylvania.

*Lot width* – The distance between side lot lines, determined by establishing the shortest straight-line distance. It shall not be measured along an arc.

*Mailed notice* – Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

*Manufactured home* -- A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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. The construction of a manufactured home shall comply with any applicable Federal, State, or Township standards and shall bear any required seal indicating compliance with those standards.

*Manufactured home lot* – A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home.

*Manufactured home park* – A parcel or contiguous parcels of land which has been so designated and improved that it contain two or more manufactured home lots for the placement thereon of manufactured homes.

*Mature tree* – Any deciduous tree with a diameter at breast height (DBH) greater than or equal to six (6) inches and any coniferous tree with a height greater than or equal to six (6) feet .

*Medical clinic* – An individual building or cluster of buildings (on a lot in single or common ownership) operated by one or more licensed medical, psychological, or dental practitioners for the purpose of providing medical, psychological, or dental treatment to the public on an outpatient basis.

*Medical office building* – A building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

*Methadone treatment center* – A facility that must be licensed by the Pennsylvania Department of Health or Department of Corrections or similar authority that provides

supervision, treatment and counseling for current addiction to a controlled substance that was used in an illegal manner.

*Microbrewery* – A facility that brews ales, beers, and/or similar beverages primarily for sale on-site as permitted by the Pennsylvania Liquor Control Board.

*Microdistillery* -- A distillery established to produce beverage grade spirit alcohol in relatively small quantities primarily for sale on-site, as permitted by the Pennsylvania Liquor Control Board.

*Mineral extraction* – The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. *Mineral extraction* includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

*Mobile home* – See *Manufactured home*.

*Modular home* – A sectional, single-family dwelling, intended for permanent occupancy, contained in two (2) or more units designed to be permanently joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation. For the purposes of this Ordinance, modular homes shall be treated the same as conventional stick-built, single-family dwellings.

*Motel* – See *Hotel*.

*Motor vehicle* – A self-propelled vehicle, operable or inoperable, designed for use on a highway.

*Movie theater* – A building containing seating for the presentation of motion pictures for observation by patrons therein.

*Municipal use* – Buildings, structures, or land owned and maintained by Annville Township or an authority created by the Township.

*Municipality* – Shall mean Annville Township, Lebanon County, Pennsylvania.

*No-impact home-based business* – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

*Non-conforming lot* – A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

*Non-conforming sign* – A sign that does not conform to the regulations of the district in which it is located.

*Non-conforming structure* – A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning

ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

*Non-conforming use* – A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

*Nursery, horticulture* – Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

*Nursing home* – A building containing sleeping rooms used by persons who are lodged and furnished with meals and are provided with needed support services, including the availability of basic nursing care. Such a facility may or may not include skilled nursing or medical care. This definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania as a nursing center or personal care center.

*Office, professional* – A building containing office space for one (1) or more persons engaged in occupations or callings which required extensive learned and academic preparation to secure knowledge or skill in a profession such as medicine, law, divinity or science, wherein professional advice, guidance or instruction is provided. Occupations or vocations which are trades, crafts, or businesses and often involve the sale of a product shall not be considered professional offices.

*Open area* – The unoccupied space open to the sky on the same lot with the building.

*Outdoor advertising sign* – A sign including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually offered or sold upon the premises on which the outdoor advertising sign is located. Outdoor advertising sign shall not mean (a) a directional or other official sign authorized by law, (b) a sign advertising the sale or lease of the property on which it is located or (c) a sign which has a significant portion of its face area devoted to giving public service information.

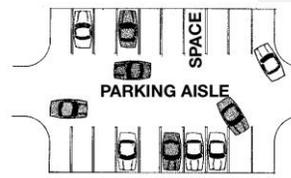
*Overlay* – A district which may apply to one or more underlying zoning districts and adds specific conditions and regulations to those underlying zoning districts.

*Owner* – Any person who has equitable or legal title to the premises, dwelling, or dwelling unit.

*Parking aisle* – That portion of a parking area that provides for vehicular maneuvering within a parking area. For the purposes of this code, the terms “interior aisles” and “maneuvering lanes” shall be considered synonymous.

*Parking facility* – A structure designed for motor vehicles, including, but not limited to, parking lots, garages, and associated driveways, passageways, and maneuvering space.

*Parking lot* – An off-street surfaced area designed solely for the parking of motor vehicles, including associated driveways, passageways, and maneuvering space. For the purposes of this code, the terms *parking area* and *parking lot* shall be considered synonymous.



*Parking space* – An open or enclosed area accessible from a street or for the parking of motor vehicles for owners, occupants, employees, customers, or tenants of the principal building or use. Each parking space shall be not less than ten (10) feet wide and not less than twenty (20) feet long, exclusive of all drives, curbs, and turning space.

*Parting wall* – A wall used or adopted for joint service between two buildings or parts thereof.

*Paving* – Hard material such as concrete, asphalt, or brick, applied to a lot in order to smooth or firm the surface of the lot.

*Pennsylvania Municipalities Planning Code* – This enabling legislation provides the mechanism whereby municipalities can plan for community development through the adoption of a comprehensive plan and zoning ordinance and the establishment of planning commissions, planning departments, and zoning hearing boards. The Code authorizes the above bodies to request appropriations, charge fees, make inspections, hold public hearings, make legal appeals, and process penalties for violation. For the purposes of this Ordinance, the Code, enacted as Act 247 of 1968, is intended to include the current code and any future amendments and shall be referred to hereafter as *Act 247*.

*Performance standard* – A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

*Permit* – Document issued by the Zoning Officer.

*Permitted by right use* – A use which does not require zoning approval by the Zoning Hearing Board or by the Township Commissioners before a zoning permit is granted by the Zoning Officer, although a site plan review or land development plan may be required.

*Person* – An individual, partnership, organization, association, trust, or corporation. When used in penalty provision, *person* shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.

*Personal or household service* – An establishment that provides a service oriented to personal needs that do not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, and other similar establishments.

*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.

*Place of worship* – A building wherein persons assemble regularly for religious worship and that is used only for such purposes and for those accessory activities as are customarily associated therewith.

*Planting island, interior* – A durable landscaped planting area located within a vehicular use area or parking lot. Design and location shall provide shade and visual separation of parking and pedestrian areas, improve air quality, and control storm water runoff from large paved areas. An island or strip shall be a minimum of fifty (50) square feet in area, at least five (5) feet in width and contain at least one (1) shade tree per forty (40) linear feet of island or fraction thereof. Islands of forty (40) feet or less in length shall contain at least one (1) shade tree. The remaining area within the island or strip shall be appropriately landscaped with grass, mulch, stones, plants, or other materials not exceeding three (3) feet in height.

*Planting strip, perimeter* – A landscaped planting consisting of trees and shrubs established at less than three (3) feet or greater than six (6) feet in height, so they shall not interfere with any clear sight triangle. Such planting shall separate streets and vehicular use areas from parking lots, buildings, and other interior improvements. Perimeter plantings shall consist of individual trees or shrubs spaced a maximum of fifty (50) feet apart to form a linear vegetative border, with grass or ground cover continuously thereunder.

*Planting screen* – A landscaped barrier consisting of predominantly coniferous trees and shrubs, hedges, and earth mounding, or a combination thereof, established at a minimum height of six (6) feet. Such screen shall provide a visual, noise, and pollutant barrier between potentially incompatible uses. Screen plantings shall contain irregularly spaced double rows of plants and shrubs which are on average spaced no more than ten (10) feet on center to obtain a dense, solid mass, unless alternative designs are approved by the Township Commissioners.

*Pre-commercial timber stand improvement* – A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

*Premises* – Any lot, parcel, or tract of land and any building constructed thereon.

*Principal use* – The main purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

*Private road* – A legally established road right-of-way, other than a public road, which provides the primary vehicular access to a lot.

*Professional* – Physician, surgeon, dentist, psychiatrist, psychologist, optometrist, chiropractor, or licensed person offering similar medical care; architect, accountant, insurance agent, real estate broker, notary, teacher, engineer, lawyer, surveyor, landscape architect, community or land planner, or similar licensed or accredited professional persons.

*Property line* – A recorded boundary of a lot. However, any property line abutting a Street or other public or quasi-public way shall be measured from the legal right-of-way line of the street.

*Public hearing* – A formal meeting held pursuant to public notice by the Township Commissioners or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

*Public meeting* – A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388 No. 84), known as the *Sunshine Act*.

*Public notice* – Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall be not fewer than seven days from the date of the hearing.

*Public road* – A public thoroughfare, including a street, road, lane, alley, court, or similar terms, under the jurisdiction of the Township or State.

*Public sewer* – A municipal sanitary sewer system approved and permitted by the Pennsylvania Department of Environmental Protection.

*Public water* – A municipal water supply system permitted by the Pennsylvania Department of Environmental Protection.

*Reconstruction* – Any or all work needed to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.

*Recycling Collection Center* – A use devoted to the collection of discarded materials that have entered a reasonably continuous process whereby their reuse is foreseeable, for processing and disposal at another location.

*Rehabilitation* – The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

*Repairs* – Any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction.

*Residence* – See *Dwelling*.

*Residential conversion* – The alteration of a single family detached dwelling into two or more Dwelling Units.

*Restaurant, carry-out* – Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, not containing drive-through service, and whose design or method of operation includes both of the following characteristics:

- a. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
- b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the

restaurant building, is allowed, encouraged, or permitted.

*Restaurant, drive-in* – A commercial establishment where food or beverage is sold for consumption on the premises either in a customer's vehicle or in an outside area, but not within a building.

*Restaurant, drive-through* – An accessory use to a commercial restaurant where the customer receives food or beverage via a drive-up window without the need for the customer to leave his vehicle.

*Restaurant, fast food* – A commercial establishment where a limited selection of food or beverage is sold either for consumption on the premises or as a *take-out* service. Food preparation is designed for immediate service to customers and food is normally prepared in advance to facilitate this type of service.

*Restaurant, standard* – Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, not containing drive-through service and whose design or principal method of operation includes one or both of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. A cafeteria-type operation where foods, frozen desserts, or beverages are consumed within the restaurant building.

*Restoration* – Any or all work connected with the returning to or restoring a building or part of any building to its original condition through the use of original or nearly original materials.

*Retail sales* – A use in which merchandise is sold or rented or services are provided to the general public.

*Retaining wall* – A wall over two (2) feet in height for holding in place a mass of earth, typically at the edge of an excavation.

*Riding stable* – The commercial boarding or renting of horses.

*Right-of-way* – The total width of any land reserved or dedicated as a street, road, lane, alley, crosswalk, or for other public or semi-public uses.

*Roadside Stand, Seasonal* – A temporary structure of less than fifty (50) square feet for the sale of “home-grown” or “home-made” products located fifteen (15) feet or more from the road cartway and not within the road right-of-way.

*Rooming house* – See *Boarding House*.

*Scale* – The size, or apparent size, of a building in relationship to the size of a human being.

*School* – A public or private educational facility having grades K through 12 (or any consecutive combination thereof), and meeting Commonwealth requirements, or providing undergraduate, graduate, or postgraduate education, including community colleges, and being accredited. See separate definition for commercial schools.

*Seat* – The number of seating units installed or indicated, or each twenty-four

(24) linear inches of benches, pews, or space for loose chairs, or similar seating facilities; spacing of rows shall be thirty (30) inches on center.

*Self-storage units* – A use of land where secure structures or secure units within a structure are offered for lease to the general public for the storage of personal articles.

*Setback* – The horizontal distance from a lot line to the part of the building nearest to such a lot line.

*Shopping center* – A group of commercial establishments, built on a site that is planned, developed, owned and/or managed as an operating unit, typically sharing common facilities for parking, loading, and pedestrian circulation.

*Sidewalk café* – An accessory use to a restaurant or tavern with tables on the sidewalk in front or on the side of the premises.

*Sign* – See §27-500.

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

*Skidding* – Dragging trees on the ground from the stump to the landing by any means.

*Slash* – Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

*Slope* – The change in vertical elevation over horizontal distance, expressed as a percentage.

*Social club* – A place where gathers a communion of people joined by religion, ethnicity, politics, employment, activity, or other interest, formed for the preservation and advancement of a lawful interest, and enjoying tax-exempt status granted by the Internal Revenue Service. A social club may contain eating and drinking facilities, but does not include groups organized primarily to render a service customarily carried on as a business.

*Special exception* – Permission granted by the Zoning Hearing Board, with appropriate restrictions, to undertake certain activities specified in this Ordinance or to occupy or use land, buildings or structures for a specific purpose or in a certain manner specified in this Ordinance.

*Stand* – Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

*Storage shed* – An accessory structure with four sides and a roof, for the storage of lawn, garden and swimming pool equipment or similar domestic items.

*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. A basement, but not a cellar, shall be deemed to be a story. Each level of a split level building, excluding cellars, 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 percent of such space has structural headroom of seven feet and six inches or more. Any space having more than 75 percent of its area having such headroom shall be deemed to be a full story. In addition, each level of a split level building, excluding cellars, shall be considered a half story regardless of its proximity to the roof framing.

*Street* – A public or private thoroughfare or right-of-way affording primary vehicular access to abutting properties. For the purposes of this Ordinance, East and West Main Street shall be classified an Arterial Street. North and South White Oak Street shall be classified a Collector Street. All other streets shall be classified as local streets.

*Street centerline* – The center of the surveyed street right-of-way, or, where not surveyed, the center of the traveled cartway.

*Street frontage* – The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

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

*Structure* – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

*Student* – A person registered to study at an accredited college or university.

*Student group residence* – A residential use, such as special interest house, that is leased or owned by an accredited college or university housing a maximum of 10 individuals associated with the college, such as students, staff, and their spouses and children.

*Studio* – The working place of a painter, sculptor, photographer, or such other similar artistic endeavor; a place for the study of an art such as dancing, singing, or acting, or such other similar artistic endeavor.

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

*Swimming pool* – Any structure used for swimming, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than eighteen (18) inches. Stormwater basins are not included, provided that swimming was not the primary purpose for their construction.

*Tattoo* – Ink or other pigment placed into or under the skin or mucosa by the

aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

*Tattoo parlor* – An establishment, or any portion thereof, where tattooing is performed for compensation

*Tavern* – An establishment which primarily serves alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. This establishment may also serve food and offer incidental live entertainment.

*Timber harvesting, tree harvesting, or logging* – That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

*Top* – As applied in forestry, the upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

*Total site area* – The portion of a total tract that results after all existing and proposed road and utility rights-of-way, non-contiguous land, land previously reserved as permanent open space, and land used or zoned for another use are deducted.

*Townhouse* – A single family dwelling located on an independent lot and constructed as a part of a series of three (3) or more connected single family dwellings with one (1) dwelling unit from floor to roof. Townhouses are typically considered attached dwellings.



*Township* – Annville Township, Lebanon County, Pennsylvania.

*Township Commissioners* – The Board of Commissioners of Annville Township.

*Township planning commission* – The Planning Commission of Annville Township.

*Traditional neighborhood development* – An area of land developed for a compatible mixture of residential units and nonresidential uses permitted by the applicable zoning district. Residences, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. Generally, streets are laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

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

*Unit of use* – A single use.

*Vape shop* – A specialty store, stand, booth, concession, or other place at which sales of electronic smoking/vaping devices, equipment, paraphernalia, and accessories

are made to purchasers for consumption or use and in which the sale of other products is incidental.

*Variance* – Relief, granted by the Zoning Hearing Board, from the terms and conditions of this Ordinance provided those conditions contained hereafter relating to establishing the entitlement to variances are found to exist by the Zoning Hearing Board.

*Wall, free standing* – A barrier constructed of stone, brick, concrete, masonry, or similar materials designed for the purpose of limiting or excluding access to a lot or for the purpose of screening a lot or portion of a lot from the exterior of the lot.

*Watercourse* – Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks.

*Wetland* – Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

*Wetland margin* – A transitional area extending one hundred (100) feet from the outer limit of wetlands.

*Wildlife sanctuary* – Includes nature center, outdoor education laboratory, woodland preserve or arboretum.

*Woodland* – A tree mass or plant community in which tree species are dominant or co-dominant, where the branches of the trees form a complete, or nearly complete, aerial canopy. For the purposes of this Ordinance, the extent of any woodland plant community, or any part thereof, shall be measured from the outermost drip line of all the trees in the community. Woodland shall include any area where timber has been harvested within the previous three years or where disturbance has occurred within the previous three years of an area that would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards.

*Yard* – An open space, other than a court, unoccupied by a structure; provided, however, that fences, walls, posts, trees, lawn furniture, and other customary yard accessories are permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

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

*Yard, required rear* – An unoccupied space, open to the sky, between the rear property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full width of the lot.

*Yard, required side* – An unoccupied space, open to the sky, between the side property line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any district, and extending the full depth of the lot.

*Yard, front* – An unoccupied space, open to the sky, between the front property line (road right-of-way line) and the building line of the principal building closest to the front property line.

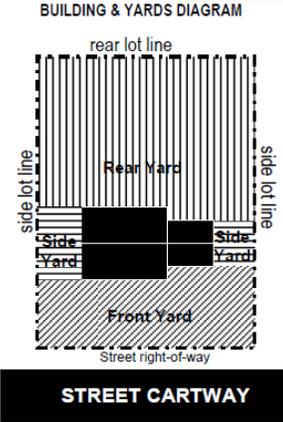
*Yard, rear* – An unoccupied space, open to the sky, between the rear property line and the building line of the principal building which is closest to the rear property line.

*Yard, side* – An unoccupied space, open to the sky, between the side property line and the side building line of the principal building. In most cases, a lot has two (2) side yards located on opposite sides of the principal building.

*Yard Sale* – A sale of used household or personal articles (such as furniture, tools, or clothing) held on the seller's own premises. This definition also includes garage sale, porch sale, sidewalk sale.

*Zoning officer* – The agent(s) or official(s) designated by the Township Commissioners to enforce the Zoning Ordinance of the Township.

*Zoning ordinance* – Annville Township Zoning Ordinance



**Part 3**

**Zoning Districts**

**§27-300. Types of Zoning Districts**

In order to carry out the objectives of this Zoning Ordinance, Annville Township establishes the following Zoning Districts:

- TC Town Center
- GC Gateway Commercial
- C Commercial
- LI Light Industrial
- I Institutional
- P Park
- R1 Low Density Residential
- R2 Medium Density Residential
- R3 High Density Residential
- R4 Manufactured Housing

In addition, four zoning overlays exist to accommodate special needs:

- HDO Historic District Overlay
- IDO Institutional District Overlay
- VDO Village District Overlay
- FDO Floodplain District Overlay

**§27-301. Official Zoning Map.**

1. The Zoning Map of Annville Township shall define the boundaries of the Zoning Districts. This Ordinance incorporates by reference the Zoning Map and all notations, references, and data shown thereon.
2. The Official copy of the Zoning Map shall be so labeled and bear the signature of the President of the Township's Board of Commissioners, attested by the Secretary of the Township, and the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map of Annville Township adopted . . . . ., 2016." The Official copy of the Zoning Map shall be displayed in the Commissioners' Meeting Room in the Town Hall.
3. If the Official Zoning Map is amended, an entry on the map shall indicate the change and the date of the change and the entry shall include the signatures of the President of the Township's Board of Commissioners and the Secretary of the Township.
4. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature and number of changes and additions made thereon, the Commissioners may by resolution adopt a new Official Zoning Map, which shall supersede such prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall

bear the signature of the President of the Township's Board of Commissioners, attested by the Secretary of the Township, and the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map of Annville Township adopted ....., 2016."

**§27-302. Zoning District Boundaries - Rules for Interpretation.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

**§27-302.1**

Where district boundaries approximately coincide with the centerlines of streets or alleys or streams, such centerlines shall be the boundaries.

2. Where district boundaries approximately coincide with lot lines or right-of-way lines, such lot lines or right-of-way lines shall be the boundaries.

3. Where district boundaries approximately parallel the right-of-way lines of streets or alleys or streams, such district boundaries shall be parallel to the right-of-way lines or stream at such distance as the Official Zoning Map indicates. The scale of the Official Zoning Map shall determine unspecified distances.

4. Where district boundaries are approximately perpendicular to the right-of-way lines of streets, alleys, railroads or streams, consider such district boundaries perpendicular to the right-of-way lines of such streets, alleys, railroads or streams.

5. Boundaries approximately following municipal limits follow such limits.

6. Boundaries following railroad lines lie midway between the main tracks.

7. Existing boundaries serve to extend features in Sections 1 through 6 above.

8. Where physical or contour features existing on the ground vary from those shown on the Official Zoning Map, or in other circumstances not covered by Sections 1 through 7 above, the Zoning Officer shall interpret the district boundaries.

9. Where this ordinance imposes setback, screening, or buffering requirements, the zoning districts in adjacent municipalities shall be considered in addition to those in Annville Township.

10. Where a district boundary line divides a lot that was in single ownership at the effective date of this Ordinance, when permitted as a Special Exception by the Zoning Hearing Board, the regulations of either zoning district may extend a distance of not more than fifty feet beyond the district boundary line into the remaining portion of the lot.

**§27-303. Application of District Regulations.**

1. Unless this Ordinance provides otherwise, a Permit by the Zoning Officer shall be required for, but not limited to, the use or occupation of any building, structure, or land; or before erecting, constructing, assembling, moving, enlarging, reconstructing, removing or structurally altering any building, structure or exterior part thereof. Compliance with this Ordinance is no way relieves responsibility of complying with other Township Ordinances.
2. No part of a yard, common open space, other open space, or off-street parking or loading space required in connection with one structure, building, or use of the land shall include space similarly required for any other structure, building or use of the land, except as this Ordinance or other Township Ordinance or regulation

- may permit or require.
3. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance, except in connection with the widening of a public right-of-way by the Township.
  4. Where district regulations specify a minimum lot width at the street line, determine the minimum lot width along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, measure the minimum lot width along the street line of one street, but not along the street line of each street on which the lot fronts, unless otherwise required by this Ordinance.
  5. Where regulations established in the Area, Yard and Height Regulations of the Zoning Districts listed in this Zoning Ordinance specify a minimum lot width at the building setback line, measure at the building setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two or more streets. In the case of a corner lot, determine the minimum lot width along the building setback line established from one street, but not from each street on which the lot fronts, unless otherwise required by this Ordinance.
  6. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, establish the building setback line on the irregularly shaped lot from the abutting rear yards. Use the building setback requirements of the applicable zoning district as a minimum in establishing the building setback line.
  7. Condominium ownership of buildings or lots is permitted. Such buildings or lots shall comply with all applicable zoning requirements; furthermore, each unit of occupancy shall comply with the requirements of the Township Building Code as a separate unit of occupancy. Submit declarations of condominium ownership to the Township for approval and file such approval with the Recorder of Deeds of the County of Lebanon and the Township before seeking issuance of any Zoning Permit for a building or lot in condominium ownership. Condominium declarations shall be in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, as amended. In the case of a building in condominium ownership situated on a parcel of land, the building coverage and paved area regulations of the applicable zoning district shall apply to the entire building as it is situated on the entire parcel, and not to each unit of occupancy within the building.
  8. Minimum requirements established for lot size or common open space shall be met within Annville Township.
  9. Only land located within Annville Township may serve when calculating the permissible number of dwelling units within a subdivision or land development in Annville Township.
  10. The required front, rear, or side yard established in the applicable zoning district may not include a canopy, except as otherwise permitted by this Ordinance.
  11. Yards may have steps for the purpose of walking from one level of the yard to

- another at any point.
12. Length of building shall be determined by measuring in one general direction along one building wall.
  13. All territory that the Township may annex in the future shall be considered a Low Density Residential (R1) district until otherwise classified.
  14. Buildings, structures, and uses owned or occupied by Annville Township are not subject to the regulations of this Ordinance regarding area, yard, height, lot width, building separation, building coverage or lot coverage. The use of land by Annville Township is not subject to the regulations of this Ordinance.

#### **§27-304. Historic District Overlay.**

##### **Intent.**

Town Center (TC) and parts of the Manufactured Homes (R4), High Density Residential (R3), Medium Density Residential (R2), Low Density Residential (R1), and Flood Zoning Districts, are hereby incorporated into a Historic District. It is the intent of this overlay to support Chapter 4, Part 1 Historic District, of the Annville Township Code of Ordinances by addressing those aspects of land use not included in that document.

##### **Effect.**

Within the Historic District the Township shall regulate

1. The location and height of any new building or changes to an existing building on a lot.
2. The location and design of parking lots for three or more spaces.
3. The location and design of fences.

##### **Review Procedure.**

Any applicant who seeks within the Historic District to construct a building, construct an addition to an existing building, erect a fence, or create a parking lot of three (3) or more spaces shall submit an application for a Certificate of Appropriateness provided by the Township. The application shall include the information described in Section 801 of this Ordinance. The Zoning Officer will refer the application to the HARB for review and recommendation to the Township Commissioners, who shall approve or deny the application.

##### **Design Guidelines.**

When reviewing applications for permits under this Section, the Township Commissioners shall consider the design guidelines in subsections 1 through 4.

1. Placement of Buildings.
  - a. Distances may either be measured in the field or by using any maps available at the Township Building.
  - b. Setback from the street: The distance of a new principal building from the curb of the street shall be either:
    - (1) The average distance of the existing buildings on the same block facing the same street 250 feet, as measured from the center of the lot.

- (2) or the same distance as at least 30 percent of the buildings on same block facing the same street within a radius of 250 feet as measured from the center of the lot.
    - (3) This distance may be adjusted by as much as 30 percent, unless all buildings on the same block facing the same street have the same setback. This distance also applies to additions to existing buildings.
  - c. Setback from other buildings: The minimum distance between any new principal building and existing buildings shall be:
    - (1) The average distance between the existing buildings on the same block facing the same street within a radius of 250 feet as measured from the center of the lot.
    - (2) This distance may be adjusted by as much as 30 percent. This distance also applies to additions to existing buildings.
  - d. Setback from rear lot line: The minimum distance of any new principal building from the rear lot line shall be:
    - (1) The average rear yard distance of the existing buildings on the same block facing the same street within a radius of 250 feet as measured from the center of the lot. This distance may be adjusted by as much as 50 percent. This distance also applies to additions to existing buildings.
  - e. Setbacks in undeveloped areas: In cases where a new principal building is proposed in an area of the Town Center (TC) or Medium Density Residential (R2) District where no structure exists or where there are fewer than four existing principal buildings on the block facing the same street, the applicant shall use the closest block with at least four principal buildings facing the same street to determine the size, setbacks and height of new buildings.
  - f. Setbacks for corner lots:
    - (1) For buildings to be constructed at the intersection of two streets, the setback for the side of the building shall be:
      - (a) The average distance of the existing buildings adjacent to the same corner,
      - (b) or the same distance as at least one of the buildings adjacent to the same corner.
    - (2) Whenever possible, the entrance shall be located on the corner.
2. Parking Lots.
  - a. Should be located to the rear of buildings whenever possible.
  - b. Parking at the side of buildings is only permitted when the rear of the building offers insufficient space.
  - c. Access should be from the alley or side street whenever possible.
  - d. No parking lot shall be located at the intersection of two streets. Parking lots may be located at the intersection of a street and an alley.
  - e. In any area where a parking lot abuts a street, the fencing and landscaping requirements shall be enhanced as follows:
  - f. A five foot planting strip shall be located on the interior of a perimeter

- fence with shade trees planted no farther than 20 feet on center.
- g. Shrubby and other greenery in the planting strip is encouraged.
- h. No single parking lot shall be more than 25,000 square feet in area.

~~0.~~ Fences and Walls.

~~3.~~

a. ~~No wall, fence or other structure shall be erected, altered or maintained and no hedge, tree, shrub or other growth shall be installed or maintained which may cause danger to traffic on a street by obscuring the view. A clear sight triangle of 30 feet as measured from the point of intersection of the street center lines shall be maintained.~~

a-b. Design guideline: Choose one type of fence from the following:

- i. Front yard: maximum height 3 feet; brick, ornamental ~~metal/iron,~~ ornamental aluminum or steel designed to look like iron, wood, or stone.
- ii. Side or rear yard facing a street (alleys excluded): maximum height 4 feet; ~~ornamental metal, stone,~~ wood, ~~in the form of a picket fence,~~ vinyl designed to look like wood ~~in the form of a picket fence.~~
- iii. ~~Rear yard facing a street (alleys excluded): maximum height 4 feet; vinyl designed to look like iron.~~
- iv. ~~Front or side yard of a building that abuts sidewalks: maximum height 6 feet; brick, ornamental iron, ornamental aluminum or steel designed to look like iron, stone, wood, vinyl designed to look like wood or iron, stucco over concrete block, capped with brick or stone.~~

~~v-iii.~~ Interior side yard: maximum height 6 feet; any common fence material.

~~vi-iv.~~ Rear yard: maximum height 6 feet; any common fence material.

~~b-c.~~ The most aesthetic side of fences shall face the exterior of properties.

~~e-d.~~ Higher fences may be permitted when required elsewhere in this Ordinance.

4. Additional Standards.

- a. Screen all mechanical and electrical equipment not enclosed in a structure from view at any point in a manner compatible with the architectural and landscaping style of the lot.
- b. ~~Owners of dumpsters located on private property shall sScreen them dumpsters if visible from Main Street. and place them a minimum of ten (10) feet from adjoining properties~~

**§27-305. Institutional District Overlay**

**Intent**

The Institutional District Overlay incorporates parts of the Town Center (TC), Medium Density Residential (R2), High Density Residential (R3), and Light Industrial (LI) Zones. The Overlay seeks to accommodate the special needs of existing institutions.

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### Effect

In the Institutional District Overlay, in addition to the uses specified in the applicable underlying district regulations, the following uses are permitted by Special Exception when approved by the Zoning Hearing Board:

1. Non-profit, church related homes for the elderly, including (1) custodial or sanitarium type of care; (2) intermediate care involving dormitory areas with common meal facilities; and (3) individual residential living quarters with separate cooking facilities, provided that the following conditions are met:
  - a. A subdivision and/or land development plan shall be filed in accordance with the Subdivision and Land Development Ordinance of Annville Township.
  - b. Self-sufficient dwelling units for permanent guests of the home, which are separate and detached from the principal care facility, shall conform in all respects with the requirements for such dwelling units specified in the underlying zoning district. Although they may be planned as clustered housing, such residential development shall be designed to facilitate subdivision or sale of individual units in accordance with the applicable lot area, lot width, and yard requirements of the underlying zoning district.
2. State accredited Colleges and Universities, subject to:
  - a. The area and bulk regulations of the underlying zoning districts shall be modified as follows:
    - (1) Setbacks shall be based on the average setbacks for existing adjacent buildings but at least 50 feet from an abutting lot line of a single-family detached dwelling, single-family semidetached dwelling or townhouse.
    - (2) Building height shall be at maximum 3 stories or 45 feet.
    - (3) Contiguous lots under the same ownership must be merged if necessary to satisfy these area calculations. Such calculations shall not include any public right-of-ways.
  - b. A building may be erected or used and a lot may be used or occupied for any of the following purposes or combination thereof:
    - (1) Instructional facilities.
    - (2) Dormitory on the college or university campus.
    - (3) Student Group Residence, subject to
      - (a) Student residents shall have an on-campus advisor serving in a supervisory role.
      - (b) Landscaping or fences shall be used between a Student Group Residence and any adjacent residential property at the residential property owner's discretion.
      - (c) Parking shall be provided but may be off site.
      - (d) A minimum of eighty (80) square feet of habitable floor area shall be provided for each occupant. The residence shall contain a minimum habitable floor area of seven hundred (700) square feet.
      - (e) The outside appearance of the structure must remain

residential in character. The maintenance of the structure and the yard shall be performed at the same level and intensity as those residences adjacent to the proposed use.

- (f) All external lighting of the structure and lot must remain residential in nature and be consistent with the type and intensity of the residential exterior lighting throughout the neighborhood in which it is located.
- (4) Parks and recreational facilities.
- (5) Administrative and faculty offices related to the college or university functions to include, but not be limited to, business office, data processing and student records.
- (6) Day care facilities.
- (7) Accessory college uses and buildings customarily incidental to the above uses, sized to meet the needs of the college or university, including but not limited to:
  - (a) College or university food service facilities.
  - (b) College or university bookstore facilities.
  - (c) College or university health and counseling facilities.
  - (d) Parking lots and parking garages.
  - (e) Maintenance facilities.
  - (f) Museums, art galleries, and libraries.

10-12-16

**§27-306 Village District Overlay**

**Intent.**

Parts of the Low Density Residential (R1), the Medium Density Residential (R2), and Flood Districts are hereby incorporated into a Village District. This overlay intends to recognize, preserve and enhance the characteristic densely built and mixed-use nature of Annville’s oldest quarter. Any new building or addition to an existing building or change of use not able to meet the regulations of the underlying district shall seek approval under those provided by the Village District Overlay.

**Boundaries**

The Overlay shall begin at the corner of White Oak Street (PA 934) and Cumberland Street, run west along Cumberland Street to the Quittapahilla Creek, follow the Creek south to a point opposite Marshall Street, then follow Marshall Street east to White Oak Street, which shall form the eastern boundary.

**Effect.**

Within the Village District, the Township shall regulate

1. The location of any new construction on a lot;
2. The location of parking lots;
3. Permitted Uses as defined in §27-306.3.

**Review Procedure**

An applicant who seeks to construct a building or an addition to an existing building or change the use of a structure to an otherwise non-conforming use in the underlying district shall submit an application provided by the Township. The application shall include the information described in §27-801 of this Ordinance. The Zoning Officer will refer the application to the Township Commissioners who shall approve or deny the application.

When reviewing applications for permits under this Section, the Township Commissioners shall consider the following guidelines.

**§27-306.1 Placement of Buildings.**

- a. Distances may either be measured in the field or by using any maps available at the Township Building.
- b. Setback from the street: The distance of a new principal building from the curb of the street shall be either:
  - (1) The average distance of the existing buildings on the same block facing the same street within a radius of 250 feet as measured from the center of the lot,
  - (2) or the same distance as at least 30 percent of the buildings on same block facing the same street within a radius of 250 feet as measured from the center of the lot.
  - (3) This distance may be adjusted by as much as 30 percent, unless all buildings on the same block facing the same street have the same

- setback, in which case no adjustment is possible. This distance also applies to additions to existing buildings.
- c. Setback from other buildings: The minimum distance between any new principal building and existing buildings shall be:
    - (1) The average distance between the existing buildings on the same block facing the same street within a radius of 250 feet as measured from the center of the lot.
    - (2) This distance may be adjusted by as much as 30 percent. This distance also applies to additions to existing buildings.
  - d. Setback from rear lot line: The minimum distance of any new principal building from the rear lot line shall be:
    - (1) The average rear yard distance of the existing buildings on the same block facing the same street within a radius of 250 feet as measured from the center of the lot.
    - (2) This distance may be adjusted by as much as 50 percent.
    - (3) This distance also applies to additions to existing buildings.
  - e. Setbacks in undeveloped areas: In cases where a new principal building is proposed in an area of the Medium Density Residential (R2) District where no block structure exists or where there are fewer than four existing principal buildings on the block facing the same street, the applicant shall use the closest block with at least four principal buildings facing the same street to determine the size, setbacks and height of new buildings.
  - f. For buildings to be constructed at the intersection of two streets (corner lot), the setback for the side of the building shall be:
    - (1) The average distance of the existing buildings adjacent to the same corner,
    - (2) or the same distance as at least one of the buildings adjacent to the same corner.

**§27-306.2 Parking Lots.**

- a. Should be located to the rear of buildings whenever possible.
- b. Parking at the side of buildings is only allowed when the rear of the building offers insufficient space.
- c. Access should be from the alley or side street whenever possible.

**§27-306.3 Permitted Uses.**

To those uses permitted by the underlying districts, the following shall apply when approved by the Township Commissioners:

- a. Uses permitted under §27-400.2 and
- b. Uses permitted under §27-403.2 of this Ordinance.

**§27-307. Floodplain District Overlay.**

See §27-605.

## Part 4

### District Regulations

#### §27-400. TC Town Center District

##### §27-400.1 Intent

The intent of the Town Center District is to preserve and enhance the character of Annville's historic central business district by continuing to permit a mix of quality buildings, which invite reinvestment over time, and by supporting retail, business, professional, governmental, and urban residential uses which are in character with the downtown. Development should respect and promote pedestrians and bicyclists. Parking lots should not dominate the streetscape but be located behind principal buildings.

##### §27-400.2 Uses Permitted by Right

Land, buildings and structures in a TC District shall be used for the following purposes and no others, unless a Special Exception as provided for in §27-902 of this Ordinance is granted.

- a. Retail sales of goods within a building such as, but not limited to: antiques, appliances, auto parts, beer, wine, spirits, beverages, bicycles, books, cards, carpeting, clothing, confections, legal drugs, dry goods, electronic equipment, electronic media, flowers, food, furniture, hardware, jewelry, newspapers, notions, office equipment, paint, personal and household supplies, photographic equipment and supplies, sporting goods, stationery, toys, tobacco, and sales and services of computer hardware and software.
- b. Personal or household service establishments conducted within a building such as, but not limited to, barber shops; beauty shops; dog and cat grooming parlors, laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants); tailor and seamstress shops; shops renting and repairing household goods, shoes, jewelry and appliances; medical equipment rental shops; electronic media rental shops; and information technology services.
- c. Standard, carryout or fast food restaurants, cafés, taverns or other places serving food and beverages. Drive-through or drive-in service is not permitted. Outdoor eating activity is permitted provided that:
  - (1) Outdoor eating areas must have all trash containers screened and secured.
  - (2) Outdoor eating activity shall not extend beyond 10:00 p.m.
  - (3) Outdoor eating activity shall not block or impede a curb, sidewalk or thoroughfare commonly used by the public whether private or public.
  - (4) Outdoor menus are permitted up to a maximum area of 10 square feet provided they are removed at the end of each business day.

- d. Drive-thru service is permissible at banks and other financial institutions provided that:
  - (1) It can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles in line to conduct business, as demonstrated by traffic plans and studies submitted by the applicant and subject to approval by the Township. Access to drive-through facilities shall not be from Main Street.
  - (2) A drive-through service window shall be located on an interior side of the lot. Drive through service windows and traffic lanes are prohibited in the front of a building or a side yard that abuts a street.
  - (3) A drive-through service window shall use an existing curb cut. A new curb cut may only be created if it will lead to the elimination of an existing curb cut and provide a safer and more attractive environment for pedestrians, bicyclists and cars than currently exists.
- e. Professional services.
- f. Professional, business or government offices.
- g. Rooming, boarding or lodging houses.
- h. Funeral homes.
- i. Municipal uses.
- j. Places of worship.
- k. Dwelling units on a story above a commercial use.
- l. Single family detached dwellings or single-family semi-detached dwellings.
- m. Studios.
- n. Libraries, post offices, museums, or art galleries.
- o. No-impact Home-based Businesses, subject to the provisions of §27-511.
- p. Forestry, subject to §27-532 of this Ordinance.
- q. Home occupations, subject to §27-510 of this Ordinance.
- r. Bed and breakfast inns, subject to §27-528 of this Ordinance.
- s. Hotels.
- t. Indoor theaters.
- u. Taxi stands or bus stop shelters.
- v. Microbreweries.
- w. Microdistilleries
- x. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, subject to §27-527 of this Ordinance.
- y. Adaptive reuse of an existing structure for more than one use.

**§27-400.3 Uses Permitted by Special Exception**

The following use is permitted when the Zoning Hearing Board grants a Special Exception in accordance with §27-902 of this Ordinance:

Commercial parking facilities, subject to the following conditions:

- (1) Parking garages shall be designed, to the greatest extent possible, to appear as if they are inhabited by humans, not cars. Like other buildings, their facades shall be compatible with traditional Annville architecture. The first floor façade facing any street shall be used for retail or commercial uses. If in the judgment of the Zoning Hearing Board this is not feasible, retail show windows to give the appearance of a traditional downtown shall be placed in the façade.
- (2) No single parking lot shall be more than 25,000 square feet.
- (3) Social club, provided that all club activities shall be conducted within buildings or structures.

**§27-400.4 Area, Height and Yard Requirements** (Except as otherwise noted in this Ordinance)

Maximum Permitted	
Building Height	See §27-304.
Building Coverage	60 Percent
Total Lot Coverage	75 Percent
Minimum Requirements	
Lot Size	4,000 square feet
Lot Width At Street Line At Building Setback Line	20 Feet 20 Feet
Front Yard	See §27-304.
Rear Yard	See §27-304.
Side Yard	See §27-304.
Between Principal Buildings on the Same Lot	20 Feet

**§27-400.5 Performance Standards in addition to those in Part 5**

All allowable 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 of the Township. Should the Zoning Officer feel that there is any possibility of the above-mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

- a. Public sewage disposal and water supply shall be used.
- b. The following uses are prohibited in the TC District:
  - (1) Adult entertainment establishments
  - (2) Indoor Amusement Arcades
  - (3) Check cashing establishments
  - (4) Payday Loan stores

- (5) Fortune telling establishments
- (6) Pawnshops
- (7) Tattoo and body piercing establishments
- (8) Head shops
- (9) Outdoor vending machines
- (10) Vape shops

10-12-16

**27-401. GC Gateway Commercial District**

**27-401.1 Specific Intent**

The Gateway Commercial district will accommodate commercial facilities providing goods and services to the Township's residential neighborhoods and surrounding communities. This District seeks to enhance safety and traffic movement along Main Street, and maintain the continued economic viability of the corridor.

**27-401.2 Uses Permitted by Right**

Land, buildings and structures in a GC District shall be used for the following purposes and no others, unless a Conditional Use as provided for in §27-810 of this Ordinance, or a Special Exception as provided for in §27-902 of the Ordinance is granted.

- a. Retail sales of goods within a building such as, but not limited to, antiques, appliances, auto parts, beer, wine, spirits, beverages, bicycles, books, cards, carpeting, clothing, confections, legal drugs, dry goods, electronic equipment, electronic media, flowers, food, furniture, hardware, jewelry, newspapers, notions, office equipment, paint, personal and household supplies, photographic equipment and supplies, sporting goods, stationery, toys, tobacco, and sales and services of computer hardware and software. Adult bookstores and similar adult retail businesses are excluded.
- b. Personal or household service establishments conducted within a building such as, but not limited to, barber shops; beauty shops; laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants); tailor and seamstress shops; shops renting and repairing household goods, shoes, jewelry and appliances; medical equipment rental shops; and video rental shops.
- c. Municipal use.
- d. Business, professional, or governmental offices or studios.
- e. Banks and other financial institutions. Drive-through service is permissible at these institutions provided it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the applicant and subject to approval by the Township.
- f. Professional Services.
- g. Places of worship.
- h. Social clubs.
- i. Commercial schools for the teaching of trades, arts, or skills; trade schools related to automotive or machinery repair are not permitted, however.
- j. Health and fitness centers or tanning salons.
- k. Restaurants, including fast food, carry-out, standard, and drive-in, café, tavern or other places serving food and beverages. Drive-through service is permissible only if it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the

- applicant and subject to approval by the Township.
- l. Messenger, dispatch, express and courier services.
  - m. Hotels or motels, provided the minimum lot size is 80,000 square feet.
  - n. Dog or cat grooming parlors.
  - o. Funeral homes and crematoria.
  - p. Commercial greenhouses or nurseries.
  - q. Wholesaling establishments.
  - r. Taxi and bus passenger stations.
  - s. Indoor theaters (except adult theaters), bowling alleys, skating rinks, tennis or racquetball courts, amusement rooms for the use of electronic and/or mechanical coin operated devices (amusement arcades), and other similar indoor places of amusement, recreation, or assembly, subject to:
    - (1) Buildings shall be located a minimum of eighty (80) feet from any exterior lot line or existing street right-of-way.
    - (2) The maximum total building coverage shall be twenty-five (25) percent.
    - (3) All such uses shall comply with all applicable government regulations, including but not limited to State fire safety regulations.
    - (4) An amusement arcade shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses.
      - (a) Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum width of two (2) feet shall be provided per machine where the machine is designed for use by two players. The depth of the space in front of the machine shall be at least five (5) feet, and there shall be a minimum aisle width beyond this five (5) feet of an additional three (3) feet.
      - (b) Readily visible signs shall be installed, with their location, size and text shown in plans submitted to the Zoning Officer, stating that the use of machines by persons under sixteen (16) years of age shall be prohibited during normal school hours and, where the premises are used primarily for the serving or consumption of alcohol, that the use of video games by persons under the age of twenty-one (21) is prohibited at all times.
  - t. Forestry, subject to §27-532 of this Ordinance.
  - u. Libraries, post office, art galleries, museums, or fine arts studios.
  - v. Lumber and building materials supply establishments, provided that a fence a minimum of six (6) feet in height shall enclose all materials stored outside of buildings.
  - w. Shop of a carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason, painter, home builder, heating contractor, or similar skilled tradesman, provided that there shall be no outdoor storage of materials used by the tradesman; nor shall any skills be performed outside a building.

- x. State licensed day-care centers.
- y. Miniature golf courses, driving ranges, tennis courts, swimming pools and other similar outdoor place of amusement or recreation, subject to:
  - (1) Lot area shall be a minimum of three (3) acres.
  - (2) All buildings shall be set back a minimum of seventy-five (75) feet from any exterior property line.
  - (3) Maximum building coverage shall be ten (10) percent.
  - (4) Maximum impervious area shall be twenty-five (25) percent.
  - (5) Minimum lot width shall be two hundred (200) feet.
  - (6) All other area, yard and height regulations of the Zoning District shall apply.
  - (7) Any outdoor swimming pool shall be entirely enclosed with a good quality chain-link or wooden fence with a minimum height of six (6) feet.
- z. Fire stations.
- aa. Bed and breakfast inns, subject to §27-528 of this Ordinance.
- bb. No-impact Home-based Businesses, subject to the provisions of §27-511.
- cc. Home Occupations, subject to §27-510 of this Ordinance.
- dd. Medical office buildings.
- ee. Shopping Centers.
- ff. Car washes subject to:
  - (1) An impervious approach apron to accommodate a minimum of five (5) cars per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare, except in the case of a facility where only one bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of ten (10) cars.
  - (2) A traffic study shall be submitted which demonstrates that cars will not stack upon a public thoroughfare.
  - (3) No building or vacuum shall be located less than fifty (50) feet from any lot line. Such buildings or vacuums shall have planting screens or solid fences at least six (6) feet high along all residential lot lines; such plantings or fences shall be no closer than twenty-five (25) feet from a public street.
  - (4) Car washes shall be limited to the service of cleaning or waxing of vehicles and shall carry out all activities only within an enclosed building.
  - (5) The lot shall be so graded that process water shall not run off the lot or onto a public street.
  - (6) Car washes shall be required to provide a grease trap within their sewer hookup designed to specifications provided by the plumbing inspector.
  - (7) Lot area shall be sufficient to provide space for the building, required yards, drives and vehicle stacking area.
  - (8) All vehicle storage shall be designed and located so as not to intrude into any required yards.

- (9) Hours of operation shall be limited so as not to inconvenience adjoining residential properties during normal sleeping hours.
- gg. Automobile service stations and automotive repair garages, subject to the following regulations:
  - (1) All repair work shall be performed indoors.
  - (2) All automotive parts, dismantled and derelict vehicles, and similar articles shall be stored only within an enclosed building.
  - (3) All petroleum pumps and electric charging stations shall be located outside of buildings, no less than thirty-five (35) feet from any road right-of-way line or lot line.
  - (4) No part of a fuel, oil or similar combustible petroleum product storage tank shall be located less than thirty-five (35) feet from any road right-of-way line or lot line.
  - (5) Automotive vehicles without valid, current license plates or state inspection shall be restricted according to this or other Township Ordinances.
  - (6) Petroleum pumps and electric charging stations shall be permitted, covered by a canopy.
  - (7) No part of a canopy shall be located less than 30 feet from any property line or street right-of-way.
  - (8) The applicant shall submit a litter control plan as part of the application for approval.
- hh. Conference centers with professional meeting and training facilities, which may include related lodging and dining facilities. Recreational facilities, service stores and other similar facilities for use exclusively by conference participants and employees shall be permitted in conjunction with the conference center. Motor vehicle race tracks are not permitted.
- ii. Microbreweries
- jj. Microdistilleries
- kk. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, in accordance with §27-527 of this Ordinance.
- ll. Adaptive reuse of an existing structure for more than one use.

**27-401.3 Uses Permitted by Special Exception**

The following uses are permitted when the Zoning Hearing Board, in accordance with §27-902 of this Ordinance, grants Special Exceptions:

- a. Self-storage Units, subject to:
  - (1) Off-street parking spaces shall be provided at the rate of one (1) space per each employee, plus four (4) additional spaces if an office is provided.
  - (2) In addition to the parking spaces required by the preceding paragraph, parking/driveway lanes adjacent to the buildings shall provide parking. These lanes shall be at least twenty-

- four (24) feet wide.
- (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, parcels on which a residence exists, and adjoining local roads, and is located behind the minimum yard setback lines. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.
  - (4) All storage shall be kept within enclosed buildings. Storage of flammable, highly combustible, explosive, or hazardous chemicals shall be prohibited. Any fuel tanks or machinery or other apparatus relying upon such fuels shall only be stored in an external storage area as described above.
  - (5) Because of the danger from fire or explosion caused by 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.
  - (6) No door openings for any self-storage unit shall be constructed facing any adjoining residentially zoned property, or any adjoining property on which a residence exists, unless such door opening is screened from view of the adjoining residentially-zoned property or adjoining property on which a residence exists. No such screen is required if the door openings will be a minimum of two hundred (200) feet from the property line of the adjoining residentially-zoned property or adjoining property on which a residence exists.
  - (7) Self-storage units shall be used solely for the storage of property. The following lists examples of uses expressly prohibited upon the site:
    - (a) Auctions, wholesale or retail sales, or garage sales.
    - (b) The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
    - (c) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
    - (d) Commercial or industrial warehousing or distribution business permitted in an industrial district.
    - (e) Any use which may be noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all self-storage

- unit rental or use contracts specifically prohibit these uses.
- (8) The minimum distance between buildings containing storage units shall be twenty-four (24) feet.
- (9) Any refuse area shall be screened from adjoining properties.
- (10) All areas on the site not covered by paving or structures shall be planted with turf and with deciduous and/or coniferous plant materials. A landscaping plan, indicating the type and location of the proposed plantings, shall be included in the site development plan and shall be submitted to the Township for review. All plantings shall be maintained in good condition by the property owner.
- (11) Screening shall be in accordance with the definitions and §27-502 and §27-503 of this Ordinance.
- b. Methadone Treatment Center, subject to the following restriction: This treatment center shall be located at least one thousand (1,000) feet from any of the following:
  - (1) Child care facility
  - (2) Park
  - (3) Playground
  - (4) School
  - (5) Another Methadone Treatment Center

**27-401.4 Uses Permitted by Condition**

The following use is permitted when authorized as a Conditional Use by the Township Commissioners in accordance with §27-810 of this Ordinance.

- a. Adult entertainment establishment, subject to:
  - (1) A building containing such a use shall be located no less than five hundred (500) feet from the lot line of any school, place of worship or other religious use, recreation area operated by a public or private non-profit agency, day-care center or other child care facility, municipal use, library, residence, museum, hospital, group care facility, or personal care boarding home, an entertainment business oriented primarily toward children, minors, or family entertainment, or any establishment licensed to serve or sell alcoholic beverages.  
The distance between an adult entertainment establishment and any of these uses shall be measured in a straight line without regard to intervening structures or objects from the nearest portion of the structure where an adult entertainment establishment is conducted to the nearest property line of the premises having the uses listed in this Section.
  - (2) A building containing such a use shall be located no less than five hundred (500) feet from any property which is residentially zoned.
  - (3) A building containing such a use shall be located no less

than one thousand (1,000) feet from a building containing another such use.

- (4) No materials offered for sale, rent, lease, loan, use, or for view upon the premises shall be visible from any door, window, or exterior of the building.
- (5) No persons under the age of 18 years shall be permitted within an adult entertainment establishment.
- (6) There shall be no display of materials that are characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas that can be seen from the exterior of the building.
- (7) Any enclosed structure used as an adult entertainment establishment 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 such materials or merchandise be visible from outside of the enclosed structure.
- (8) Not more than one (1) such use shall be permitted within any one (1) building or lot.
- (9) The Township Commissioners shall review and approve all exterior signs for compatibility with adjacent uses. Such signs shall not be characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.
- (10) No such business use may change to another type of such use, except upon application to and approval by the Township Commissioners of such change as a Conditional Use subject to the criteria set forth herein.
- (11) An adult entertainment establishment lawfully operating as a conforming use is not rendered a non-conforming use by the location of any school; place of worship; daycare or other child care facility; municipal use; library; residence; 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 other adult business, any establishment licensed to serve or sell alcoholic beverages, within five hundred (500) feet of the adult business.

**27-401.5 Area, Yard and Height Requirements** (Except as otherwise required by this Ordinance)

Maximum Permitted	
Building Height	45 Feet (3 Stories)
Building Coverage	35 Percent
Total Lot Coverage	60 Percent
Minimum Requirements	
Lot Size	40,000 Square Feet
Lot Width At Street Line	200 Feet
At Building Setback Line	200 Feet
Front Yard	30 Feet if parking is to rear of building 60 Feet if parking is to front or side of building
Rear Yard	30 Feet
Side Yard	30 Feet
Between Principal Buildings	50 Feet

**27-401.6 Performance Standards in addition to those in Part 5**

- a. All allowable 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 of the Township. Should the Zoning Officer feel that there is any possibility of the above-mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.
- b. Public sewage disposal and water supply shall be used.
- c. The regulations of §27-534, Roadway Access, will be enforced by the Township to minimize access points to Main Street and require shared access and connections between uses.
- d. All open parking areas and parking structures shall be buffered with mounded landscaping, grass, street trees, or evergreen shrubs of not more than three (3) feet in height whenever such parking faces a street right-of-way. Clear sight triangles shall be provided at street and driveway intersections in accordance with Township regulations.
- e. Street trees shall be required along Main Street, planted at a minimum equivalent of fifty (50) feet on center outside the road right-of-way, with a minimum diameter of three (3) inches Diameter at Breast Height (DBH) at time of planting. See Appendix I for a list of approved species.
- f. Parking lots shall be a minimum of thirty (30) feet from the Main Street right-of-way line for all lots equal to or greater than 40,000 square feet.

If the lot size is less than 40,000 square feet then the parking lot shall be a minimum of 10% of the lot depth, but never less than a minimum of ten (10) feet from the Main Street right-of-way line.

- g. When the side or rear yard of a commercial lot adjoins a residential district, a twenty-five (25) foot buffer area suitably landscaped to provide a screen, and in which no parking or structures are permitted, shall be provided in the side or rear yard adjoining a residential district. The buffer area and screen shall comply with §27-503 of this Ordinance.
- h. Loading facilities shall be provided through screened delivery courtyards, or in a similar screened fashion.
- i. Outside storage and display areas, if permitted by other provisions of this Ordinance, shall not be visible from street rights-of-way.
- j. Developers shall not remove historic structures, but restore or adaptively reuse them.
- k. Dumpsters shall be screened from view from all streets and adjoining properties.
- l. Freestanding signs, including directory signs, shall be set back a minimum of ten (10) feet from the Main Street right-of-way line.

# 10-12-16

**§27-402. C Commercial District**

**27-402.1 Specific Intent**

It is the purpose of this district to accommodate commercial facilities that provide goods and services to nearby residential neighborhoods and commercial activities based on local traffic.

**27-402.2 Uses Permitted by Right**

Land, buildings and structures in a C District shall be used for the following purposes and no others, unless a Special Exception as provided for in §27-902 of this Ordinance is granted.

- a. Retail sales of goods within a building such as, but not limited to, antiques, appliances, auto parts, beer, wine, spirits, beverages, bicycles, books, cards, carpeting, clothing, confections, legal drugs, dry goods, electronic equipment, electronic media, flowers, food, furniture, hardware, jewelry, liquor, newspapers, notions, office equipment, paint, personal and household supplies, photographic equipment and supplies, sporting goods, stationery, toys, tobacco, and sales and services of computer hardware and software. Adult bookstores and similar adult retail businesses are excluded.
- b. Personal or household service establishments conducted within a building such as, but not limited to, barber shops; beauty shops; laundromats, laundry and dry cleaning shops (but not laundry or dry cleaning plants); tailor and seamstress shops; shops renting and repairing household goods, shoes, jewelry and appliances; medical equipment rental shops; and video rental shops.
- c. Municipal use.
- d. Business, professional, governmental offices, or studios.
- e. Banks and other financial institutions. Drive-thru service is permissible at banks and savings and loan associations provided it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the applicant and subject to approval by the Township.
- f. Places of worship.
- g. Social clubs.
- h. Commercial schools for the teaching of trades, arts, or skills subject to:
  - (1) A trade school related to automotive or machinery repair may be permitted in a building existing at the time of the adoption of this ordinance, provided that:
  - (2) The use is confined to the rear of a building which is otherwise used exclusively for the use permitted by §27-402.2.ee.
  - (3) The total use area, including outdoor storage, is at least twenty (20) feet back from the front of the building with all doors and other openings facing the side or rear of

- the building.
- (4) A solid fence a minimum of six (6) feet high shall screen the outdoor area adjacent to the principal building, so no vehicles can be seen from Main Street. The fence shall be constructed of brick, stone, wood, vinyl designed to look like wood, or concrete-based stucco. At least three (3) feet in front of the fence (facing Main Street) shall be dedicated to plantings, include one shade tree for every twenty (20) feet of fence or fraction thereof.
- i. Health and fitness centers or tanning salons.
  - j. Restaurants, including fast food, carry-out, standard, and drive-in, café, tavern or other places serving food and beverages. Drive-through service is permissible only if it can be conducted with a safe and orderly traffic pattern with sufficient waiting areas for vehicles waiting to conduct business, as demonstrated by traffic plans and studies submitted by the applicant and subject to approval by the Township.
  - k. Microbreweries.
  - l. Microdistilleries.
  - m. Car, truck, manufactured home, or recreational vehicle sales agencies, with accessory service facilities, provided that all items for sale and all parking areas shall be located a minimum of twenty-five (25) feet from lot lines and street rights-of-way.
  - 1. Hotels or motels.
  - m. Professional services offices
  - n. Dog or cat grooming parlors.
  - o. Funeral homes.
  - p. Commercial greenhouses or nurseries.
  - q. Wholesaling establishments.
  - r. Messenger, dispatch, express, and courier services.
  - s. Car washes, subject to:
    - (1) An impervious approach apron to accommodate a minimum of five (5) cars per bay shall be constructed for the purpose of avoiding an accumulation of cars backing upon a public thoroughfare, except in the case of a facility where only one bay is provided. In such case, the approach drive or parking area shall be constructed to accommodate a minimum of ten (10) cars.
    - (2) A traffic study shall be submitted which demonstrates that cars will not stack upon a public thoroughfare.
    - (3) No building or vacuum shall be located less than fifty (50) feet from any lot line. Planting screens or fences shall be provided along all residential lot lines.
    - (4) Car washes shall be limited to the service of cleaning or waxing of vehicles and shall carry out all activities only within an enclosed building.
    - (5) The lot shall be so graded that process water shall not run off

- the lot or onto a public street or adjoining properties.
- (6) Car washes shall be required to provide a grease trap within their sewer hookup designed to specifications provided by the plumbing inspector.
  - (7) Lot area shall be sufficient to provide space for the building, required yards, drives and vehicle stacking area.
  - (8) All vehicle storage shall be designed and located so as not to intrude into any required yards.
  - (9) Hours of operation shall be limited so as not to inconvenience adjoining residential properties during normal sleeping hours.
- t. Taxi and bus passenger stations.
  - u. Forestry, subject to §27-532 of this Ordinance.
  - v. Libraries, post office, art galleries, museums, or fine arts studios.
  - w. Lumber and building materials supply establishments, provided that a solid fence a minimum of six (6) feet in height shall enclose all materials stored outside of buildings.
  - x. Shop of a carpenter, electrician, metal worker, cabinet maker, upholsterer, plumber, mason, painter, home builder, heating contractor, or similar skilled tradesman, provided that there shall be no outdoor storage of materials used by the tradesman nor shall any skills be performed outside a building.
  - y. State licensed day-care centers.
  - z. Fire station.
  - aa. Bed and Breakfast Inns, subject to §27-528 of this Ordinance.
  - bb. No-impact Home-based Businesses, subject to the provisions of §27-511.
  - cc. Home Occupations, subject to §27-510 of this Ordinance.
  - dd. Medical office buildings.
  - ee. Shopping Centers.
  - ff. Automobile service stations and automotive repair garages subject to the following regulations:
    - (1) All repair work shall be performed indoors.
    - (2) All automotive parts, dismantled and derelict vehicles, and similar articles shall be stored only within an enclosed building.
    - (3) All petroleum pumps and electric charging stations shall be located outside of buildings, no less than thirty-five (35) feet from any road right-of-way line or lot line.
    - (4) No part of a fuel, oil or similar combustible petroleum product storage tank shall be located less than thirty-five (35) feet from any road right-of-way line or lot line.
    - (5) Automotive vehicles without valid, current license plates or state inspection shall be restricted according to this or other Township Ordinances.
    - (6) Petroleum pumps and electric charging stations shall be permitted, covered by a canopy.
    - (7) No part of a canopy shall be located less than 30 feet from any

- property line or street right-of-way.
- (8) The applicant shall submit a litter control plan as part of the application for approval.
  - gg. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, in accordance with §27-527 of this Ordinance.
  - hh. Adaptive reuse of an existing structure for more than one use.

**27-402.3 Uses Permitted by Special Exception**

The following uses are permitted when the Zoning Hearing Board, pursuant to §27-902 of this Ordinance, grants Special Exceptions.

- a. Automobile body shops provided that the following conditions are met:
  - (1) All work shall be conducted indoors.
  - (2) Paint booths shall be adequately filtered and vented to minimize exhaust of noxious fumes.
  - (3) Flammable or combustible materials shall be stored within a fireproof enclosure within the principal structure or within an accessory building located no less than fifty (50) feet from any lot line.
  - (4) Outdoor storage of auto parts or equipment shall not be permitted at any time.
  - (5) All yards shall be appropriately landscaped and well maintained as follows:
    - (a) A dense planting screen shall be established along any property line which abuts a residentially zoned property. Said planting shall be located within fifty (50) feet of said property line but shall not extend over the property line.
    - (b) All other yards shall be appropriately landscaped and well maintained so as to improve air quality, control stormwater runoff, conserve energy, and reduce noise.
    - (c) All areas of the lot not covered by structures or impervious surfaces shall be appropriately landscaped with grass, mulch, decorative stones, plants, or by other materials that do not exceed three (3) feet in height.
- b. Methadone Treatment Centers subject to the following restriction:

A treatment center shall be located at least one thousand (1000) feet from any of the following:

  - (1) Child care facility
  - (2) Park
  - (3) Playground
  - (4) School
  - (5) Another Methadone Treatment Center

**27-402.4 Area, Yard and Height Requirements** (Except as otherwise required by this Ordinance)

Maximum Permitted	
Building Height	35 Feet (2.5 Stories)
Building Coverage	35 Percent
Total Lot Coverage	60 Percent
Minimum Requirements	
Lot Size	25,000 Square Feet
Lot Width At Street Line	100 Feet
At Building Setback Line	125 Feet
Front Yard	50 Feet
Rear Yard	30 Feet
Side Yard	30 Feet
Between Principal Buildings	50 Feet

10-12-16

**27-402.5 Performance Standards in addition to those in Part 5**

- a. All allowable 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 of the Township as a whole. Should the

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

- b. Public sewage disposal and water supply facilities shall be used.

10-12-16

**27-403. LI Light Industrial District**

**27-403.1 Specific Intent**

The intent of the Light Industrial District is to establish and preserve areas for industrial and related uses of such a nature that they require separation from other kinds of land uses in order to minimize the detrimental effects the allowed uses may have, and to make provision for commercial uses that are located most appropriately near industrial uses or that are necessary to service the immediate needs of people in these areas. The district will be free of encroachments from residential activities.

**27-403.2 Uses Permitted By Right**

Land, buildings, or structures in an LI District may be used for the following purposes and no others, unless a Special Exception as provided for in §27-902 of this Ordinance or a Conditional Use as provided for in §27-810 of this Ordinance is granted.

- a. Business, professional, or government offices.
- b. Printing and publishing activities.
- c. Industrial production operations involving the processing of foods, goods and materials.

Any uses not otherwise prohibited by law of a manufacturing, fabricating, processing, compounding, or treatment nature which, in the opinion of the Zoning Officer, would be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and will not otherwise be injurious to the public health, safety, and welfare and will not have an adverse effect on adjacent areas are permitted.

Should the Zoning Officer feel that there is any likelihood of the aforementioned dangers or nuisances, the applicant shall prove the contrary to the Zoning Hearing Board in an Administrative Review before a permit is issued. In such a case, the Township Planning Commission shall be notified of the hearing in order to provide the Zoning Hearing Board with a recommendation.

- d. Scientific or industrial research, testing or experimental laboratories or similar establishments for research or product development.
- e. Wholesaling, warehousing, and distributing activities.
- f. Forestry, subject to §§27-532 of this Ordinance.
- g. Metal processes, including metal treatment and processing.
- h. Shop of a carpenter, electrician, metalworker, cabinetmaker, upholsterer, plumber, mason, painter, homebuilder, heating contractor, or similar skilled tradesman.
- i. Automobile body shops, automotive repair garages, and automobile service stations provided that the following conditions are met:
  - (1) All petroleum pumps and electric charging stations shall be located outside of buildings, no less than thirty-five (35) feet from any road right-of-way line or lot line.
  - (2) No part of a fuel, oil or similar combustible petroleum product storage tank shall be located less than thirty-five (35) feet from any road right-of-way line or lot line.

- (3) All mechanical or auto body repair work shall be performed indoors.
- (4) All automotive parts, dismantled and derelict vehicles, and similar articles or parts thereof shall be stored only within an enclosed building.
- (5) Automotive vehicles without valid, current license plates and/or state inspection shall be restricted according to this and other Township Ordinances.
- (6) Any structure housing an automobile body shop shall be a minimum of fifty (50) feet from any lot line when located adjacent to any residential district.
- (7) Flammable or combustible materials associated with the automobile body shop use shall be stored within a fireproof enclosure within the principal structure or within an accessory building located no less than fifty (50) feet from any lot line.
- (8) Petroleum pumps and electric charging stations shall be permitted, covered by a canopy.
- (9) No part of a canopy shall be located less than thirty (30) feet from any property line or street right-of-way.
- (10) The applicant shall indicate how litter will be prevented and trash controlled led as part of the application for approval.

1

- j. Conference centers with professional meeting and training facilities, which may include related lodging and dining facilities. Recreational facilities, service stores and other similar facilities for use exclusively by conference participants and employees shall be permitted in conjunction with the conference center. Motor vehicle racetracks are not permitted.
- k. Crematoria.
- l. Microbreweries.
- m. Microdistilleries.
- n. State licensed day-care centers.
- o. Agriculture.
- p. Agriculturally oriented commercial establishments (e.g., farm implement dealers, feed mills, seed stores).
- q. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use and customarily incidental to such use, in accordance with §27-527 of this Ordinance. Such accessory uses may include, but are not limited to, warehousing and storage in accessory structures; and cafeterias, child care centers, and recreational facilities for employees only.

**27-403.3 Uses Permitted by Special Exception**

The following uses are permitted when the Zoning Hearing Board, pursuant to §27-902 of this Ordinance, grants Special Exceptions.

- a. Junk Yard, subject to:
  - (1) All junkyards shall be enclosed with a fence a minimum of

- eight (8) feet in height with gates. Gates shall be securely locked except during business hours when an adult attendant is on the premises.
- (2) All junk shall be stored and set back at least fifty (50) feet from any adjoining premises and at least one hundred (100) feet from the right-of-way of any public road or highway and shall be appropriately screened from public view.
  - (3) Burning or melting of any junk, rubbish, or refuse is prohibited.
  - (4) All junk shall be stored and arranged so as to permit access by firefighting equipment and to prevent accumulation of stagnant water. Junk or scrapped automobiles shall not be piled to a height of more than six (6) feet from the ground.
  - (5) All gasoline shall be drained from any junked or scrapped automobiles into containers and removed from the premises within twelve (12) hours from the arrival of a junked automobile on the premises.
  - (6) No garbage or organic waste shall be permitted to be stored on any junkyard.
- b. Trash transfer station, subject to the following:
- (1) The facility must conform to the regulations of, and have a valid permit from, the Pennsylvania Department of Environmental Protection.
  - (2) The entire operation must be carried out in an enclosed building.
  - (3) No trash shall be stored on the premises overnight, unless it is stored in leak-proof, fly-proof, and rodent-proof containers.
  - (4) The facility is to be used by trash haulers only, and shall not be open to the public.
  - (5) Trash transfer stations shall handle only solid waste of a nonhazardous nature.
  - (6) Minimum front, rear, and side yards shall be one hundred (100) feet.
- c. Recycling collection center, subject to the following conditions:
- (1) All materials shall be stored inside a building.
  - (2) Gasoline, oil, or other flammable or toxic substances shall be removed from any recyclable materials, or other items stored in the premises. Such liquid shall be removed and disposed of in a proper manner and shall not be deposited on or into the ground.
  - (3) No material shall be burned on the premises.
  - (4) No garbage or other waste liable to give off a foul odor or attract vermin or insects shall be kept on the premises.
  - (5) Minimum front, rear, and side yards shall be one hundred (100) feet.
- d. The collection, processing, bottling and distribution of surface water and groundwater, subject to the following:
- (1) A permit shall be obtained from the Pennsylvania Department of Environmental Protection.

- (2) A hydrologic study shall be submitted to the Township, which shall indicate the impact of water collection activities on surface water and groundwater supplies and quality in the general area of such activities.
  - (3) Water collection activities shall not endanger surface water and groundwater levels and quality on nearby properties. Any person engaged in water collection activities under this Section who affects a public or private water supply by contamination or diminution shall restore or replace the affected water supply with an alternate source of water adequate in quantity and quality for the purposes served by the water supply.
  - (4) Any person engaged in water collection activities shall post security with the Township in such form and amount as the Township Board of Commissioners may determine to be adequate to guarantee the restoration or replacement of any water supply or supplies which may be adversely affected by such water collection activities.
  - (5) The operator shall post security with the Township to cover the cost to clean, repair, reconstruct or resurface any public roads and road shoulders maintained by the Township which are fouled, damaged or subjected to excessive wear resulting from the use of said roads and road shoulders by the operator or others in connection with the water collection operations. In lieu thereof the operator may enter into an agreement with the Township to make an annual contribution to be used in the maintenance of said roads and road shoulders.
  - (6) The failure to post such security or to adequately protect the surface water and groundwater levels and quality on nearby properties shall be grounds for revocation of the operator's certificate of occupancy by the Township Board of Commissioners and, in that event, an officer of the Township, in addition to other remedies, penalties and forfeitures provided in this Zoning Ordinance, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate any continuing violation, of the provisions of this Ordinance by the operator.
- e. Animal hospitals, veterinary facilities, and kennels, subject to:
- (1) All buildings in which animals are housed shall be located at least two hundred (200) feet from all residential lot lines.
  - (2) All kennels shall comply with all applicable State codes and regulations.
  - (3) Buildings shall be adequately sound-proofed so that sound generated within the buildings cannot be perceived at the lot lines.
  - (4) Outdoor pens and runs shall be at least:
    - (a) three hundred (300) feet from any residential lot line;
    - (b) one hundred (100) feet from an existing road centerline.

- (5) A plan meeting the requirements for landscaping and vegetative buffering per this Ordinance is required.
  - (6) Operations open after hours of darkness shall be lighted in compliance with this Ordinance.
  - (7) No animals shall be permitted outdoors between the hours of 8:00 p.m. and 8:00 a.m.
- f. Outdoor Flea Markets, subject to:
- (1) Flea markets are defined as businesses with short-term or daily rental of stalls, booths or selling spaces to individual persons for selling used and new consumer merchandise, antiques, art and craft items and collectibles at retail. Resale of merchandise is allowable, but not as a branch or outlet of a business with another location elsewhere outside the flea market. Such uses as junk sales, used car sales, thrift shops, and consignment shops are excluded from this definition.
  - (2) Vendor spaces shall not be located within required front, side and rear yards.
  - (3) A minimum of two (2) off-street parking spaces shall be provided for each vendor space.
  - (4) All vendor spaces, aisles and parking areas shall be mud-free, dust-free surfaces.
  - (5) Overnight lodging is not permitted on the premises
  - (6) Flea markets may be operated only during daylight hours.
  - (7) Goods for sale may be stored out of doors on the site overnight only between consecutive days of operation.
  - (8) The stands shall be portable, shall be maintained in good condition and shall be removed during days when items are not being offered for sale.
  - (9) When an outdoor flea market is located on a parking lot servicing another permitted use or uses the vendor spaces and associated parking spaces shall not reduce the number of parking spaces required for the other uses below the minimum required by this Ordinance.
  - (10) Each vendor shall be provided with a minimum area of four hundred (400) square feet to allow for the display of items for sale and to provide a parking space for the vendor's vehicle. The vendor spaces shall be arranged in such a manner to provide safe and convenient ingress and egress of the vendor's vehicle without disturbing adjacent vendors. The vendor spaces shall be improved and maintained to a mud free condition.
- g. Methadone Treatment Centers subject to the following restriction: This treatment center shall be located at least one thousand (1,000) feet from any of the following:
- h. Child care facility
- (1) Park
  - (2) Playground

- (3) School
- (4) Another Methadone Treatment Center
- i. Indoor and outdoor shooting ranges subject to all State and Federal regulations and the National Rifle Association’s Design Source Guide.
- j. Accessory uses and structures to the above permitted uses when on the same lot as the permitted use and customarily incidental to such use, in accordance with §27-527 of this Ordinance.

**27-403.4 Uses Permitted by Condition**

Wireless telecommunications facilities, subject to §27-535 of this Ordinance are permitted when authorized as a Conditional Use by the Township Commissioners in accordance with §27-810 of this Ordinance.

**27-403.5 Area, Yard and Height Requirements**

Maximum Permitted	
Building Height	60 Feet
Building Coverage	35 Percent
Total Lot Coverage	60 Percent
Minimum Requirements	
Lot Size	2 Acres
Lot Width At Street Line	200 Feet
At Building Setback Line	200 Feet
Front Yard	100 Feet
Rear Yard	30 Feet
Side Yard	20 Feet
Between Principal Buildings	50 Feet

**27-403.6 Performance Standards in addition to those in Part 5**

In addition to the performance standards listed in Part 6 of this Ordinance, the following performance standards shall apply to the LI District:

- a. All office, warehousing and wholesaling, production, processing, research, cleaning, testing, printing, publishing, activities shall be carried out in completely enclosed buildings.
- b. Public sewage collection and public water supply shall be used.
- c. Open burning is not permitted.
- d. No gases, vapors or particles which cause harm to persons, property, animals or vegetation shall be emitted beyond the lot lines of the lot on which such gases, vapors or particles originate.
- e. No toxic or hazardous substances shall be emitted, leached, deposited or detectable beyond the lot lines of the lot on which such substances originate.
- f. No use shall endanger ground water levels and quality in the area of the

- use, nor adversely affect ground water supplies of nearby properties. A hydrologic study that shall indicate no adverse impact of the use on ground water supplies and quality in the area of the use shall be submitted to the Township for approval as a condition to obtaining a zoning permit when ground water supply could be affected.
- g. No structure shall be located less than one hundred fifty (150) feet from any property zoned residential.
  - h. All yards shall be appropriately landscaped and well maintained as follows:
    - (1) A planting screen shall be established along any property line that abuts a residentially zoned property. Said planting shall be located within fifty (50) feet of said property line but shall not extend over the property line.
    - (2) All other yards shall be appropriately landscaped and well maintained so as to improve air quality, control stormwater runoff, conserve energy, and reduce noise.
    - (3) All areas of the lot not covered by structures or impervious structures shall be appropriately landscaped with grass, mulch, decorative stones, or plants.

**27-403.7 Process Information to be Submitted to the Township for Review**

In addition to all other information required by this Ordinance, the following information shall be submitted to the Township or its designee when an application for a zoning permit is filed with the Zoning Officer, unless the Township Commissioners have granted a waiver.

- a. A list of all hazardous materials that will be stored or used on the premises.
- b. A plan for containing on the premises all such materials during emergencies such as leakage, spills or flooding.
- c. A professionally prepared Environmental Assessment Statement containing the following information:
  - (1) *Description of the Proposal.* Describe the proposed activity, its purpose, where it is to be located, when it is proposed to take place, and its interrelationship with other projects, including information and technical data sufficient to permit assessment of environmental impact by Township or its consultants.
  - (2) *Description of the Environment.* Include a comprehensive description of the existing environment without the activity and the probable future environment with the activity. This description should focus both on the environmental details most likely to be affected by the activity and on the broader regional aspects of the environment, including ecological interrelationships. Particular attention should be given to the potential effects of past and present use of the site as a repository for toxic or hazardous waste.
  - (3) *The Environmental Impact of the Proposed Activity.* Describe

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

- (4) *Mitigating Measures Included in the Proposed Activity.* Include a discussion of measures which are proposed to be taken or which are required to be taken to enhance, protect or mitigate impacts upon the environment, including any associated research or monitoring.
- (5) *Any Adverse Effects Which Cannot Be Avoided Should the Activity Be Implemented.* Include a discussion of the unavoidable adverse impacts described in (3) and (4) above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.
- (6) *The Relationship Between Local Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity.* Discuss the local short-term use of the environment involved in the proposed activity in relation to its cumulative and long-term impacts and give special attention to its relationship to trends of similar activities that would significantly affect ecological interrelationships or pose long-term risk to health or safety. Short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the various significant ecological and geophysical consequences of the proposed activity.
- (7) *Any Irreversible and Irrecoverable Commitments of Resources Which Would Be Involved in the Proposed Activity Should It Be Implemented.* Discuss and quantify, where possible, any irrevocable Uses or resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat and significant changes in land Use.
- (8) *Alternative to the Proposed Activity.* Describe the environmental impacts, both beneficial and adverse, of the various alternatives considered.

**27-404. I Institutional District**

**27-404.1 Specific Intent**

The intent of the Institutional District is to permit the continued growth and development of the existing college facilities in appropriate areas of the Township and to encourage the design and development of these areas as an integrated campus. Special attention is given to the design of the campus, including the spacing of buildings and interior yards, pedestrian and non-motorized vehicular access to and from buildings and parking lots, lighting of walkways and parking lots, landscaping, screening and buffering, directional signage for increasing mobility and accessibility and street layout and accessibility. Certain other compatible uses are permitted in the District.

**27-404.2 Uses Permitted by Right**

Land, buildings, or structures in an I District may be used for the following purposes and no others, unless a Conditional Use as provided for in §27-810 of this Ordinance is granted.

- a. Single family detached dwellings.
- b. Municipal uses.
- c. Forestry, subject to the provisions of Section 532 of this Ordinance.
- d. No-Impact Home-Based Businesses subject to the provisions of Section 511.
- e. Places of worship.
- f. Cemeteries.
- g. Home occupations, subject to Section 510 of this Ordinance.
- h. State licensed elementary schools, middle schools, junior high schools, or senior high schools.
- i. Woodland or game preserves, wildlife sanctuaries, or similar conservative uses.
- j. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, subject to Section 527 of this Ordinance.
- k. Agriculture, including: seasonal roadside stands for the sale of “home-grown” or “home-made” products.
- l. Golf Courses including driving ranges, chip and putt courses, miniature golf courses and country clubs provided that:
  - (1) All buildings shall be set back a minimum of one hundred (100) feet from any exterior property line, except that buildings no larger than six hundred twenty-five (625) square feet in area which do not generate a need for parking spaces do not have to be set back more than fifty (50) feet from any property line.
  - (2) All other Area, Yard and Height regulations of this district shall apply.
  - (3) A standard restaurant, food stand or clubhouse will be permitted as a clearly accessory use.
    - (a) Customers, normally provided with an individual menu, are served their foods, frozen desserts or beverages by a

- restaurant employee at the same table or counter at which said items are consumed.
- (b) A cafeteria-type operation where foods, frozen desserts or beverages are consumed within the restaurant building.
  - (c) All activities of a commercial nature shall be clearly accessory to and incidental to the permitted recreation Use, such as the charging of admission, the sale of food and beverages, and the rental or sale of golf equipment. Such establishments shall present no visible evidence from any public Street of their commercial character that would attract persons other than employees, patrons, members and guests.
- (4) Off-Street parking will be required. For golf courses, ten (10) spaces per golf hole plus one (1) space per employee (based upon the shift having the largest number of employees), plus fifty percent (50%) of spaces otherwise required for any accessory use. For driving ranges, chip and putt courses and miniature golf courses, two (2) spaces per tee.
  - (5) Unlighted practice fairway and unlighted putting green will be permitted as a clearly accessory use.
  - (6) At the landing area (150 to 250 yards from the tee), the centerline of fairways shall be a minimum of one hundred fifty (150) feet from lot lines and street cartway lines. The centerline of tee areas shall be a minimum of seventy-five (75) feet from lot lines and street cartway lines. The Township Commissioners may allow the centerlines of fairways and tees to be lesser distances from lot lines and street cartway lines provided that the developer proposes compensating measures, such as landscaping, screening, buffers and barriers, which are deemed acceptable by the Township Commissioners.
  - (7) A barrier to golf balls shall be placed along the right-of-way line of any public street. A plan for the barrier shall be submitted to the Township for review. Such barriers shall be no less than six (6) feet in height when established and consist of a solid fence, mounding or landscaping which shall accomplish the intended purpose. The extent, height and design of the barrier are subject to approval by the Township.
- m. State Accredited College or University, subject to:
- (1) Permitted uses:
    - (a) Instructional facilities.
    - (b) Dormitories on the college or university campus, shall be a minimum of one hundred (100) feet from any property line of a lot not owned by said college or university.
    - (c) Student Group Residences.

- (d) Stadiums, gymnasiums and athletic fields.
  - (e) Parks and recreational facilities.
  - (f) Administrative and faculty offices related to the college functions to include, but not limited to, business office, data processing and student records.
  - (g) Day-care facilities.
  - (h) Accessory college and university uses and buildings customarily incidental to the above uses, sized to meet only the needs of the college or university, including, but not limited to:
    - i College or university food service facilities;
    - ii College or university bookstore facilities;
    - iii College or university health and counseling facilities;
    - iv Parking lots and parking garages;
    - v Student services;
    - vi Maintenance facilities.
- (2) The following information shall be provided at the time a land development application is filed:
- (a) The location, use and ground area of each proposed building and other structure.
  - (b) The location, dimensions, arrangement and proposed use of all open spaces, yards, access drives and interior roadways, entrances, exits, off-street parking facilities, loading and unloading facilities, multi-modal paths and buffer yards.
  - (c) The capacity for all areas to be used for parking and loading.
  - (d) The character of the buffer area and screening devices, including the dimensions and arrangements of all areas devoted to planting lawns or trees.
  - (e) A plan for lighting, providing location and type of lighting for multi-modal paths and parking lots.
  - (f) A plan for directional signage to increase mobility and accessibility.
  - (g) A statement regarding the traffic impact on the interior and exterior roadway network and the ability of the roadway systems to handle the traffic and a description of necessary improvements to roadway capacity or other roadway deficiencies, when additional parking facilities are proposed or required.
- n. Libraries, museums, art galleries or conservatories.
  - o. Institutional headquarters for educational, fraternal, professional, religious and other non-profit organizations of a similar nature.
  - p. Medical and surgical offices, hospitals, centers, or clinics.

**27-404.3 Uses Permitted By Condition**

The following uses are permitted when authorized as a Conditional Use by the Township Commissioners in accordance with §27-810 of this Ordinance.

- a. Wireless Telecommunications Facilities, subject to §27-535 of this Ordinance.
- b. Animal husbandry, provided that:
- (1) Structures in which livestock or fowl are kept shall be no closer than three (300') hundred feet to any lot line or road right-of-way and three hundred (300) feet to any residentially zoned property.
  - (2) No storage of manure or odor or dust producing substances or composting and other farm waste storage shall be permitted within three hundred (300) feet of any lot line or road right-of-way and three hundred (300) feet from any residentially zoned property.
  - (3) All grazing and pasture areas shall be fenced.
  - (4) A Nutrient Management Plan shall be prepared and approved under the guidelines of the Commonwealth of Pennsylvania for all proposed intensive animal husbandry. The approved Nutrient Management Plan shall be submitted with the conditional use application.
  - (5) A Stormwater Management Plan shall be prepared pursuant to the applicable Township Ordinance and approved by the Township engineer prior to approval for all proposed intensive animal husbandry.
  - (6) A Conservation Plan shall be prepared and approved by the Soil Conservation District for all proposed intensive animal husbandry. The approved Conservation Plan shall be submitted with the conditional use application.
  - (7) A Landscaping Plan shall be prepared for all proposed intensive animal husbandry, to include evergreen barriers that will aid in visibility, sound, and odor protection. The plan is to be submitted with the conditional use application.
  - (8) A site plan for buildings, manure structures, etc., to include sizes of structures, prevailing winds, distance to neighbors' buildings, boundaries, and vegetation shall be submitted for review with the conditional use application.
  - (9) The applicant shall show that they can meet the standards as may be set forth in treatises recognized by agricultural authorities or as the same maybe produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity. These shall include *The Environmental Standards of Production for Large Pork Producers in Pennsylvania* and others as they are developed.
  - (10) No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the

standards approved by the local, state and federal regulatory agencies.

- (11) The Lebanon County Conservation District shall review any and all proposals for intensive animal husbandry. An applicant must submit a review letter at the time of the conditional use application.
  - (12) The applicant shall prepare and show the ability to comply with a malodor abatement plan. Recognition must be given that certain agricultural activities do produce malodors, but the applicant shall show that malodors can be reduced to a minimum or abated. The plan of the applicant shall show that such steps will be taken as may be necessary to abate malodors or to allow malodors at times that there would be minimal interference with neighbors.
  - (13) The applicant shall dispose daily of solid and liquid waste in the manner that will avoid creating insect or rodent problems or public nuisance. A fly abatement and control plan shall be prepared and the applicant shall demonstrate the ability to fully comply with that plan.
  - (14) The applicant shall show that the use of pesticides will be within standards as may be set by the federal or state regulatory agencies.
  - (15) No intensive animal husbandry buildings shall be built in the one hundred year floodplain, wetlands, or areas of hydric soils.
  - (16) The following standards shall apply to any agricultural operation utilizing or proposing to utilize food processing wastes:
    - (a) All putrescible food processing wastes shall be fed to the animals on the premises or removed from the premises within 72 hours after the putrescible food processing wastes are delivered to the premises.
    - (b) All food processing wastes shall be stored in enclosed buildings or sealed containers prior to being fed to the animals.
    - (c) Only such amounts of putrescible food processing wastes as can reasonably be expected to be consumed by the animals on the premises shall be brought on the premises.
    - (d) Food processing wastes shall be transported to and from the premises only in sealed containers and covered trucks.
    - (e) The owner shall at all times maintain a current Nutrient Management Plan.
    - (f) The owner shall at all times comply with all applicable state and federal laws and regulations governing the transportation, storage, use and disposal of food processing wastes.
- c. Riding stables and animal hospitals.

- d. Commercial recreation areas involving campgrounds, travel trailer campgrounds, and similar uses provided that the following conditions are met:
- (1) All campsites, permanent structures, storage areas, and accessory structures shall be located no closer than two hundred (200) feet to any adjoining lot line or road right-of-way so as to provide a buffer area for adjacent property owners.
  - (2) All buffer yards shall be appropriately landscaped and well maintained. Side and rear yards may be developed for campground related recreational uses (e.g., hiking trails, bicycle paths, passive recreation areas, etc.) to within fifty (50) feet of the property line unless they connect to other multi-modal pathways.
  - (3) Detailed development plans showing campsites, parking, recreation areas, utilities, sewage disposal facilities, etc., shall be submitted to the Township for approval.
  - (4) No less than fifteen percent (15%) of the gross site area shall be devoted to recreational areas, child play areas, swimming pools, etc.
  - (5) There shall be no permanent structures or additions constructed and attached to any travel trailer, tent or other recreational dwelling unit which is located on an approved campsite.
  - (6) Campsite areas shall contain no less than three thousand (3,000) square feet and shall be so designed that any travel trailer, tent or other camping structure shall be located no closer than ten (10) feet to the designated campsite lot lines.
  - (7) Any campsite shall be rented by the day or week only and shall not be utilized as a permanent, year-round residence.
  - (8) No part of any campground shall be used for non-residential purposes, except such uses as are required for the direct servicing and well being of camp residents and for the management and maintenance of the campgrounds.
- e. Mineral extraction, subject to:
- (1) Application Requirements. A copy of all site plan information that will be required by the PA DEP shall also be submitted to the Township as part of the Zoning Application.
  - (2) A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer.
  - (3) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
  - (4) A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be

required along all exterior lot lines that are within 250 feet of an area of excavation. This yard shall include an earthen berm with a minimum average height of six (6) feet and an average of 1 shade tree for each fifty (50) feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.

- (5) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
  - (a) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property.
  - (b) 150 feet from a commercial or industrial building.
  - (c) 250 feet from a residential lot line.
  - (d) 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
- (6) The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 1 acre.
- (7) Truck access to the use shall be located to reasonably minimize hazards on public streets and dust and noise nuisances to residences.
- (8) Fencing. The Commissioners may require secure fencing in locations where needed to protect public safety. As an alternative, the Commissioners may approve the use of thorn vegetation to discourage public access. Also, warning signs shall be placed at intervals of not less than 100 feet around the outer edge of the use.
- (9) County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.
- (10) No mineral extraction operations of any sort shall be allowed earlier than 7:00 a.m. or later than 7:00 p.m. during each day of the week except Sunday, when no such activities shall be permitted.
- (11) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
- (12) The lot or tract on which the use is located shall be no less than ten (10) acres in size with a width of no less than 200 feet.
- (13) The Commissioners, as a condition of approval, may further limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.

**27-404.4 Area, Yard, and Height Regulations**

The following regulations shall be met unless otherwise required by this Ordinance. Public sewer and public water are required.

Maximum Permitted	Single Family Detached Dwelling	Non- Residential Use
Building Height	35 Feet (2.5 Stories)	45 Feet <sup>1</sup> (3.5 Stories)
Building Coverage	15 Percent	40 Percent
Total Lot Coverage	20 Percent	60Percent
Minimum Requirements		
Lot Size	1 Acre	3 Acres <sup>2</sup>
Lot Width At Street Line At Building Setback Line	100 Feet 150 Feet	200 Feet 250 Feet
Front Yard	40 Feet	75 Feet <sup>3</sup>
Rear Yard	40 Feet	75 Feet <sup>3</sup>
Side Yard	20 Feet	75 Feet <sup>3</sup>
Between Principal Buildings		50 Feet

<sup>1</sup> Any Application for a building over 35 feet or 2.5 stories in height shall be accompanied by a letter from the Fire Marshal indicating that there is sufficient capability to fight a fire in the building.

<sup>2</sup> All contiguous lots under the same ownership may be considered in the calculation of lot area for purposes of meeting the 3 acre minimum. All lots so used must remain as part of this calculation and may not be used subsequently to satisfy the minimum lot size requirement of 3 acres for any other lots.

<sup>3</sup> In the case of a state accredited college or university, the required setback may be reduced to the average setback of existing adjacent buildings.

**27-405. P Park District**

**27-405.1 Specific Intent**

The intent of the Park District is to protect natural areas along the Quittapahilla Creek and promote active and passive recreation areas within the Township.

**27-405.2 Uses Permitted By Right**

Land, buildings and structures in a P District may be used for the following purposes and no others, unless the Zoning Hearing Board, pursuant to §27-902 of this Ordinance, grants a Special Exception.

- a. Municipal use.
- b. Forestry, subject to the provisions of §27-532 of this Ordinance.
- c. The following uses if operated by a recreation association, church, or similar private non-profit agency: park, playground, picnic grove, swimming pool, baseball or softball field, soccer field, trail, or similar non-commercial recreation area. Motor vehicle tracks are not permitted.
- d. Woodland preserve, arboretum, wildlife sanctuary, or similar conservation use.
- e. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, subject to §27-527 of this Ordinance.

**27-405.3 Uses Permitted by Special Exception**

The following Uses are permitted when the Zoning Hearing Board, pursuant to §27-902 of this Ordinance, grants Special Exceptions.

- f. The following uses if not owned or operated by the Township, a recreation association, church, or similar private non-profit agency: park, playground, picnic grove, swimming pool, baseball or softball field, soccer field, trail, or similar recreation areas, not including golf courses and driving ranges, subject to:
  - (1) Lot area shall be a minimum of three (3) acres.
  - (2) All buildings, structures, and parking areas shall be setback a minimum of one hundred (100) feet from any exterior property line.
  - (3) Maximum impervious area shall be fifteen percent (15%).
  - (4) Minimum lot width shall be two hundred (200) feet.
  - (5) All other area and bulk regulations of the P Zoning District shall apply.
  - (6) Motor vehicle tracks are not permitted.
  - (7) Swimming pools associated with these uses shall be completely enclosed with a continuous, impenetrable fence no less than six (6) feet in height above the ground level, and the fence shall be equipped with a lockable gate.

**27-405.3 Area, Yard, and Height Regulations**

The following regulations shall be met unless otherwise required by this Ordinance. Permanent sanitary or kitchen facilities shall use public sewer and public water systems.

Maximum Permitted	
Building Height	20 Feet (1.5 Stories)
Building Coverage	10 Percent
Total Lot Coverage	30 Percent
Minimum Requirements	
Lot Size	2 Acres
Lot Width At Street Line At Building Setback Line	100 Feet 100 Feet
Front Yard	50 Feet
Rear Yard	50 Feet
Side Yard	50 Feet
Between Principal Buildings	50 Feet

10-12-16

**§27-406 R1 Low Density Residential District**

**§27-406.1 Specific Intent**

The intent of the R1 Low Density Residential District is to accommodate and encourage low-density development, primarily residential in nature, consistent with the characteristics of the prevailing character of the Township. Development is restricted to single family residential development and related compatible uses designed to serve the residential community.

**§27-406.2 Uses Permitted by Right**

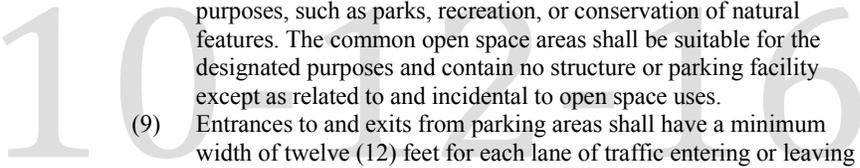
Land, buildings or structures in an R1 District shall be used for the following purposes and no others, unless a Special Exception as provided for in §27-902 of this Ordinance is granted or a Conditional Use as provided for in §27-810 of this Ordinance is granted.

- a. Single family detached dwellings.
- b. Accessory Dwelling Units (ADU).
  - (1) The entrance of the ADU will be located to maintain the overall image of the primary structure as a single-family residence.
  - (2) The ADU shall share sewage disposal, water supply and other utilities with the principal dwelling unit.
  - (3) The right to use the ADU shall terminate upon any of the following events:
    - (a) Death of the occupant of the ADU.
    - (b) Conveyance or transfer of the lot by the owner.
    - (c) Failure to comply with any of the requirements specified herein.
  - (4) The ADU structure as well as any breezeways, additions or attachments shall be removed from the lot within one (1) year of the date of the termination event.
- c. Municipal use.
- d. No-impact Home-based Businesses, subject to the provisions of §27-511.
- e. Forestry, subject to the provisions of §27-532 of this Ordinance.
- f. Places of worship and parish homes.
- g. Publicly owned, state licensed nurseries, kindergartens, elementary, middle, junior high, or high schools.
- h. Accessory uses and structures to the above uses when on the same lot as and customarily incidental to the permitted use, subject to §27-527 of this Ordinance.
- i. Home Occupations, subject to §27-510 of this Ordinance.

**§27-406.3 Uses Permitted by Special Exception**

The following uses are permitted when the Zoning Hearing Board, pursuant to §27-902 of this Ordinance, grants Special Exceptions.

- a. Hospice care facilities for all ages or adult care residences such as, but not limited to, nursing homes, assisted living facilities, personal care facilities, retirement community, independent living facilities, senior citizen housing, subject to:



- (1) The minimum building setback from public streets shall be fifty (50) feet.
- (2) All structures shall be located a minimum of fifty (50) feet from the property lines of the lot.
- (3) Buildings shall not cover more than twenty percent (20%) of the total area of the lot.
- (4) No more than twenty percent (20%) of the total area of the lot shall be impervious surface such as streets, access drives, parking areas, sidewalks and courts.
- (5) Common parking areas and access drives shall be located a minimum of twenty-five (25) feet from the property lines of the lot.
- (6) All buildings shall be set back a minimum of twenty (20) feet from all common parking areas and access drives and streets, except for off-street loading areas and areas at entrances to buildings where residents will enter and leave vehicles.
- (7) All principal buildings shall be separated by a minimum horizontal distance of fifty (50) feet from the nearest point of the buildings.
- (8) No less than thirty percent (30%) of the total area of the lot shall be permanently set aside for non-commercial common open space purposes, such as parks, recreation, or conservation of natural features. The common open space areas shall be suitable for the designated purposes and contain no structure or parking facility except as related to and incidental to open space uses.
- (9) Entrances to and exits from parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the areas.
- (10) No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping, three feet wide at minimum.
- (11) An entrance to or exit from a common parking area shall be located a minimum of fifty (50) feet from any intersection of the nearest access drive.
- (12) A system of impervious walkways a minimum of five (5) feet in width shall be provided for access between buildings and common parking areas, open space areas, and other community facilities.
- (13) A landscaping plan for the facility prepared by a registered landscape architect shall be submitted to the Township, and is subject to approval by the Township. Provisions for the landscaping of the perimeter and interior of all common parking areas shall be included in such plan.
- (14) There shall be no architecturally unbroken building face of more than one hundred sixty (160) linear feet. A building face shall be considered broken if there is a deflection in the building axis of at least thirty degrees (30°). Alternatively, an integral architectural feature of the building must project from the building face a

minimum of ten (10) feet for a minimum distance of ten (10) feet along the building face. Such architectural feature shall extend the entire height of the building.

- b. Medical offices.
- c. Cemetery.
- d. Non-profit and private recreation uses such as golf courses, country clubs, swimming and/or tennis clubs provided that no principal building, accessory structure, pool, tennis court, or parking area is located within one hundred (100) feet of any road right-of-way line or lot line. Additionally, swimming pools associated with these uses shall be completely enclosed with a continuous, impenetrable fence no less than six (6) feet in height above the ground level and the fence shall be equipped with a lockable gate.
- e. Privately owned, state licensed pre-school nursery, kindergarten, elementary, middle, junior high, and high schools, provided that the following conditions are met:
  - (1) The architectural design of the structure shall be harmonious with other structures in the neighborhood.
  - (2) A minimum lot area of three (3) acres for the first three hundred (300) students or enrollees plus one (1) acre for each additional one hundred (100) students or enrollees.
  - (3) Off-street facilities shall be provided for the loading and unloading of students from buses, vans, private vehicles, etc.
  - (4) All playground facilities and equipment, recreational fields, and any impervious surface associated with such facilities shall be located in a side or rear yard only and shall be at least twenty-five (25) feet from any lot line. If deemed appropriate, the Zoning Hearing Board may require screen plantings in and around any such outdoor facilities.
- f. State licensed family child day care homes in a single family detached dwelling, subject to the following conditions:
  - (1) All State licensing requirements shall be met.
  - (2) In addition to a minimum of two off-street parking spaces for the dwelling, one off-street parking space shall be provided for each non-resident employee.
  - (3) Provision shall be made for safe pickup and delivery of children, such that children do not have to cross traffic areas to reach the car waiting to pick them up.
  - (4) No sign for the day care home shall be displayed.
  - (5) There shall be no alteration to the outside of the dwelling that will alter the single family character of the dwelling, be inconsistent with the basic architecture of the dwelling, or be incompatible with surrounding dwellings.
  - (6) A minimum of 100 square feet of usable outdoor play space on the premises and 40 square feet of usable indoor space must be provided for each child present at the facility, including resident

children.

- (7) Outside play shall be limited to the rear yard of such facility and shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
- (8) A buffer area of no less than ten (10) feet in depth shall be established along rear and side lot lines in accordance with the special yard, lot, and screening requirements of this Ordinance. Said buffer area shall be provided in addition to required side and rear yards and shall not be included in determining usable outdoor play area.

**§27-406.4 Uses Permitted by Condition**

Upon approval by the Board of Commissioners, the following conditional uses are permitted provided the use complies with the conditions listed herein and the applicable requirements specified in §27-810 of this Ordinance.

- a. Group Homes, subject to:
  - (1) A plan showing the layout of the facility, specifically identifying all rooms or other areas of the property to be used and the uses to be made there, and all of the services to be provided.
  - (2) The applicant shall meet all safety requirements for such facilities as required by any federal, state or local law. The applicant shall provide a list of all licensing or approval agencies to the Board of Commissioners at the time of the hearing, including the name, address and telephone number of each agency and appropriate contact person. The applicant shall present temporary certification from the appropriate agencies. After Township approval, the applicant shall be required to provide evidence of permanent certification by the appropriate agencies by providing within sixty (60) days after such permanent certification a copy of such certification to the Township Secretary. The applicant remains under a continuing duty to update and provide further approvals to the Township Secretary throughout the existence of the facility within Annville Township.
  - (3) Traffic shall not exceed normal residential levels and ingress and egress must be from safe and proper locations.
  - (4) The facility may be required to comply with applicable provisions of the Township Subdivision and Land Development Ordinance. If compliance is required by that Ordinance, such compliance is to be proven at the hearing.
  - (5) Security lighting shall be done in a manner that will cause a minimum of inconvenience to neighboring property owners.
  - (6) The applicant shall provide information necessary to establish that no group home shall be established within seven hundred fifty (750) feet of any other group home nor shall it be established within seven hundred fifty (750) feet of any

- alcoholic beverage dispensing center.
- (7) The Board of Commissioners shall require specific findings relating to the effects of changing from one type of group home to another type of such facility at a particular location where such change is requested and where such findings are warranted as a result of the application.
  - (8) In reviewing the application for a conditional use, the Board of Commissioners shall consider any other relevant factors specified in other sections of this Ordinance.
  - (9) The applicant for a group home shall be required to submit such proposal to the Zoning Officer and to the Annville Township Planning Commission for review. Such proposal shall be presented to those bodies sixty (60) days in advance of the public hearing herein described to allow for review and comment prior to the hearing before the Board of Commissioners.
  - (10) The Board of Commissioners may attach certain conditions to approval in order to preserve and protect the character of the zoning district and health, safety and welfare of the public.

**§27-406.5 Area, Yard, and Height Regulations**

The following regulations shall be met unless otherwise required by this Ordinance. Public sewage disposal and public water supply are required.

Maximum Permitted	Non-Residential Use	Single Family Detached Dwelling
Building Height	35 Feet (2.5 Stories)	35 Feet (2.5 Stories)
Building Coverage	20 Percent	30 Percent
Total Lot Coverage	35 Percent	45 Percent
Minimum Requirements		
Lot Size	3 Acres	9,000 Sq. Ft.
Lot Width at Street Line At Building Setback Line	200 Feet 250 Feet	55 Feet
Front Yard	100 Feet	25 Feet
Rear Yard	75 Feet	25 Feet (or average of adjacent properties)
Side Yard	20 Feet	10 Feet

**§27-407. R2 Medium Density Residential District**

**§27-407.1 Specific Intent**

It is the intent of the R2 Medium Density Residential District to preserve and enhance historic neighborhoods that are predominantly residential.

**§27-407.2 Uses Permitted by Right**

Land, buildings or structures in a R2 District shall be used for the following purposes and no others, unless a Conditional Use as provided for in §27-810 of this Ordinance is granted.

- a. Single-family detached dwellings.
- b. Single-family semi-detached dwellings.
- c. Municipal use.
- d. No-impact Home-based Businesses, subject to the provisions of §27-511.
- e. Forestry, subject to the provisions of §27-532 of this Ordinance.
- f. Places of worship and parish homes.
- g. Post offices, museums, libraries, or fire stations, provided that they do not contain restaurants, cafes, membership clubs or other places offering food, beverages, dancing or entertainment.
- h. Publicly owned, state licensed nurseries, kindergartens, elementary, middle, junior high, and high schools.
- i. Accessory uses and buildings incidental to any of the above permitted uses as provided for in §27-527 of this Ordinance.
- j. Home occupations, subject to §27-510 of this Ordinance.

**§27-407.3 Uses Permitted by Special Exception**

The following use is permitted when the Zoning Hearing Board, pursuant to §27-902 of this Ordinance, grants a Special Exception: State licensed family child day care homes in a single family detached dwelling, subject to the following conditions:

- a. All State licensing requirements shall be met.
- b. In addition to a minimum of two off-street parking spaces for the dwelling, one off-street parking space shall be provided for each non-resident employee.
- c. Provision shall be made for safe pickup and delivery of children, such that children do not have to cross traffic areas to reach the car waiting to pick them up.
- d. No sign for the day care home shall be displayed.
- e. There shall be no alteration to the outside of the dwelling that will alter the single family character of the dwelling, be inconsistent with the basic architecture of the dwelling, or be incompatible with surrounding dwellings.
- f. A minimum of 100 square feet of usable outdoor play space on the premises and 40 square feet of usable indoor space must be provided for each child present at the facility, including resident children.
- g. Outside play shall be limited to the rear yard of such facility and shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

- h. A buffer area of no less than ten10 feet in depth shall be established along rear and side lot lines in accordance with the special yard, lot, and screening requirements of this Ordinance. Said buffer area shall be provided in addition to required side and rear yards and shall not be included in determining usable outdoor play area.

**§27-407.4 Uses Permitted by Condition**

Upon approval by the Board of Commissioners, the following conditional uses are permitted provided the use complies with the conditions listed herein and the applicable requirements specified in §27-810 of this Ordinance.

- a. Group Homes, subject to:
  - (1) A plan showing the layout of the facility, specifically identifying all rooms or other areas of the property to be used and the uses to be made there, and all of the services to be provided.
  - (2) The applicant shall meet all safety requirements for such facilities as required by any federal, state or local law. The applicant shall provide a list of all licensing or approval agencies to the Board of Commissioners at the time of the hearing, including the name, address and telephone number of each agency and appropriate contact person. The applicant shall present temporary certification from the appropriate agencies. After Township approval, the applicant shall be required to provide evidence of permanent certification by the appropriate agencies by providing within sixty (60) days after such permanent certification a copy of such certification to the Township Secretary. The applicant remains under a continuing duty to update and provide further approvals to the Township Secretary throughout the existence of the facility within Annville Township.
  - (3) Traffic shall not exceed normal residential levels and ingress and egress must be from safe and proper locations.
  - (4) The facility may be required to comply with applicable provisions of the Township Subdivision and Land Development Ordinance. If compliance is required by that Ordinance, such compliance is to be proven at the hearing.
  - (5) Security lighting shall be done in a manner that will cause a minimum of inconvenience to neighboring property owners.
  - (6) The applicant shall provide information necessary to establish that no group home shall be established within seven hundred fifty (750) feet of any other group home nor shall it be established within seven hundred fifty (750' feet of any alcoholic beverage dispensing center.
  - (7) The Board of Commissioners shall require specific findings relating to the effects of changing from one type of group home to another type of such facility at a particular location where

such change is requested and where such findings are warranted as a result of the application.

- (8) In reviewing the application for a conditional use, the Board of Commissioners shall consider any other relevant factors specified in other sections of this Ordinance.
- (9) The applicant for a group home shall be required to submit such proposal to the Zoning Officer and to the Annville Township Planning Commission for review. Such proposal shall be presented to those bodies a significant time in advance of the public hearing herein described to allow for review and comment prior to the hearing before the Board of Commissioners.
- (10) The Board of Commissioners may attach certain conditions to approval in order to preserve and protect the character of the zoning district and health, safety and welfare of the public.

10-12-16

**§27-407.5 Area, Height and Yard Requirements**

The following regulations shall be met unless otherwise required by this Ordinance. Public sewer and public water service are required.

Maximum Permitted	Non-Residential	Single Family Detached	Single Family Semi-Detached
Building Height	35 ft. (2½ stories)	35 ft. (2½ stories)	35 ft. (2½ stories)
Building Coverage	30 Percent	40 Percent	40 Percent
Total Lot Coverage	65 Percent	55 Percent	65 Percent
<b>Minimum Requirements</b>			
Lot Size	20,000 sq. ft.	7,500 sq. ft.	6,000 sq. ft. per unit
Lot width at Street Line	100 Feet	50 Feet	30 Feet per unit
At Building Setback Line	100 Feet	50 Feet	30 Feet per unit
Front Yard	See §27-304.	See §27-304.	See §27-304.
Rear Yard	See §27-304.	See §27-304.	See §27-304.
Side Yard	See §27-304.	See §27-304.	See §27-304.

10-12-16

**§27-408. R3 High Density Residential District**

**§27-408.1 Specific Intent**

The intent of the R3 High Density Residential District is to promote the development of a variety of higher density housing types in areas where necessary municipal services, commercial facilities and other community amenities are available.

**§27-408.2 Uses Permitted by Right**

Land, buildings or structures in an R3 District shall be used for the following purposes and no others, unless a Special Exception as provided for in §27-902 of this Ordinance is granted or a Conditional use is approved by the Township Commissioners in accordance with §27-810 of this Ordinance.

- a. Single-family detached dwellings.
- b. Single-family semi-detached dwellings.
- c. Two-family detached dwellings.
- d. Two-family semi-detached dwellings.
- e. Municipal uses.
- f. No-impact home-based businesses, subject to the provisions of §27-511.
- g. Forestry, subject to the provisions of §27-532 of this Ordinance.
- h. Places of worship and parish homes.
- i. Post offices, museums, libraries, or fire stations.
- j. Publicly owned, state licensed nursery, kindergarten, elementary, middle, junior high, and high schools.
- k. Townhouses, provided that the following requirements are met:
  - (1) In addition to the requirements listed in §27-408.5 and §27-408.6, a minimum side and front yard of twenty-five (25) feet each shall be provided from any impervious parking areas. A minimum distance of twenty-five (25) feet shall also separate each group of townhouses.
  - (2) No group of townhouses shall consist of more than six (6) attached units, with no more than three (3) continuous dwellings with the same front setback, each variation of the setback being at least four (4) feet. Developers are encouraged to use variety in design and construction to enhance appearance.
  - (3) Detached accessory buildings or structures shall be permitted on individual lots. Storage areas, garages, and other normal accessory structures may be attached to the principal structure on each individual lot provided all other requirements of this Ordinance are met.
  - (4) Detached accessory buildings and structures for common use by the entire development shall be permitted on common areas as per this Ordinance.
- l. Apartments provided that the following conditions are met in addition to §27-408.5 and §27-408.6:
  - (1) Apartments in cellars are prohibited.

- (2) Apartments in detached accessory buildings are prohibited.
- (3) Each apartment within an apartment building or residence shall be designed with a private entrance for each apartment, whether said entrance is from the exterior of the building or by way of a common entry or corridor.
- (4) Fire escapes and outside stairways shall be located on the side or rear of the building.
- (5) A Certificate of Occupancy shall be obtained from the Building Code Officer prior to occupancy of any apartment.
- (6) Determination of the total minimum lot area required for apartments or principal uses with apartments shall be the sum total of the lot area required for each apartment plus the lot area required for any principal use.
- (7) In addition to the requirements listed in numbers. (1) through (6) above, apartment buildings containing two (2) or more apartments located above the first floor shall meet the following conditions:
  - (a) At least two (2) exit ways, accessible to each apartment and reasonably remote from each other, shall be required.
  - (b) At least one (1) entrance stairway to each apartment shall be via an interior corridor.
- (8) Apartments may be established in single family dwellings provided the following conditions are met in addition to those listed in nos. (1) through (6) above:
  - (a) An apartment established within a single-family dwelling shall be clearly accessory to the single-family dwelling use.
  - (b) Only one (1) apartment shall be permitted in any single-family dwelling.
  - (c) The area of such an apartment shall not exceed thirty percent (30%) of the habitable floor area of the existing single-family dwelling before the apartment was established.
- (9) If apartments are established in conjunction with an existing non-conforming use, the following requirements shall be applied:
  - (a) A structure containing a non-conforming use shall not be extended or enlarged to accommodate the addition of apartment uses. Only portions of the structure existing on the date of adoption of this Ordinance may be converted for apartments.
  - (b) The number of apartments established shall not exceed the maximum number of units allowed by lot area under §27-408.5 of this Ordinance minus one (1) apartment for each story of the structure remaining in

non-conforming status. The minimum lot area requirement for the non-conforming non-residential use shall not apply when calculating the number of apartments permitted.

- (c) The number of off-street parking spaces shall not be reduced and, in all cases, a minimum of the off-street parking spaces required by this Ordinance for the non-conforming use plus the apartments shall be provided.
- m. Accessory uses and buildings incidental to any of the above permitted uses as provided for in §27-527 of this Ordinance.
- n. Home Occupations, subject to §27-510 of this Ordinance.

**§27-408.3 Uses Permitted by Special Exception**

The following uses are permitted when the Zoning Hearing Board, pursuant to §27-902 of this Ordinance, grants a Special Exception.

- a. Residential conversions, subject to Section 517 of this Ordinance.
- b. State licensed family child day care homes in a single family detached dwelling, subject to the following conditions:
  - (1) All State licensing requirements shall be met.
  - (2) In addition to a minimum of two off-street parking spaces for the dwelling, one off-street parking space shall be provided for each non-resident employee.
  - (3) Provision shall be made for safe pickup and delivery of children, such that children do not have to cross traffic areas to reach the car waiting to pick them up.
  - (4) No sign for the day care home shall be displayed.
  - (5) There shall be no alteration to the outside of the dwelling that will alter the single family character of the dwelling, be inconsistent with the basic architecture of the dwelling, or be incompatible with surrounding dwellings.
  - (6) A minimum of 100 square feet of usable outdoor play space on the premises and 40 square feet of usable indoor space must be provided for each child present at the facility, including resident children.
  - (7) Outside play shall be limited to the rear yard of such facility and shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
  - (8) A buffer area of no less than ten10 feet in depth shall be established along rear and side lot lines in accordance with the special yard, lot, and screening requirements of this Ordinance. Said buffer area shall be provided in addition to required side and rear yards and shall not be included in determining usable outdoor play area.

**§27-408.4 Uses Permitted by Condition**

Upon approval by the Board of Commissioners, group homes are permitted

under the applicable requirements specified in §27-810 of this Ordinance and the following conditions:

- (1) A plan showing the layout of the facility, specifically identifying all rooms or other areas of the property to be used and the uses to be made there, and all of the services to be provided.
- (2) The applicant shall meet all safety requirements for such facilities as required by any federal, state or local law.
- (3) The applicant shall provide a list of all licensing or approval agencies to the Board of Commissioners at the time of the hearing, including the name, address and telephone number of each agency and appropriate contact person. The applicant shall present temporary certification from the appropriate agencies. After Township approval, the applicant shall be required to provide evidence of permanent certification by the appropriate agencies by providing within sixty (60) days after such permanent certification a copy of such certification to the Township Secretary. The applicant remains under a continuing duty to update and provide further approvals to the Township Secretary throughout the existence of the facility within Annville Township.
- (4) Traffic shall not exceed normal residential levels and ingress and egress must be from safe and proper locations.
- (5) The facility may be required to comply with applicable provisions of the Township Subdivision and Land Development Ordinance. If compliance is required by that Ordinance, such compliance is to be proven at the hearing.
- (6) Security lighting shall be done in a manner that will cause a minimum of inconvenience to neighboring property owners.
- (7) The applicant shall provide information necessary to establish that no group home shall be established within seven hundred fifty (750) feet of any other group home nor shall it be established within seven hundred fifty (750) feet of any center dispensing alcoholic beverages.
- (8) The Board of Commissioners shall make specific findings relating to the effects of changing from one type of group home to another type of such facility at a particular location where such change is requested and where such findings are warranted as a result of the application.
- (9) In reviewing the application for a conditional use, the Board of Commissioners shall consider any other relevant factors specified in other sections of this Ordinance.
- (10) The applicant for a group home shall be required to submit such proposal to the Zoning Officer and to the Annville Township Planning Commission for review. Such proposal shall be presented to those bodies a significant time in advance of the public hearing herein described to allow for review and

comment prior to the hearing before the Board of Commissioners.

- (11) The Board of Commissioners may attach certain conditions to approval in order to preserve and protect the character of the zoning district and health, safety and welfare of the public.

**§27-408.5 Area, Height, and Yard Requirements**

A lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of the following table, unless otherwise specified in this Ordinance, shall be provided for every dwelling unit and/or principal non-residential building or use hereafter erected, altered, or established in this district. Additionally, public water and public sewer facilities shall be provided for all such uses within this district.

Minimum Requirements	Lot Area	Lot Width	Front Yard	One Side Yard	Total Side Yards	Rear Yard
Non-Residential Uses	20,000 sq. ft. <sup>1</sup>	100 Feet <sup>1</sup>	25 Feet	10 Feet	20 Feet	25 Feet
Single Family Detached	7,500 sq. ft.	75 Feet	25 Feet	10 Feet	20 Feet	25 Feet
Single Family Semi-Detached	6,000 sq. ft.	65 Feet	25 Feet	10 Feet <sup>2</sup>	n/a	25 Feet
Two Family Detached	8,000 sq. ft.	80 Feet	25 Feet	10 Feet	20 Feet	25 Feet
Two Family Semi-Detached	8,000 sq. ft.	80 Feet	25 Feet	10 Feet <sup>2</sup>	n/a	25 Feet
Townhouse	3,000 sq. ft. /dwelling unit	20 Feet	25 Feet	15 Feet <sup>2</sup>	n/a	25 Feet
Apartment Unit	3,000 sq. ft. /dwelling unit	60 Feet	25 Feet	10 Feet	20 Feet	25 Feet

<sup>1</sup> For purposes of meeting the listed minimums, contiguous lots under the same ownership must be merged into a single lot.

<sup>2</sup> Yard requirements apply to unattached sides of buildings.

No building shall exceed two and one-half (2.5) stories or thirty-five (35) feet in height, except that in the case of a state accredited college or university, the building height may be increased to three (3) stories and 45 feet provided any application for a building over 2.5 stories or 35 feet shall be accompanied by a letter from the Fire Marshal indicating it has sufficient capability to fight a fire in the building.

Building and lot coverage requirements shall be as follows:

Use	Non-Residential	Residential
Maximum Building Coverage	30%	40%
Maximum Lot Coverage	65%	60%

**§27-408.6 Supplemental Townhouse and Apartment Standards**

The following design criteria shall apply as additional requirements for townhouse and apartment building development:

- a. The site shall be served by public water and public sewer facilities, and shall be designed for individual service where townhouse lots are to be sold.
- b. Planting screens shall be provided where side and rear yards of multiple

dwelling unit land developments abut any non-residential use or where such developments abut any single family residential or other zoning district. Planting screens shall be designed, located and maintained in accordance with the requirements of this Ordinance.

- c. All open space, green areas, patios, courts, and buffer yards shall be landscaped and maintained to insure the safety, privacy, and comfort of townhouse and apartment residents.
- d. Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contained in covered, vermin-proof containers.
- e. Off-street parking, as required by this Ordinance, shall be located within one hundred (100) feet of the dwelling to be served.

10-12-16

**§27-409. R4 Manufactured Housing District**

**§27-409.1 Specific Intent**

The regulations of this district are designed to provide reasonable standards for the development of manufactured home parks and manufactured home subdivisions within a residential area since these uses are recognized as a special form of housing requiring special specific standards.

**§27-409.2 Uses Permitted by Right**

Land, buildings or structures in an R4 District shall be used for the following purposes and no others.

- a. All uses permitted by right in the R3 High Density Residential District, subject to all applicable regulations of the R3 District.
- b. Manufactured home park, subject to:
  - (1) *Scope* – All manufactured home parks hereafter established and all expansions to existing manufactured home parks are subject to all applicable regulations of this section.
  - (2) *Use of Terms* – A development subject to these regulations shall be known as a park in this section unless specified differently in the text.
  - (3) *Park Size* – Each park hereafter designed shall be at least ten (10) acres. The park shall not be divided by any public street or alley but may contact any street or alley. Hereafter, any street or alley so contacted shall be known as a perimeter street or alley.
  - (4) *Density* – Each park shall have a maximum density of six (6) manufactured homes per gross acre, and no individual manufactured home lot in a manufactured home subdivision shall be less than five thousand (5,000) square feet.
  - (5) *Yard Requirements, Manufactured homes* – No manufactured home shall be located at less than the following:
    - (a) Fifty (50) feet from any perimeter street line or perimeter lot line. Said fifty (50) foot buffer area shall contain a dense planting screen. The screen shall be a year-round screen which shall be maintained permanently. Plant material which does not live shall be replaced within six (6) months. The distance between trees shall be such that a full screen will be provided. The permissible distance between plants will vary with the species of planting;
    - (b) Twenty (20) feet from the edge of a park street;
    - (c) Twenty (20) feet from any other manufactured home;
    - (d) Ten (10) feet from interior lot lines.
  - (6) *Yard Requirements, All Other Buildings* – No service building or accessory building for park residents' general use shall be located at less than the following:

- (a) Fifty (50) feet from a perimeter street line;
  - (b) Fifty (50) feet from a perimeter lot line;
  - (c) Forty (40) feet from any manufactured home.
- (7) *Park Street* – A street installed exclusively for park residents' use shall be constructed to Township specifications and conform to the following regulations:
- (a) A park street shall be at least twelve (12) feet wide for one-way and at least twenty-four (24) feet wide for two-way traffic when all parking is provided off-street. A traffic pattern in the park shall allow for efficient access to all points;
  - (b) Each manufactured home site shall be accessible from a park street; however, designated parking for a site may be provided off the site as provided herein;
  - (c) Each park shall be provided with at least two (2) points of ingress/egress for vehicular traffic from public streets;
  - (d) No more than two (2) park streets shall intersect at any one point;
  - (e) Park streets designated to provide parking for sites shall be widened by eight (8) feet on each side to be used for parking.
- (8) *Walkways* – A walkway with impervious surface shall be installed as follows:
- (a) Between each manufactured home site, as described herein, and a park street;
  - (b) Between manufactured home sites and common parking areas, recreation areas, and other common use areas.
- (9) *Off-Street Parking* –
- (a) Each manufactured home site shall be provided with at least two (2) parking spaces that comply with the requirements of this Ordinance.
  - (b) Parking spaces for a given site shall be adjacent to each other;
  - (c) Parking spaces which are provided in a common parking lot shall be appropriately marked for a specific site and shall not be farther than one hundred fifty (150) feet from the site to be served;
  - (d) Parking spaces shall be accessible from a park street only.
- (10) *Utility Services* –
- (a) Each manufactured home site shall be served by a public water system;
  - (b) Each manufactured home site shall be served by a connection to the public sewer system;
  - (c) Each manufactured home site shall be served by a

- connection to an electrical distribution system;
- (d) Any transmission line within the limits of the park for telephone service, electricity, or centralized television reception shall be underground.
- (11) *Common Open Space Areas* –
- (a) The park shall be provided with common open space areas, not less than fifteen percent (15%) of the gross park area, which are for the enjoyment of all park residents. The areas may include, but are not limited to, such facilities as playgrounds, swimming pools, field and courts for various organized team sports, and landscaped areas for passive recreation;
- (b) The park shall have at least half of its common area at one continuous location, and not more than half of its common area may be in the buffer area;
- (c) Fifty (50) feet An interior play area for children shall be more than one thousand (1,000) square feet and follow playground standards established by the Consumer Product Safety Commission.
- (d) Provision shall be made by the owner of the park for the development, installation and maintenance of such common open areas.
- (e) Areas reserved for common open space purposes shall meet the following standards:
- (i) The land shall be readily accessible to residents of the Manufactured home Park.
- (ii) Provision shall be made for access to the land by maintenance equipment, where such access will be necessary.
- (iii) The size, surface conditions, shape, topography and location of the parcels shall be suitable for the intended recreational purpose, and be such that recreation use is feasible. Designated purposes are subject to Township approval.
- (iv) Recreation areas shall be improved and equipped to a usable state in accordance with plans to be approved by the Township. Such improvement and equipping shall be guaranteed through the Municipal Improvements Agreement.
- (12) *Manufactured home Site Improvements* –
- (a) Each manufactured home site shall be provided with a patio at least fifty (50) sq. ft. in size. Said patio shall adjoin the manufactured home in such a manner as to provide direct access from an entrance/exit of the manufactured home to the patio;

- (b) The patio shall be properly drained and shall have a durable surface such as concrete or wood;
- (c) Each manufactured home shall be provided with a skirting of durable material that shall entirely enclose the area beneath the manufactured home.

10-12-16

## Part 5

### General Regulations

The General Regulations are designed to contain a list of complementary and general requirements that 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, repetition, and conflicts throughout this Ordinance.

#### §27-500. Signs

##### §27-500.1 Intent

The Township recognizes that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest. It is the intent of this Section to:

- a. Set standards, provide controls, and establish procedures that permit reasonable use of signs and enhance the character of the Township.
- b. Encourage sign design that builds in harmony with the scale and character of the Township.
- c. Protect the safety and general welfare of the community so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists.

##### §27-500.2 Conformance Required

From the effective date of this Ordinance, any sign erected, relocated, or altered shall conform to the provisions of this Section and any other ordinance or regulations that relate to it, including all applicable Federal, State and local laws, rules and regulations.

##### §27-500.3 Permits Required

Unless otherwise provided by this Section, all signs shall require permits and payment of fees as described in this Ordinance. No permit is required for the maintenance of a sign or for a change of copy on a legally conforming painted, printed, or changeable copy sign. For the purposes of this Section, maintenance shall include any repainting of a sign that does not otherwise change its message or appearance.

- a. It shall be unlawful for any person, firm or corporation to erect, relocate, or alter any sign without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements. Properties in the Historic District also require a Certificate of Appropriateness from the HARB.
- b. Applications for sign permits shall be made upon forms provided by the Zoning Officer and shall contain or have attached the following information where relevant:

- (1) Names, address, telephone number and signature of the owner or duly authorized agent for the property owner.
- (2) Name, address, telephone number and signature of the applicant, if different from the owner.
- (3) Name, address and telephone number of the sign contractor.
- (4) Property address and applicable zoning district.
- (5) Two copies of a plan drawn to scale depicting:
  - (a) Lot dimensions, building frontage, and existing cartways, rights-of-way and driveways.
  - (b) The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
  - (c) Sign Message.
  - (d) Building elevations, existing and proposed facades, parapet walls, cornices and the location and size of all proposed and existing permanent signage.
  - (e) Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
- (6) A permit fee, to be established from time to time by Resolution of the Board of Commissioners.
- (7) Such other information which may be required by the Zoning Officer, including a Certificate of Appropriateness authorized by the Township Commissioners if the property lies within the Historic District, to show full compliance with this Ordinance.

#### **§27-500.4 Exempt Signs**

The following signs shall be allowed without a sign permit and shall not be included in the determination of the number or sign area of other signs allowed within a zoning district, subject to the restrictions in Subsections §27-500.11 and §27-500.12.

- a. Address signs
- b. Artisan signs
- c. Civic Event signs
- d. Directional signs
- e. Election signs
- f. Government/Regulatory signs
- g. Home Occupation signs smaller than 2 square feet
- h. Identification signs
- i. Incidental signs
- j. Instructional signs
- k. Memorial signs
- l. Personal Expression signs
- m. Public Interest signs
- n. Real Estate signs
- o. Yard Sale signs

## §27-500.5 Definitions

Words and phrases used in this Section shall have the meanings defined in this Section. Words and phrases not defined in this Section but defined elsewhere in this Ordinance shall be given the meanings set forth in **Part 2, Definitions**, of this Ordinance.

*Legally Non-Conforming Sign* – Any existing sign:

- a. Located on a premises in the Township with a permitted use, and
- b. Legally erected prior to the adoption of this Ordinance, and
- c. Not meeting the provisions of the current ordinance.

*Sign* – a name, identification, image, description, display, or illustration that:

- a. Is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land
- b. Directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business
- c. Is visible from any street, right-of-way, sidewalk, alley, park, or other public property.

*Sign Area* – The area of all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed. *Sign area* excludes any supporting framework and bracing, provided that it does not contain any lettering, wording, designs or symbols. For the purpose of this Section, *sign area* shall be computed as a square or rectangle drawn at the outer limits of the sign face (defined hereafter).

- a. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are essentially three-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in the computation of area.
- b. Where the sign consists of a double face, only one side shall be considered for the purpose of calculating total sign area. Where both sides are not identical or where the interior angle formed by the faces of a sign is greater than 45 degrees, all faces shall be considered in calculating total sign area.
- c. Any spacing between signs designating different or separate occupants or uses of a building shall not be counted as sign area.

*Sign Face* – The part of a sign that is or can be used to identify, advertise and communicate information for visual representation, which attracts the attention of the public for any purpose. This definition shall include any background material, panel, trim and color used that differentiate the sign from the structure on which it is placed. The sign structure shall not be included, provided that no message, display or symbol is designed and included as part of the structure.

*Sign Height* – The distance from the highest portion of the sign, including all structural elements, to mean grade of the ground below the sign.

*Sign Structure* – A supporting structure erected and used for the purpose of physically supporting a sign, situated on any premises where a sign may be located. This definition shall not include a building, fence, wall or earthen berm.

Signs are defined by form and by purpose. *Purpose* refers to the type of message contained in the sign. *Form* refers to the physical sign itself

**Signs defined by Purpose:**

*Address Sign*— A sign that designates the residence number for identification purposes, as designated by the United States Postal Service. Exempt

*Artisan Sign*— A sign giving the name or names of principal contractors, architects, and lending institutions responsible for painting or construction on the site where the sign is placed. Exempt

*Civic Event Sign* A non-commercial temporary sign, posted to promote and advertise an activity sponsored by the Township, school district, church, public agency, civic or charitable association or other similar non-commercial organization. Exempt

*Development Sign* – A temporary sign indicating that the premises is in the process of subdivision or development.

*Directory Sign* – A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or business campuses, and similar large complexes which have a variety of tenants or uses.

*Directional Sign* – A sign designed to guide vehicular and/or pedestrian traffic by using such words as *Entrance, Exit, Parking, One-Way*, or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign. Exempt

*Election Sign* – A temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the public. There are no restrictions on election signs, including the number of signs, but such signs must be removed within 48 hours following the closing of the polls. Exempt

*General Purpose Sign* – A sign that directs attention to a business, to a product sold, manufactured, or assembled, or to services or entertainment offered on the premises where the sign is displayed; or on a billboard.

*Government/Regulatory Sign* – Any sign to control traffic or for identification, including street signs, warning signs, railroad-crossing signs and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof in the discharge of his official duties. Exempt

*Home Occupation Sign* – A sign that designates a home occupation as permitted in this Ordinance.

*Identification Sign* – A sign that identifies only the occupant of a residential premises, the profession of an occupant, or historic designation of a building.

Exempt

*Incidental Sign* – A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive-through window menu boards, signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes. Such signs shall not count toward the total number of signs permitted for any one property. Exempt

*Instructional Sign* – A sign located within the interior of a lot, generally not visible from the street or adjoining properties, which provides information as to the location, interior operation or use of buildings or facilities. Such signs shall not count toward the total number of signs permitted for any one property. Exempt

*Memorial Sign* – A memorial plaque or tablet, or other remembrances of persons or events, which is not for commercial or advertising purposes; does not include grave markers. Exempt

*Personal Expression Sign* – Any sign that expresses an opinion, interest, or position (not including election signs). Exempt

*Public Interest Sign* – A sign on private property that displays information pertinent to the safety or legal responsibilities of the public such as warning and "no trespassing" signs. Exempt

*Real Estate Sign* – A temporary sign indicating the sale, rental or lease of the premises on which the sign is placed. Such signs shall be removed within fourteen (14) days of settlement. Exempt

*Temporary Sign* – A sign which advertises projects or events. Temporary signs shall be displayed no longer than sixty (60) days, unless permission is secured from the Township Commissioners or if a construction project or property sale takes more than sixty (60) days to complete. Construction signs shall be removed within fourteen (14) days of completion of construction. Such signs shall be placed at least 30 feet apart and shall not count against the total number of signs allowed for a particular property. Exempt

*Time and Temperature Sign* – An electronic sign that provides data regarding the current time and temperature by means of illuminated numbers. May be a wall sign, projecting sign, or freestanding sign.

*Yard Sale Sign* – A temporary sign advertising a yard or garage sale. Exempt

**Signs defined by Form:** The physical structure of the sign.

*A-Frame Sign* – A single sign face supported by an upright, rigid frame in the form of a triangle or an inverted V.

*Awning Sign* – Any sign painted on or applied to a structure made of cloth, canvas, metal or similar material which is affixed to a building and projects

from it. This definition shall also include signs suspended under a porch roof.

*Banner* – A sign consisting of lightweight, flexible material supported by a frame, rope, wires or other anchoring devices, which may or may not include text, image, logo or graphic symbols, including but not limited to feather signs and air dancers.

*Beacon Light* – Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure or other object. Prohibited

*Billboard* – Any large, off premises, outdoor structure having more than one hundred square feet of display surface and typically found in high traffic areas.

*Digital and Electronic Signs* – Any sign, video display, projected image, or similar device or portions thereof with changeable text, images, or graphics generated by electronic components. Electronic signs include, but are not limited to, signs that use light emitting diodes (LEDs), plasma displays, fiber optics, pixel-based or other technology that results in bright, high-resolution text, images, and graphics. May be used if displays and messages are essentially stationary, do not change more frequently than once every 30 minutes with a transition period of one second or less, and follow all requirements within this Zoning Ordinance.

*Double-Faced Sign* – A sign with two identical faces of equal sign area, which are back to back.

*Freestanding Sign* – Any non-moveable sign not affixed to a building.

*Illuminated Sign* – Any sign which has text, image, logo or graphic symbols illuminated by an internal or external lighting source attached to the sign.

*Marquee Sign* – Any sign attached to a marquee for the purpose of identifying a movie theater or similar place of entertainment. Permitted as a Conditional Use.

*Motion Sign* – A sign with action, motion, or the depiction of movement or change of position of text, images, or graphics. Motion shall include, but not be limited to: visual effects such as dissolving, flashing, scrolling, or fading text and images; running sequential text, graphic bursts; lighting that resembles zooming, flashing, twinkling, or sparkling; changes in light or color, transitory bursts of light intensity, moving patterns or bands of light; expanding or contracting shapes and similar actions; but not including wind-actuated elements such as flags, banners or specialty items. Prohibited, except for Digital and Electronic Signs as described above.

*Movable Sign* – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels. This

definition does not include sandwich board signs, A-frame signs or T-frame signs.

*Mural* – Artwork applied to the wall of a building, which covers all or most of the wall and depicts a scene or event of natural, social, cultural, or historic significance. Permitted as a Conditional Use.

*Neon Sign* – Any electric sign lighted by luminous gas-discharge tubes that contain rarified neon or other gasses (includes fluorescent signs). A neon sign may be a wall sign, a projecting sign, or a window sign.

*Pennants* – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. Includes streamers, ribbons, and spinners.

*Projecting Sign* – A sign which is attached directly to any building wall and which extends more than twelve (12) inches from the face of the wall. A projecting sign may not extend more than four (4) feet from a wall, must clear the sidewalk by at least ten (10) feet, and may not extend into the cartway.

*Roof Sign* – Any sign erected and constructed wholly on and over the principle roof of a building, supported by the roof, or extending vertically above the highest portion of the roof.

Prohibited

*Sandwich Board* – A movable sign consisting of two faces, connected and hinged at the top. Such signs shall not obstruct free passage of a pedestrian way nor any entrance or exit.

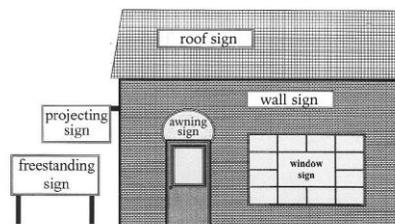
*Tethered Balloon* – An aerostat restrained by a cable attached to the ground or a vehicle so that it cannot float freely. The tether is normally attached to a winch used to raise and lower the balloon. Prohibited

*T-Frame Sign* – A single sign face supported by an upright, rigid frame in the form of an inverted T.

*Vehicular Sign* – Any vehicle used as a sign or vehicle to which a sign is affixed in such a manner that the carrying of the sign is used primarily as stationary advertisement for the business where the vehicle is parked, or another business, or is otherwise not incidental to the vehicle's primary purpose. Prohibited

*Wall Sign* – Any sign erected against the wall of a building or displayed on doors or fences that does not protrude more than 12 inches from the wall, window, or door. A wall sign may not extend beyond the eave line or parapet of the roofline.

SIGN TYPES DIAGRAM



*Window Sign* – Any sign placed upon the outside or inside of a window, facing the outside. Customary displays of merchandise or objects and material without lettering placed behind a store window are not considered signs or parts of signs.

10-12-16

### §27-500.6 General Regulations

The following restrictions and regulations shall be applicable to all signs unless otherwise specified:

- a. *Materials:* All signs, excluding awning and window signs, shall be constructed only from wood, metal, stone, synthetic wood materials, or other material as determined by the Township Commissioners which has the general appearance of structures composed primarily of wood, metal or stone with painted, engraved or raised messages. Sign materials should complement the original construction materials and architectural style of the building facade on which they are to be displayed. If plywood is used, medium density overlay shall be used as a minimum grade. Bare plywood is prohibited.
- b. *Color:* In selecting the principal colors for a sign, colors that complement the color of the building are recommended.
- c. *Illumination:* Internally illuminated signs are not permitted in the Historic District Overlay. Where permitted, signs shall be illuminated only in accordance with the following regulations as authorized in an appropriate sign permit:
  - (1) Light sources shall be shielded from all adjacent properties and streets and shall not be of such intensity as to cause glare hazardous to pedestrians or motorists.
  - (2) With the exception of marquee signs, signs using internal illumination shall be designed so that when illuminated at night, only the letters and logos of the sign are visible. Individual, solid letters with internal lighting tubes which backlight a wall in a halo effect are permitted.
  - (3) Permits for illuminated signs will not be issued without an approved construction permit. All work shall be completed in full compliance with the Electrical Code in force in the Township.
  - (4) Backlit awnings are prohibited.
- d. *Electrical connections:* The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables. Applications for electrical permits, as required by the building code, shall be filed at the time of the sign permit application.
- e. *Nuisance:* No sign shall create a public nuisance by emitting smoke, sound, vapor, beams or rays, particles, or odors.
- f. *Sign removal:* Any business that has closed shall remove any signs associated with the business within 60 days after it closes. The owner of the premises shall have the responsibility to ensure such signs are removed within the 60-day period.
- g. No sign or sign structure shall be erected unless it complies with all applicable requirements of the Township building code.
- h. All signs and sign structures shall be safe, secure, kept in good repair and in a presentable condition, so that all sign information is clearly legible. Any sign

found by the Zoning Officer to show deterioration, including rust, faded colors, discoloration, holes and missing parts or informational items, unsafe, insecure, or a hazard to the public shall constitute a violation of this Section.

- i. No sign or structure shall be placed in the public right-of-way except for permitted A-frame, T-frame, sandwich board, projecting, and civic event signs as provided for in this Section.
- j. No sign shall cover architectural details such as arches, sills, moldings, cornices, and transom windows.
- k. If a sign incorporates more than one purpose, the primary purpose shall determine the limitations as defined on Chart 1.

#### **§27-500.7 Prohibited Signs**

It shall be unlawful for any person, firm or corporation to erect any sign in the Township unless it is specifically permitted in this Section. Prohibited signs include, but are not limited to:

- a. Those which by color, shape or location conflict with or resemble a traffic signal device.
- b. Those attached to rocks, utility poles, parking meters, traffic signposts, traffic signals or control devices, street signs, or historical markers.
- c. Those attached to trees, shrubs or any living vegetative matter.
- d. Those erected without the permission of the property owner or authorized agent.
- e. Those which create hazards to operators of vehicles and pedestrian traffic or which may interfere with, or obstruct the view of any authorized traffic sign, signal, or device.
- f. Those that obstruct free ingress to or egress from a required door, window, fire escape or other required exit.
- g. Those that exhibit statements, words or pictures of pornographic subjects.
- h. Those with reflective backgrounds or elements.
- i. Those displaying trademarks or logos of companies other than the business on the premises.
- j. Abandoned signs which no longer identify or advertise an existing business, lease, service, owner, product, or activity, or for which no legal owner can be found.
- k. Banners exceeding in size more than ten percent (10%) of the façade of the structure on which they are used. Banners used for more than thirty (30) days unless permission is secured from the Township Commissioners.
- l. Beacon lights.
- m. Motion signs with the exception of time and temperature signs and digital and electronic signs as otherwise permitted (v. §27-500.5).
- n. Moveable signs.
- o. Roof signs.
- p. Tethered balloons, filled either by gas or heated air.
- q. Vehicular signs.

10-12-16

**§27-500.8 Conditional Uses**

The following signs shall be allowed as Conditional uses when approved by the Board of Commissioners:

- a. Marquee signs
- b. Murals

The Board of Commissioners shall ensure the proposed sign is appropriate to the style, period, type, size and scale of the building for which it is proposed. The Commissioners shall weigh testimony from other property owners in the vicinity regarding the merits of the sign and shall weigh whether the sign will enhance the traditional town character of Annville or detract from it in determining whether the sign shall be permitted.

**§27-500.9 Signs on the Premises of Legally Non-Conforming Uses**

Signs on the premises of legally non-conforming uses, such as an office in a residential area, may remain until the existing use of the premises is discontinued. If a sign wears out or is damaged, or is changed for any other reason, the number, size and area of all signs relating to the premises shall not be increased beyond the size they were at the time this Ordinance was adopted.

- a. Nothing in this Section shall relieve the owners or users of legally non-conforming signs, or the owners of the property on which legally non-conforming signs are located, from any provisions of this Section regarding the safety, maintenance, and repair of signs.
- b. If a legally non-conforming sign lists more than one business, new businesses may be added without affecting the non-conforming status of the sign. However, the sign may not be altered in any way that extends the sign's non-conformity in any manner.
- c. Should 50 percent or more of any legally non-conforming sign be damaged by any means, it shall be removed and not reconstructed except in conformity with the provisions of this Section.
- d. A legally non-conforming sign shall immediately lose its legally non-conforming designation if the sign is altered in any way, except as provided for in subsection g below. At that point, the sign shall be immediately brought into compliance with this Section and a new permit secured, or the sign shall be removed.
- e. The existence of a legally non-conforming sign on a single or multiple occupancy premises shall not prevent the erection or placement of another sign on the premises, if the new sign meets the requirements of this Section. However, the total number of signs and the size and area of the signs shall not exceed the requirements of this Section.
- f. Any business that has closed shall remove any signs associated with the business within 60 days after it closes. The owner of the premises shall have the responsibility to ensure such signs are removed within the 60-day period.
- g. Non-conforming signs may be repainted, repaired (including lighting) or replaced provided such repainted, repaired or replaced signs do not exceed the dimensions of the existing sign. Copy may also be changed.

Non-conforming signs, once removed for a period of 60 days, may be replaced only with signs which conform to provisions of this Ordinance.

**§27-500.10 Special Regulations for Billboards**

The requirements set forth in this section shall be applicable to all billboards (off-premises signs) approved and built after the effective date of this ordinance. Any existing billboard shall be considered non-conforming and any repair, maintenance or replacement shall comply with this ordinance.

- a. All off-premises signs in excess of one hundred (100) square feet require a permit from the Township Zoning Officer.
- b. Applications for sign permits shall be filed in duplicate with one copy to the Township Office and shall be accompanied by detailed plans and specifications and such other information deemed necessary by the Zoning Officer to determine the location and details of construction of such sign.
- c. Permit Fees. No permit to erect shall be issued until a fee, as established by resolution of the Board of Commissioners, has been paid.
- d. Billboards (Off-premises signs) shall be placed back-to-back, double faced or in a V, with no more than two (2) displays to each facing. Such structures shall be considered as one (1). No new billboard shall be erected having more than one (1) viewable face that is directed toward the same lane(s) of traffic.
- e. Size of signs. The maximum area for any one (1) Billboard (Off-premises sign) shall be 288 square feet with a maximum sign face height of twelve (12) feet or width of twenty-four (24) feet subject to the measuring provisions of this section.
- f. Height of signs. The total maximum height of any billboard (off-premises sign) shall be forty-five (45) feet as defined herein. Any communication structures, antennas or other non-moving structures that may be placed on billboards shall not extend higher than twenty (20) additional feet.
- g. Spacing of signs. No billboard (off-premises sign) shall be erected within 1,000 feet of any other existing billboard signs in any direction on the same side. The term measurement in this section shall be the minimum distances between billboard structures measured along the nearest edge of the pavement between points directly opposite the signs and shall apply only to billboard structures located on the same side of the highway involved.
- h. No billboard (off-premises sign) shall be located within five hundred (500) feet of any Residential Development (R1, R2, R3, and R4).
- i. Lighting of Signs. Billboards (off-premises sign) may be illuminated by steady, stationary, and shielded light sources directed solely onto the surface of the sign face. No flashing, blinking, moving, scrolling, animated, crawling or intermittent lighting of billboard faces shall be allowed.
- j. Billboards (off-premises signs) shall :
  - (1) Not be attached to any structure, such as but not limited to, walls

- and roofs.
- (2) Not be so constructed that any part or all of the sign moves or which appears to move by any means, including fluttering or rotating. This shall include tri-vision billboards.
  - (3) Be securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.
  - (4) Not be painted directly on or affixed to trailers with no means of propulsion parked for more than five (5) days in public view on private property, other than those signs incidental to the primary use of the trailer.
  - (5) Not be installed, erected, enlarged or structurally altered in violation of the provisions of this section.
  - (6) Not obstruct any window, fire escape, stairway, or opening intended to provide light, air, ingress, or egress from a structure.
- k. The Zoning Officer shall order the removal of any billboard (off-premises sign) or advertising structure erected or maintained in violation of this Ordinance.

**§27-500.11 Special Regulations for Signs in the Historic District Overlay**

In addition to all other requirements of this Section, the following regulations shall be applicable to any sign placed in the Historic District Overlay:

- a. No sign shall be erected or altered until an application for a Certificate of Appropriateness has been reviewed and approved by the Historic Architectural Review Board (HARB) and after the Board of Commissioners has issued a Certificate of Appropriateness. HARB shall ensure the proposed sign is appropriate
  - (1) to the style, period, type, size and scale of the building for which it is proposed, and
  - (2) with other signs in the district.
- b. All applications for a Certificate of Appropriateness must contain the following information:
  - (1) A current color photograph of the property.
  - (2) An illustration of the building facade showing the proposed sign.
  - (3) A scale drawing showing the sign itself and including the size, materials, colors, lighting, lettering and method of attachment. Material samples may be required.
  - (4) For ground signs, a site plan indicating the location of the sign.
  - (5) The type of illumination.

**§27-500.12 Sign Restrictions**

How to use the following charts:

1. **Read the entire §27-500** to understand definitions, restrictions,

exemptions, prohibitions, etc.

2. Find your **Zoning District** in one of the top two columns (**A** or **B**) on **Chart 1**.
3. Find the **purpose** of your sign in the left hand column of Chart 1.
4. The intersection of these two axes on Chart 1 will give you the restrictions on square footage and height above the ground.
5. **If your district is in column A of Chart 1, go to Chart 2-A** and find the **purpose** of your sign in the left hand column. (If your district is in column B of Chart 1, skip to step 8.)
6. Find the **form** of your sign in the column headings to the right on **Chart 2-A**.
7. The intersection of these two axes on Chart 2–A will tell you any restrictions that may apply.
8. **If your district is in column B of Chart 1, go to Chart 2-B** and find the **purpose** of your sign in the left hand column.
9. Find the **form** of your sign in the column headings to the right on **Chart 2-B**.
10. The intersection of these two axes on Chart 2-B will tell you whether any restrictions apply.
11. **REMEMBER:** Any person wishing to place a sign within the Historic District is required to appear before HARB and obtain a Certificate of Appropriateness from the Board of Commissioners before applying for a permit and installing the sign (See §27-500.11FF).

**CHART 1  
PERMITTING  
AREA 2  
HEIGHT**

A	B
<ul style="list-style-type: none"> <li>• R1 (Low Density Residential)</li> <li>• R2 (Medium Density Residential)</li> <li>• R3 (High Density Residential)</li> <li>• R4 (Manufactured Housing)</li> <li>• Institutional</li> <li>• Town Center</li> <li>• Park</li> </ul>	<ul style="list-style-type: none"> <li>• Gateway Commercial</li> <li>• Commercial</li> <li>• Light Industrial</li> </ul>
Limit: One sign for each street the property faces and one sign on the building for each street the property faces.	Limit: One sign for each street the property faces and one sign on the building for each street the property faces.

PURPOSE	PERMIT REQUIRED?	A		B	
		Maximum Sign Area (Sq Ft)	Maximum Height of Signs (Feet)	Maximum Sign Area (Sq Ft)	Maximum Height of Signs (Feet)
Address Sign	NO	4	unrestricted	8	unrestricted
Artisan Sign	NO	8	6	16	8
Civic Event Sign	NO	16	16	16	16
Development Sign	YES	8	6	16	10
Directory Sign	YES	24	8	64	24
Directional Sign	NO	8	6	12	8
Election Sign	NO	unrestricted	unrestricted	unrestricted	unrestricted
General Purpose Sign	YES	24	24	48*	32
Govt. Regulatory Sign	NO	8	12	8	12
Home Occupation Sign	YES	8	6	12	8
Identification Sign	NO	8	10	8	10
Incidental Sign	NO	6	8	48	12
Memorial Sign	NO	4	6	4	6
Personal Expression Sign	NO	8	6	8	6
Public Interest Sign	NO	4	6	6	8
Real Estate Sign	NO	8	6	16	12
Temporary Sign	NO	16	6	16	6
Time/Temperature Sign	YES	6	16	8	16
Yard Sale Sign	NO	4	6	4	6

NO Permit: No permit is required from the Township Zoning Officer.  
 YES Permit: A permit is required from the Township Zoning Officer.  
 \*Except for billboards, see §27-500.10.



**Commercial**  
**Gateway/Commercial**  
**Light Industrial**

**CHART B-B**  
**FORM DESIGN FOR EACH PURPOSE**

Refer to this section for the Ordinance for each purpose. Refer to the Ordinance for specific conditions.  
 P = Permitted  
 R = Restricted

PURPOSE	Permit Required?	AT-Frame	Away Capacity	Banner	Beacon Light	Billboard	Digital Electronic	Double Faced	Freestanding	Illuminated	Marquee	Mobile	Multi Sign	Parasol	Projecting	Roof	Swatch	Vehicular	Wall	Window
Address Sign	NO	P	OK	P	P	P	OK	OK	OK	OK	P	P	\$27-500.8	OK	\$27-500.5	P	P	P	OK	OK
Address Sign	NO	OK	P	\$27-500.7k	P	P	P	OK	OK	OK	P	P	\$27-500.8	P	P	P	OK	P	P	OK
Civic Event Sign	NO	OK	P	\$27-500.7k	P	OK	OK	OK	OK	OK	P	OK	P	P	\$27-500.5	P	OK	P	P	OK
Development Sign	YES	P	P	P	P	P	P	OK	OK	OK	P	P	\$27-500.8	P	P	P	P	P	OK	P
Directional Sign	NO	OK	P	P	P	P	OK	OK	OK	OK	P	P	\$27-500.8	P	\$27-500.5	P	P	P	OK	OK
Directional Sign	NO	OK	P	P	P	P	OK	OK	OK	OK	P	P	\$27-500.8	OK	\$27-500.5	P	OK	P	OK	P
General Purpose Sign	YES	OK	OK	\$27-500.7k	P	OK	OK	OK	OK	OK	\$27-500.8	P	\$27-500.8	OK	\$27-500.5	P	OK	P	OK	OK
Govt. Regulatory Sign	NO	OK	P	P	P	P	OK	OK	OK	OK	P	P	P	P	P	P	OK	P	P	P
Home Occupation Sign	YES	OK	OK	\$27-500.7k	P	P	OK	OK	OK	OK	P	P	\$27-500.8	OK	\$27-500.5	P	OK	P	OK	OK
Identification Sign	NO	OK	OK	\$27-500.7k	P	P	OK	OK	OK	OK	\$27-500.5	P	\$27-500.8	OK	\$27-500.5	P	OK	P	OK	OK
Incidental Sign	NO	OK	P	P	P	P	OK	OK	OK	OK	P	P	P	P	P	P	OK	P	OK	P
Memorial Sign	NO	P	P	P	P	OK	OK	OK	OK	OK	P	P	P	P	P	P	P	P	OK	P
Personal Expression Sign	NO	OK	P	\$27-500.7k	P	OK	OK	OK	OK	OK	P	P	\$27-500.8	P	\$27-500.5	P	OK	P	OK	OK
Real Estate Sign	NO	OK	OK	\$27-500.7k	P	OK	OK	OK	OK	OK	P	P	P	P	\$27-500.5	P	OK	P	OK	OK
Real Estate Sign	NO	OK	P	\$27-500.7k	P	P	OK	OK	OK	OK	P	P	P	P	\$27-500.5	P	OK	P	OK	P
Temporary Sign	NO	\$27-500.5	P	\$27-500.5/7k	P	\$27-500.5	\$27-500.5	\$27-500.5	\$27-500.5	\$27-500.5	P	\$27-500.5	P	\$27-500.5	P	\$27-500.5	P	\$27-500.5	\$27-500.5	\$27-500.5
Time/Temperature Sign	YES	P	P	P	P	OK	OK	OK	OK	OK	P	P	P	P	\$27-500.5	P	P	P	OK	P
Yard Sale Sign	NO	OK	P	P	P	P	OK	OK	OK	OK	P	P	P	P	\$27-500.5	P	OK	P	P	OK

**§27-501. Parking**

**§27-501.1 Intent**

The regulations concerning parking are intended to insure that adequate, well-designed parking facilities are provided for all new, altered, or expanded buildings and uses, since such regulations influence how a community will evolve. The general intent shall be to require off-street parking spaces, loading and unloading areas, driveway and accessways to (1) satisfy the minimum standards contained within this Section and (2) be designed to prevent overcrowding and congestion and impairment of traffic circulation and access.

**§27-501.2 Requirement for Off-Street Parking Facilities**

Accessory off-street parking facilities, including access driveways and loading/unloading areas, shall be required in accordance with the provisions of this Section as a condition precedent to the occupancy of such building or use in all districts except Town Center, where there are no off-street parking requirements. Facilities in all other districts shall be provided for the entire building or use as follows:

- a. Whenever a structure is constructed or a new use established, or
- b. Whenever the use of an existing structure is changed to a use requiring more parking facilities, or
- c. Whenever an existing structure is altered or enlarged so as to increase the amount of parking spaces required under this Section.
- d. In the event of a change of an existing use in an existing building, no additional off-street parking shall be required if the total floor space does not increase and if the new existing use does not require any more spaces under this Section than the use it replaces.

All off-street parking and loading areas, whether required by this Section or not, shall be developed, maintained, and used in accordance with the provisions set forth in these Sections.

**§27-501.3 General Standards for Residential Off-Street Parking Facilities**

- a. Parking spaces for single-family detached, single-family semi-detached, two-family detached and two-family semi-detached shall be located on the same lot with the dwelling(s).
- b. A driveway may be located within any setback area for a residential use.
- c. Parking shall not be permitted closer than two (2) feet from the side and rear property lines. When the parking will be contiguous and accessible to parking on adjacent lots, the parking may extend to the property line.
- d. No parking shall be located within the front yard setback area, except within paved driveways, which shall be no wider than twenty-four (24) feet.

- e. Shared driveways are allowed for abutting lots.
- f. For single- and two-family dwellings, gravel may be used in lieu of hard-surface paving for parking areas.
- g. Surface water shall not be permitted to discharge over the public sidewalks or roadways or onto other premises.

**§27-501.4 General Standards for Non-Residential Off-Street Parking Facilities**

- a. Parking areas shall have safe access to and from a street, alley, or access drive. In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking. Except as noted above, no portion of any street right-of-way shall be used for off-street parking.
- b. Parking spaces shall be designed to prevent vehicular maneuvering from infringing upon a street, road right-of-way, alley or sidewalk. Parking spaces shall also be designed so that vehicles may have access to and from spaces without moving another vehicle.
- c. A parking space within a garage shall be considered a parking space meeting the requirements of this Ordinance if access can be provided in accordance with the requirements of this Section. Stacked parking shall not be used to satisfy minimum off-street parking requirements.
- d. The layout of any parking area shall be designed to allow vehicles to drive forward when exiting onto a public street. Exception: parking areas for single and two family dwellings, however, no reverse exiting shall be permitted to Route 422 or Route 934 because of high traffic volume.
- e. Parking spaces shall be readily accessible to, and a reasonable distance from, the structures and uses served. Such spaces shall be on the same lot as the principal structure or use, except where otherwise permitted in this Section.
- f. All parking spaces shall be available to patrons, customers or visitors throughout the hours of operation of the structure or use for which the spaces are provided. Displays, promotions or other events held on parking lots shall not utilize parking spaces required for customers. Adequate additional parking spaces shall be available for the supplemental use.
- g. Parking spaces shall be improved and individually delineated using white or yellow paint stripes four (4) inches wide. Additionally, special purpose spaces and areas such as “handicapped” parking, “visitor only” parking, “limited time” parking, and fire and police spaces shall be clearly labeled using appropriate colors.

- h. Parking requirements will be considered met only when actual spaces meeting the requirements of this Section are provided and improved. Parking spaces may not thereafter be reduced below the minimum requirements as long as the principal structure or use remains, unless an equivalent number of spaces is provided for use in another approved location.
- i. A parking space shall have minimum dimensions of 10 feet by 20 feet. When parking spaces are provided parallel to a driveway or aisle, the minimum dimension of the spaces shall be 10 feet by 22 feet.
- j. Where stormwater management is accomplished in part or in total by using Best Management Practices other than above-ground detention basins, the Township Commissioners may permit the use of parking spaces nine (9) feet by eighteen (18) feet for up to fifty percent (50%) of the total provided parking spaces.
- k. Paved islands for directing traffic or separating traffic aisles or parking areas are not permitted unless specifically approved by the Township Commissioners.
- l. Parking spaces shall not be located such that vehicles using the spaces would block accessways to or exits from the parking lot to or from a street.
- m. Parking spaces shall be located such that they may be used without excessive and awkward maneuvers, movements opposite required traffic flow and movements into painted traffic islands.
- n. Unless otherwise specifically regulated, improved, hard surface off-street parking for all uses shall be limited to portions of the lot as follows:
  - (1) Parking shall not be permitted within twenty-five (25) feet of any street or road right-of-way. However, provided the minimum twenty-five (25) feet is satisfied, up to fifty percent (50%) of the required front yard may be used for parking.
  - (2) Required side and rear yards may be used for parking provided:
    - (a) A minimum parking setback of ten (10) feet from the property line is maintained in all cases where more prohibitive regulations do not apply.
    - (b) Minimum parking setbacks of twenty (20) feet in the C and I Districts, and forty (40) feet in the GC District, and one hundred (100) feet in the LI District are maintained in all yards abutting an R1, R2, or R3, or R4 District boundary, provided that a setback of twenty (20) feet in I Districts is allowed if adequate screening and buffering is approved by the Township Commissioners.
  - (3) Loading and unloading areas shall not be permitted in the required front yard.
- o. Interior aisles or maneuvering lanes shall have a minimum width as follows:

Angle of Parking Space	Parking Aisle Width in Feet
------------------------	-----------------------------

90 degrees to 60 degrees	22 (must be one-way, 24 feet if two-way)
60 degrees to 45 degrees	19 (must be one-way)
Less than 45 degrees	17 (must be one-way)
Parallel	12 (must be one-way, 24 feet if two-way)

- p. Pavement markings, when permitted by the Commissioners, curbing and landscaped parking islands shall be placed within parking areas to force vehicles to use designated routes. The Township Commissioners may require curbing when deemed necessary for proper drainage or traffic and pedestrian safety.
- q. In Gateway Commercial, Commercial and Industrial districts, provisions for common parking facilities are encouraged in recognition of their increased flexibility and efficiency. When common parking facilities are approved, side and/or rear parking setback requirements may be waived in order to establish unified and continuous parking areas; in such cases, access drives and sidewalks shall be so aligned as to maximize parking efficiency and minimize traffic congestion. Entrances and exits must have clear sight lines and good visibility so that, both going in and coming out, drivers can see and cars can be seen. The number of spaces provided shall not be less than 80% of the sum of the spaces required for each individual use.
- r. Maneuvering areas at least ten (10) feet in depth shall be provided to facilitate leaving the end spaces in parking areas.
- s. No less than a five-foot radius of curvature shall be provided for all curb lines in all parking areas.
- t. Curbs, bumper guards, bollards or wheel stops shall be installed in parking and loading areas where there is a protective fence, wall or hedge to ensure that vehicles will not strike them or obstruct public rights-of-way.
- u. Parking areas shall be designed with safe, convenient and well-demarcated pedestrian access to destinations. Colored or textured crosswalks/walkways, a minimum of four (4) feet wide, shall allow pedestrians to securely move through the parking area to sidewalks. Manual of Uniform Traffic Control Devices (MUTCD) accepted signage shall make motor vehicles aware of the possible movement of pedestrians and bicycles in the parking area.
- v. Handicapped parking shall be provided in accordance with ADA Standards for Accessible Design, shall be clearly identified, and shall be located as close to a handicapped accessible entrance as possible.
- w. Whenever possible, and deemed appropriate by the Township engineer based upon sub-surface conditions, all parking areas, loading areas, and access driveways, shall be an acceptable, semi-pervious material to reduce stormwater runoff. In all other cases, such areas shall have an impervious asphalt, concrete, or brick surface. Other surfaces require



- approval by the Township Commissioners.
- x. Improved, hard surface, parking areas for more than four (4) vehicles shall have individual spaces painted or marked.
  - y. Surface water shall not be permitted to discharge over the public sidewalks or roadways or onto other premises.
  - z. The grade of parking areas shall be at least one percent (1%) and not exceed six percent (6%).
  - aa. Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas for common parking areas and to prevent vehicles from projecting into required yards. All curbs and bumper guards shall be constructed in accordance with standards established by the Township Commissioners.
  - bb. Areas necessary to fulfill the off-street parking requirements of this ordinance shall be used solely for that purpose. They shall not be used for the sale, dead-storage, repair, dismantling, or servicing of vehicles.
  - cc. Off-street parking facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.
  - dd. Parking areas shall be arranged and constructed so that no portion of any vehicle parked within a designated parking space can extend over any lot line of the lot on which it is parked.
  - ee. Parking areas designed to contain more than four (4) vehicles shall be screened from the view of any lands zoned R1, R2, R3, or R4 adjacent to the land on which the nonresidential parking area is located.
  - ff. In all districts except the TC District, parking lots of ten (10) or more parking spaces shall be a minimum of ten (10) feet from any principal structure. The ten (10) feet setback shall contain appropriate landscaping. Parking lots of less than ten (10) spaces shall be a minimum of five (5) feet from any principal structure.
  - gg. The location and width of entrance and exit driveways to common 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. Where there is more than one driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel, either as an entrance to or exit from the parking area. In all cases, the radius of the edge of the driveway apron shall be at least fifteen (15) feet, unless a lesser radius is permitted by other Township Ordinances, so that a car entering or leaving will not obstruct vehicles in other traffic lanes in the driveway or street. Entrances and exits shall be limited to three (3) lanes. The width of such entrances and exits, measured at the street property line, shall conform with the following schedule:

Width (feet)	Minimum	Maximum
One Lane	12	14
Two Lanes	20	28
Three Lanes	30	40

- hh. No permanent non-parking activity shall occur on any required parking space.
- ii. Parking is prohibited on landscaped or other areas not designed and approved for parking.
- jj. Required parking and all maneuver areas shall remain free of all obstructions.
- kk. No parking space may block access to another parking space.

**§27-501.5 Approval of Parking and Loading Area Plans**

Detailed, scaled drawings of off-street parking and loading areas (except for single and two-family dwellings) shall be submitted to the Zoning Officer for approval prior to their construction. The drawings shall show each space, dimensions of driveways, aisles and other features required under the provisions of this Section, including but not limited to interior planting islands, landscaping, location of streets and curb cuts, traffic directional arrows, signage, markings, and surface material.

**§27-501.6 Parking Lots in Town Center District**

Anncville’s development pattern of closely spaced buildings, often placed up against the street, give it the distinct neighborhood feel and identity it enjoys today. To retain that special feel, Anncville needs to accommodate cars without demolishing buildings or otherwise destroying the character of its downtown.

- a. Where it is physically possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In cases where this is not possible, parking may be located to the side of a building. In no case shall parking be located in front of a building. Parking shall not be placed to the side of a building adjacent to a street.
- b. The access to parking lots shall be on a side street or at the rear of the property.
- c. Parking areas for nonresidential uses shall be located a minimum of five (5) feet from a street right-of-way line, lot line, and principal structure.

**§27-501.7 Shared Parking Lots for Non-Residential Uses**

- a. Multiple buildings or uses may share parking lots to meet the required parking spaces of this Section, provided one or more of the parties owns the lot.
- b. Before a parking lot may serve multiple users, all the parties shall sign a formal written agreement. The Zoning Officer shall keep a copy of this agreement on file, and may revoke the zoning permits of the users if the agreement is not maintained.
- c. Parking spaces required for uses operated during evening hours or weekends, such as churches and theaters, may be made available to and shared with uses such as banks, offices, and some retail uses not normally open or operating during evening hours (between 6:00 p.m. and 6:00 a.m. prevailing time). The Commissioners may also allow sharing of spaces between business uses if it can be demonstrated that

the peak business hours for each use are substantially different. The Township Commissioners shall be satisfied that sufficient legal agreements are in place to assure the availability of parking in the future and that adequate parking will be available for all uses during all hours of the day. The applicant shall provide the necessary documentation to the Commissioners, which shall determine whether sharing may occur and to what extent it may occur.

**§27-501.8 Off-Premises Parking Areas**

Areas to provide required parking spaces for non-residential uses may be located on a land parcel separate from the building or use it serves if adequate off-street parking capacity is not feasible on the same lot. The applicant must submit a plan for such areas for review by the Planning Commission and final approval by the Township Commissioners. All required parking spaces shall be within 400 feet of the principal use parcel unless located on a contiguous parcel in same ownership as the principal use parcel. This restriction and any other on-premises parking requirement listed in Part 5 of this Ordinance shall not apply to uses by non-profit, church related homes for the elderly or any use (i.e., residential or non-residential) of state accredited colleges or universities within the Institutional District or the Institutional District Overlay.

When parking will be provided on another lot, the applicant shall demonstrate sufficient parking is available for all uses on both lots, an adequate pedestrian access is provided to the other lot, and sufficient legal arrangements have been made to assure the availability of those spaces.

**§27-501.9 Lighting of Parking Areas**

All parking areas for more than ten (10) vehicles serving business uses and collective residential parking shall be adequately illuminated during the hours between sunset and sunrise when the use is in operation. Lighting fixtures shall be equipped with or be capable of being back fitted with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution. Lights shall be installed or aimed so that they do not project their output into the window of a neighboring residence, an adjacent use, directly skyward, or onto a roadway.

**§27-501.10 Landscaping of Parking Lots**

- a. Off-street parking lots containing more than four (4) spaces for uses other than one and two family dwellings shall be landscaped to reduce wind and air turbulence, heat, noise, and the glare of automobile lights; to provide shade; to improve stormwater drainage; and to create a more attractive setting.
- b. Plant materials selected for landscaping in parking lots shall be of a species proven to be salt and dust resistant. Materials shall be planted and have root systems that minimize damage to paved areas.
- c. No single row of off-street parking spaces shall exceed twelve (12) spaces. Interior planting islands as defined in this Ordinance shall be at intervals not to exceed 12 spaces, unless alternative landscaping arrangements are approved by recommendation of the Planning Commission to the Township Commissioners.

- d. Planting islands shall be located at each end of a double parking row.
- e. Parking areas with more than twelve (12) spaces or those fronting Main Street in the Historic Overlay shall provide perimeter planting strips, which shall have a minimum width of five (5) feet. Such strips shall contain shade trees and shrubs. These strips shall be designed to accommodate snow storage.
- f. There shall be a planting strip incorporated for every four (4) rows of parking spaces. Such planting strip shall run parallel to parking rows and shall have a minimum width of five feet.
- g. Parking areas with more than twelve (12) spaces or those fronting Main Street in the historic overlay shall have at least one tree of three-inch caliper minimum for every six parking spaces in single rows and one tree of three-inch caliper minimum for every 12 parking spaces in double-loaded rows of parking spaces. These trees shall be in addition to those required as buffer screening. Shrubs and other planting materials are encouraged to be used to complement the trees, but shall not be the sole contribution to the landscaping.
- h. Surface treatment of planting islands and planting strips shall be grass, ground cover, low maintenance shrubs, or pervious materials such as mulch or stone screenings.
- i. Landscaping shall be maintained to not interfere with required clear sight triangles and required sight distances.
- j. In cases where planting strips or islands are not feasible, planting diamonds, measuring five (5) feet by five (5) feet and placed in the center of four (4) intersecting parking spaces, may be used.
- k. All required plantings shall be maintained in good condition to present a healthy, neat and orderly appearance. Such plantings shall be kept free from refuse, debris, and weeds. Plants damaged by insects, disease, vehicular traffic, acts of nature or vandalism shall be replaced during the next planting period.
- l. See Appendix 1 for a list of recommended plantings.

**§27-501.11 Required Parking Spaces**

- a. When computing the number of required parking spaces, the Zoning Officer may exclude floor area of structures (e.g., storage, employee lounge, bathroom, etc.) that does not bear any relationship to the parking needs of the use.
- b. Where parking requirements are determined by the number of seats and only temporary seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage. Twenty-four (24) linear inches of benches, pews, or space for loose chairs or similar seating facilities shall equal one seat; spacing of rows shall be thirty (30) inches on center.
- c. For industrial uses, the number of employees for which parking spaces are to be provided shall coincide with the number of employees provided for in permit applications.

- d. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor, and customer parking. One (1) parking space shall be provided per company vehicle to be parked on the premises. Minimum off-street parking requirements shall be as follows, unless otherwise established in this ordinance. There shall be no minimum off-street parking requirement for uses in the Town Center District.
- (1) Residential Uses:  
Two (2) parking spaces per dwelling unit.
  - (2) Restaurant, Tavern or similar use:  
One (1) space for each three (3) seats plus one (1) space for each employee on the premises at any one time. For restaurants with no indoor seating, one (1) space for each 1,000 square feet of lot area.
  - (3) Retail and Service Establishments:  
One (1) space for each two hundred (200) square feet of gross floor area of the ground floor; one (1) space for each three hundred (300) square feet of gross floor area of upper floors.
  - (4) Office Buildings:  
One (1) space for each two hundred (200) square feet of gross floor area.
  - (5) Medical, Dental and Paramedical Offices and Clinics:  
One (1) space per employee plus five (5) spaces for each person engaged in practice.
  - (6) Nursing Home, Personal Care Facilities, and similar uses:  
One (1) space per employee on the premises at any one time plus one (1) space for each four (4) beds.
  - (7) Funeral Home:  
One (1) space for each three (3) seats plus one (1) space per employee on the premises at any one time.
  - (8) Auditorium, Theater, Municipal Building, Place of Worship, Club or Lodge, or Other Place of Public Assemblage:  
One (1) space for each three (3) seats, plus one (1) space per employee on the premises at any one time.
  - (9) Library or Museum: One (1) space per three hundred (300) square feet of gross floor area.
  - (10) Nursery Schools and Day Care Centers: One (1) space per employee on the premises at any one time plus one (1) space for loading and unloading of children for each six (6) children accommodated in the school.
  - (11) Elementary, Middle, Junior High and Senior High Schools:  
Two (2) spaces per each administrative staff member, plus one and two-tenths (1.2) spaces per each additional staff member, plus one quarter (.25) space per seat in the gymnasium.
  - (12) Motel, Hotel, or Bed and Breakfast Inn:  
One (1) space for each rental unit, plus one (1) space for each

- employee on the premises at any one time.
- (13) Motor Vehicle Service Station or Repair Garage:  
Two (2) parking spaces per service bay, plus one (1) space per employee on the premises at any one time.
  - (14) Bowling Alley:  
Five (5) spaces per alley, plus one (1) space for each employee on the premises at any one time.
  - (15) Indoor Recreational Facility or Place of Amusement:  
One (1) space per fifty (50) square feet devoted to patron use.
  - (16) Industrial, Wholesaling or Warehousing Establishment, Laboratory, Research Center:  
One (1) space per employee on the premises at any one time, or one (1) space per one thousand (1,000) square feet of gross floor area, whichever results in more parking spaces.
  - (17) Barber Shop or Beauty Shop:  
One (1) space per employee on the premises at any one time, plus two (2) spaces for each person engaged in practice.
  - (18) Commercial School:  
One (1) space per employee on the premises at any one time, plus two-thirds (2//3) space per student.
  - (19) Hospital:  
One-half (1/2) space per bed plus one (1) space per employee on the premises at any one time.
  - (20) Golf Course:  
Ten (10) parking spaces per hole plus one space per employee based on the shift having the largest number of employees, plus 50% of spaces otherwise required for accessory use.
  - (21) Miniature Golf Course and Driving Range  
Two (2) parking spaces per tee.
  - (22) Health Fitness Center:  
One (1) space per fifty (50) square feet devoted to patron use.
  - (23) Flea Market:  
Two (2) spaces per vendor space.
  - (24) Dormitory or Student Group Residence:  
One (1) space per two (2) persons in residence based upon design capacity.

For any building or use not covered above, the Zoning Officer shall apply the standard for off-street parking spaces in the above schedule deemed to most closely approximate the proposed use.

**§27-501.12 Parking Areas Held in Reserve**

- a. In order to prevent the establishment of a greater number of parking spaces than may actually be needed, the Township Commissioners may grant permission to reserve construction of a percentage of the total required number of parking spaces required by this Ordinance for future parking needs consideration.

- b. The applicant shall provide documentation from a qualified professional transportation engineer supporting the request for a reduction in parking spaces.
- c. In all cases where a percentage of the parking requirement will be held in reserve, the actual area needed to fulfill the parking space requirement shall be shown within the design on the land development plan. Reserve areas shall be restricted from development other than for parking purposes.
- d. In no case shall the required number of parking spaces held in reserve be greater than twenty (20) percent of the total required number of parking spaces.
- e. The parking reserve area shall not include areas for required buffer yards, setbacks, or yard areas, required common open space, or areas which would otherwise be unsuitable for parking spaces due to physical or environmental constraints of the area.
- f. The Commissioners may require that additional parking spaces be constructed, in accordance with this Section, where the Commissioners determine that the spaces are necessary due to traffic congestion or parking overflow on the site.
- g. In the event that the Commissioners do not require the total number of parking spaces, land not used for parking areas shall remain as open space and shall be deed restricted if necessary.
- h. Stormwater facilities shall be designed taking into account parking areas to be constructed initially and construction of reserve parking areas, unless otherwise recommended by the Township Engineer.

**§27-501.13 Bicycle Parking**

- a. Parking should be located
  - (1) in well lit, secure locations;
  - (2) in a highly visible place with much pedestrian traffic;
  - (3) so bicycles do not obstruct pedestrians;
  - (4) near curb cuts;
  - (5) with easy access from the street and protected from motor vehicles;
  - (6) in proximity to the main entrance or directly inside the building with appropriate signage.
- b. Number of Spaces Required
  - (1) Multi-family dwelling units shall provide bicycle parking spaces equal to a minimum of 10% of the required vehicle spaces, unless separate secured garage space is provided for each unit. The bicycle spaces shall be distributed throughout the project to the extent feasible.
  - (2) Retail commercial uses shall provide bicycle parking spaces equal to a minimum of 10% of the required vehicle spaces, distributed to serve customers and employees of the businesses.
  - (3) Other non-residential uses providing employment shall provide

bicycle parking spaces equal to a minimum of 5% of the required vehicle spaces, distributed to serve employees and visitors.

- c. **Bicycle Parking Design**  
Bicycle racks must be designed so that they
  - (1) don't bend wheels or damage other bicycle parts;
  - (2) accommodate high security U-shaped bike locks;
  - (3) allow users to secure the frame and both wheels;
  - (4) provide a minimum of 2 feet in width for each space.

**§27-502. Outdoor Lighting**

**§27-502.1 Intent**

- a. Outdoor lighting shall be required for safety and personal security for uses that operate or have activity during hours of darkness and where there is public assembly and traverse.
- b. The glare-control requirements contained herein apply to lighting in all uses.
- c. The Township Commissioners may require or restrict lighting when deemed necessary to accomplish the purposes of this Ordinance.
- d. Temporary decorative lighting is exempt from the requirements of this Ordinance.

**§27-502.2 Criteria**

- a. **Illumination Levels**
  - (1) Lighting, where required or otherwise allowed by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the *IESNA Lighting Handbook* or separately in *IESNA Recommended Practices*.
  - (2) Future amendments to said recommended practices shall become part of this Ordinance without further action of the Township.
- b. **Lighting Fixture Design**
  - (1) For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, areas of vehicular and pedestrian passage, loading areas, and parking areas, fixtures, whether free-standing, wall mounted, or any other type, shall be aimed straight down and shall meet IESNA full-cutoff criteria.
  - (2) Where the use of fixtures meeting IESNA full-cutoff criteria is not practical or possible, fixtures shall be equipped with aiming and/or light-redirecting devices such as shields, visors, baffles, skirts or hoods when necessary to direct or redirect offending light distribution.
  - (3) The use of floodlighting, spotlighting, non-cutoff wall-mounted fixtures, internally illuminated decorative globes and spheres,

lanterns and other fixtures not meeting IESNA full-cutoff criteria, shall be permitted only with the approval of the Township, based upon acceptable justification and achievement of adequate glare control.

c. Control of Nuisance and Disabling Glare

- (1) All outdoor lighting, whether or not required by this ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property. No direct beams of light shall be directed toward adjacent properties or public roads.
- (2) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- (3) Lighting proposed for use after 11:00 p.m., or after normal hours of operation of a business, whichever is earlier, for commercial, industrial, institutional, recreational or municipal application, except for the illumination of the American flag, shall have a lighting plan. Such lighting plans shall be designed to mitigate light trespass, nuisance glare, and sky-lighting consequences and shall not adversely impact residential housing. Such plans shall be reviewed by the Planning Commission and approved by the Township Commissioners.
- (4) Lighting fixtures for externally illuminated signs and billboards shall be so designed or fitted to concentrate the light output onto and not beyond the sign or billboard
- (5) The use of strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited during hours of darkness, except as specifically required by FAA.

d. Installation

- (1) Poles supporting lighting fixtures for the illumination of parking areas shall be placed a minimum of five (5) feet outside paved area, curbing or tire stops, or on concrete pedestals at least thirty (30) inches high above the pavement, or suitably protected by other means approved by the Township.
- (2) Except as specifically approved by the Township Commissioners, fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade. Fixtures not meeting IESNA cutoff criteria,

when specifically approved by the Commissioners, shall not be mounted in excess of sixteen (16) feet above grade.

- e. Maintenance
  - (1) Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this Ordinance.
- f. Street lighting for residential applications
  - (1) Where required in this or other ordinances for residential uses, lighting shall be provided as follows:
    - (a) At the intersection of entrance roads to the development with a public road.
    - (b) At the intersection of public roads within the development with development interior roads.
    - (c) Along the longest cul-de-sac bulb radius.
    - (d) At terminal ends of center median islands having concrete structure curbing, trees or other fixed objects, e.g., signs, not having a breakaway design.
    - (e) At marked pedestrian crossings located within the development.
  - (2) The types of street lighting fixtures shall be approved by the Township.
- g. Plan Submission
  - (1) For subdivision and land development applications where site lighting is required or proposed, lighting plans shall be submitted to the Township for review and approval with any preliminary or final subdivision/land-development plan application and with any conditional use, special exception, variance application or building permit where applicable, and shall include:
    - (a) A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed fixtures by location, mounting height and type. The submittal shall include in addition to area lighting, architectural lighting, building- entrance lighting, landscape lighting, etc.
    - (b) A ten (10) foot x ten (10) foot illuminance-grid (point-by-point) plot of maintained footcandles, carried out to 0.0 footcandles, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in this Ordinance. The maintenance (light-loss) factor used in calculating the illuminance levels shall be documented on the plan.
    - (c) Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting

- heights, pole foundation details and mounting methods. A pole foundation detail is to be provided on the plan.
- (2) When requested by the Township Commissioners, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and light trespass.
  - (3) The following notes shall appear on the lighting plans:
    - (a) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.
    - (b) The Township reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require remedial action at no expense to the Township.
- h. Compliance Monitoring
- (1) Safety Hazards
    - (a) If appropriate officers or agents of the Township determine that a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action within a specified time period.
    - (b) If appropriate corrective action has not been effected within the specified time period, the Township may commence legal action as provided in this Ordinance.
  - (2) Nuisance Glare and Inadequate Illumination Levels
    - (a) When appropriate officers or agents of the Township determine that an installation produces unacceptable levels of nuisance glare, direct skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Township may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action within a specified time period.
    - (b) If the appropriate corrective action has not been effected within the specified time period, the Township may commence legal action as provided in this Ordinance.

**§27-503. Landscaping**

**§27-503.1** Where District Regulations require buffer areas, screening, landscaping, planting islands and strips and the like, these shall be subject to approval of the Zoning Officer prior to planting, unless approval power is otherwise designated by this Ordinance or the plan will be reviewed as part of subdivision or land development plan review. The type and density of planting shall adequately provide the required screening effect year-

round. Buffer areas are intended to screen, separate, and shield a potentially incompatible use from adjoining properties. See Appendix 1 for lists of recommended plantings.

**§27-503.2** Plantings shall be perpetually maintained, and placed and kept trimmed so they will not infringe upon street right-of-way lines, sidewalks, property lines, clear sight triangles, and the lighting of marked pedestrian crosswalks upon maturity.

**§27-503.3** When required by District Regulations, a landscaping plan shall be prepared. In particular:

- a. Access drives and common parking areas shall be provided with shade trees of an appropriate size and character.
- b. Open space adjacent to buildings, areas between buildings, and border strips along the sides of pedestrian walkways shall be graded and seeded or landscaped.
- c. Approaches and entrance areas to buildings shall be provided with trees and shrubbery.
- d. Areas not used for buildings, drives, loading and parking space shall be seeded or landscaped.
- e. Natural features such as wooded areas shall be preserved and incorporated into the design of the development.

**§27-503.4 Buffer Areas**

Except in the TC zoning district, any nonresidential use that directly abuts any existing residential use or district that permits dwelling units shall provide buffer areas that comply with the following standards. The following standards shall also be met when buffer areas and screens are otherwise required by this Ordinance. The Township Commissioners upon recommendation of the Township Planning Commission may waive or reduce buffering requirements for existing developed properties undergoing expansion.

- a. Size, Location
  - (1) A ten (10) foot buffer area shall be required, unless otherwise indicated in this Ordinance.
  - (2) The buffer area shall be measured from the district boundary line or from the street right-of-way line (where a street serves as the district boundary line). Buffer areas shall not be within an existing or future street right-of-way and shall be in addition to the right-of-way.
  - (3) The buffer area may include land within a required front, side, or rear yard.
- b. Characteristics
  - (1) The buffer area shall be a landscaped area free of structures, manufacturing or processing activity, materials, loading, or vehicular parking. No driveways or streets shall be permitted in the buffer areas except at points of ingress or egress.
  - (2) Maintenance – In all buffer areas, all areas not covered by trees or bushes shall be maintained with an all-season groundcover,

such as grass. All grass shall be regularly mowed, with a height not to exceed twelve (12) inches. The buffer area shall be kept free of debris or rubbish.

c. Planting Screening

- (1) Each buffer area shall include a planting screen of trees, shrubs, or other plant materials extending the full length of the lot line to serve as a barrier to sight, airborne particles, glare and noise.
- (2) Each planting screen shall be in accordance with the following requirements:
  - (a) See definition of planting screen.
  - (b) The landowner shall permanently maintain the planting screen and replace within one (1) year any plant material that does not live. Such stipulation shall become part of the terms of any development agreement.
  - (c) The planting screen shall be so placed that at maturity it will be at least three (3) feet from any street or property line.
  - (d) The planting screen shall be broken only at points of vehicular or pedestrian access.
  - (e) The planting screen shall be composed of plant species indigenous to or otherwise well adapted to the conditions of this region.
  - (f) Screens may include earthen berms with a maximum height of 48 inches.
- (3) In circumstances where it is impractical for a planting screen to meet all the requirements of this Section or would create an undue hardship, the Township Commissioners may approve acceptable screening alternatives that shall satisfy the spirit, objectives and intent of the screen requirements.

d. Plans

- (1) Prior to the issuance of any Zoning Permit, the applicant shall submit plans showing
  - (a) the location and arrangement of each buffer area,
  - (b) the placement, species, and size of all plant materials, and
  - (c) the placement, size, materials and type of all fences to be placed in such buffer area.
- (2) Such plans shall be reviewed by the Zoning Officer to ascertain that the plans are in conformance with the terms of this Ordinance.

**§27-503.5** If required by the Township Commissioners, screens that act to minimize or eliminate views of the following site elements located partially or fully within one hundred (100) feet of property lines or road rights-of-way (either public or private) shall be provided in all proposed land developments.

- a. Parking lots.

- b. Dumpsters, trash disposal or recycling collection centers.
- c. Service or loading docks.
- d. Outdoor storage.
- e. Vehicle storage.
- f. Detention basins.
- g. Sewage treatment plants and pump stations.
- h. Vacuums at car washes.

**§27-504. Compliance with Other Township Regulations**

In addition to complying with the requirements of this Ordinance, the requirements of all other Township Ordinances and regulations, including but not limited to the Township Subdivision and Land Development Ordinance (Chapter 22 of the Annville Code of Ordinances) and Building Code, shall apply.

**§27-505. Access to Structures**

Every building and structure hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Township Commissioners, or on a lot for which a legally recorded right of access to a public street or approved private street existed prior to the effective date of this Ordinance. After the effective date of this Ordinance, no lot shall be created unless it abuts a public street or a private street approved by the Commissioners, except that in the case of a structure related to public sanitary sewer and water systems such structure may be placed on a lot which is not adjacent to a public or private street as long as a legally recorded right-of-way access to such a street will exist.

Where access to a tract of land zoned Light Industrial is available from more than one street, and access from at least one street would be over land zoned Light Industrial, all points of ingress and egress to and from the land zoned Light Industrial shall be from the streets which will be reached by passage over land zoned Light Industrial.

**§27-506. Erection of More Than One Principal Structure on a Lot**

**§27-506.1** A lot in a TC, GC, C, LI, I, or P district may include more than one permitted principal use per lot or more than one permitted principal building per lot, provided that all of the Area, Height and Yard requirements are met for each use and each building and the buildings are part of a unified land development.

- a. For example, if Use One requires a one-acre lot area and Use Two on the same lot requires a two-acre lot area, then the lot shall have a minimum lot area of three acres.
- b. The applicant shall submit a site plan prepared by a qualified professional that demonstrates that each structure would meet the requirements of this Ordinance.
- c. The land shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.

**§27-506.2** A lot within an R1, R2, R3, or R4 district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance, except in the case of a state accredited college or university.

- a. A condominium residential development, apartment development, rental townhouse development, retirement community may include more than one principal building per lot, provided all other requirements of this Ordinance are met.
- b. A condominium form of ownership of individual dwelling units, with a legally binding homeowners' association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

**§27-507. Prohibited Uses**

**§27-507.1** No structure may be erected, altered, or used, and no lot or premises may be used for any activity which is noxious, injurious, or offensive by reason of air pollution, dust, smoke, odor, fumes, noise, glare, heat, vibration, gas, effluent discharge, illumination, radioactivity, electrical disturbance, fire or explosion hazard, outdoor storage, waste disposal or similar substances or conditions.

**§27-507.2** No land or structures in any Zoning District shall be used or occupied in any manner that creates any nuisance, such as but not limited to continuous or incessant noise for a period of fifteen (15) minutes, odors, vectors, dust, vibrations, excretion of bodily waste beyond the owner's or renter's property in such manner or in such amount as to adversely affect the reasonable use or value of the surrounding area or adjoining premises or be dangerous to public health or safety.

**§27-507.3** No structure may be erected within a street right-of-way except for official traffic signs, utility poles, streetlights, street signs, United States Postal Service mailboxes, and other similar structures approved by the Township Commissioners.

**§27-507.4** Any use not permitted, specifically or by implication, in a zoning district in this Ordinance is prohibited specifically in that zoning district. The following uses and activities are specifically prohibited in any zoning district in the Township:

- a. Residential structures without permanent foundations or without permanent connections to utilities.
- b. The showing or presenting of lewd material or entertainment in an outdoor setting or theatre.
- c. Any depository for dead animals or any facility for animal slaughtering or rendering.
- d. The tanning of hides.
- e. The use of any land for the storage of:
  - (1) Motor vehicles not fully operable or not having current inspection and registration stickers.
  - (2) Vehicle parts, machinery or parts thereof.

- (3) Scrap metals, wood, furniture, paper, rags, or any discarded material or junk whatsoever unless a valid permit has been issued for it. This shall not include trash deposited in containers and awaiting pick-up for no more than one week.

**§27-507.5** No landowner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:

- a. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
  - b. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
  - c. Pollution to groundwater or surface waters, other than as authorized by a State or Federal permit.
  - d. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
2. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Section, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

#### **§27-508 Fences, Walls and Hedges**

**§27-508.1** No fence, wall or hedge shall be erected or planted within the right-of-way lines of any street, nor shall they encroach upon any street right-of-way at any time.

**§27-508.2** Fences, walls and hedges shall comply with the Corner Lot Restrictions of this Ordinance. They shall not be placed to interfere with Clear Sight Triangles, see section 523 of this Ordinance.

**§27-508.3** It is the responsibility of owners to locate the property line and place the fence, wall or hedge appropriately on their own property.

**§27-508.4** No fence or wall within a front yard, except a retaining wall, shall exceed four (4) feet in height, as measured from the adjacent grade, unless otherwise required by this Ordinance or noted in the Historic District Overlay. In residential zoning districts, the maximum height of a fence along side and rear yards shall be six (6) feet as measured from the adjacent grade unless otherwise described in the Historic District Overlay.

**§27-508.5** Fences shall be constructed of wood, metal, stone, chain link, plastic, or similar appropriate materials, be of uniform construction, and be constructed in a competent manner.

**§27-508.6** No fence shall be electrified or otherwise present a hazard to the public. Barbs, concertina wire, and other hazardous obstacles are prohibited.

**§27-508.7** Fences shall be maintained to prevent them from becoming dilapidated or structurally unsound.

**§27-508.8** Fences, walls, and hedges shall not be placed within easements unless the holder of the easement grants permission for such encroachment in writing and holds the Township harmless for any damage to such encroachment should such encroachment have to be removed in the future. This written documentation must be submitted to the Township prior to issuance of any required permit.

In no case shall fences, walls, and hedges be placed in drainage easements, emergency access easements, and other similarly restricted easements.

**§27-508.9** Outdoor private Swimming Pool fences shall be in accordance with the applicable State and local regulations.

**§27-508.10** All fences in C, GC, and LI zoning districts shall conform to the following:

- a. Fences shall be constructed and maintained so that the most aesthetic side shall face the exterior of the property.
- b. A fence separating a wholly non-residential use from any other wholly non-residential use may not exceed 10 feet in height.
- c. In the C and GC districts, fences shall not exceed six feet in height, unless a greater height is required elsewhere in this Ordinance.

**§27-509. Water Supply and Sewerage Facilities Required**

In the interest of protecting the public health, safety, and welfare, every structure hereafter erected, altered, or moved upon any premises and used in whole or in part for dwelling, commercial, recreational business, institutional, or industrial purposes shall be provided with both public water and public sewer facilities.

Where a lot is not served by a public water supply and/or sanitary sewerage system and other State statute or regulation or local ordinance in force requires a higher standard for lot area or lot width than this Ordinance, the more restrictive regulations of such other statute, ordinance or regulation shall apply.

**§27-510. Home Occupation Regulations**

**§27-510.1 Intent**

The intent of these regulations is to permit home occupations, primarily the sale of a service, where there will not be adverse impacts on nearby residences. Such home occupations include but are not limited to: physicians, dentists, lawyers, architects, engineers and accountants; insurance, real estate or securities brokers; barbers and beauticians; photographers; tutors of individual students; seamstresses and tailors; and other occupations meeting these criteria which are not otherwise prohibited by law. Regulations have been established to minimize the potential for adverse impacts from home occupations.

**§27-510.2 Regulations**

- a. The proprietor of the home occupation shall reside on the premises and shall be the property owner or a member of the immediate family of the property owner. The home occupation shall be incidental to the use of the property as a residence, and there shall be no exterior evidence of the occupation, except for a sign, nor change to the appearance of the dwelling to facilitate the operation of the occupation.
- b. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than twenty-five percent (25%) of the habitable floor area nor more than seven hundred fifty (750) square feet. This area shall include all functions or activities of the home occupation.
- c. The proprietor may employ not more than one (1) assistant who does not reside within the dwelling used for the home occupation.
- d. Any home occupation or accessory function of a home occupation that creates noise, fumes, smoke, odor, dust, heat, electrical interference, or glare perceptible at or beyond lot boundaries shall be prohibited.
- e. No storage of materials or products related to the home occupation shall be permitted outside buildings.
- f. Home occupations shall be conducted with direct ground-level access.
- g. Not more than one (1) home occupation shall be practiced in any one dwelling unit.
- h. Goods available for retail sale shall be produced in the dwelling unit, unless incidental to the principal service provided.
- i. No display of products shall be visible from public streets or adjacent properties.
- j. A home occupation may be open to the public between the hours of 8:00 a.m. and 8:00 p.m.
- k. No truck deliveries shall occur between the hours of 8:00 p.m. and 8:00 a.m. Delivery trucks shall not be longer than twenty-five (25) feet and shall not have more than two (2) axles.
- l. No home occupation shall require trash pick-up in excess of that which is normally required for a residential dwelling.
- m. Prohibited home occupations are such that involve the stocking of items for retail or wholesale transfer, involve a gathering of people, normally use large areas, or customarily are not compatible with dwellings, by virtue of creating excessive noise, fumes, odor, dust, electrical interference, or substantially more than normal residential levels of traffic. Prohibited home occupations include but are not limited to: retail and wholesale stores; shops and equipment storage of contractors; auto, truck, or engine repair; medical or dental

offices with more than one (1) practitioner.

**§27-510.3 Prohibited Uses**

The following uses are prohibited in all residential districts:

- a. Adult entertainment establishments
- b. Indoor Amusement Arcades
- c. Check cashing establishments
- d. Payday Loan stores
- e. Fortune telling establishments
- f. Pawnshops
- g. Tattoo and body piercing establishments
- h. Head shops
- i. Outdoor vending machines
- j. Vape shops

**§27-511. No-Impact Home-Based Business**

**§27-511.1 Intent**

The intent of these regulations is to permit home-based businesses that have no impact on the neighborhood. The business or commercial activity must satisfy the following:

**§27-511.2 Regulations**

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- h. The business may not involve any illegal activity.

**§27-511.3 Prohibited Uses**

The following uses are prohibited in all residential districts:

- a. Adult entertainment establishments
- b. Indoor Amusement Arcades

- c. Check cashing establishments
- d. Payday Loan stores
- e. Fortune telling establishments
- f. Pawnshops
- g. Tattoo and body piercing establishments
- h. Head shops
- i. Outdoor vending machines
- j. Vape shops

**§27-512. Yard Sales**

Each residential building shall be permitted six (6) yard sales per year. Each weekend or portion of a weekend in which a yard sale is conducted shall be considered one (1) yard sale. Parking shall not be permitted by anyone attending the yard sale so as to block any public street of Annville Township.

**§27-513. Gasoline Pumps and All Other Equipment**

Gasoline pumps, fuel tanks, and all other service equipment shall be located not less than thirty-five (35) feet from any lot line and/or road right-of-way and located such that vehicles stopped for service will not extend over the property line.

**§27-514. Minimum Floor Area**

Unless otherwise regulated in this Ordinance, every dwelling unit hereafter designed, established, or erected shall contain a minimum habitable floor area of seven hundred (700) square feet.

Every dwelling unit shall provide a minimum of eighty (80) square feet of habitable floor area for each occupant.

**§27-515. Foundations**

All dwelling units hereafter erected or altered shall have a permanent continuous foundation in compliance with the Township Construction Code.

**§27-516. Front Yard Exceptions**

When an unimproved lot of record is situated between two (2) improved lots, the front yard requirements for the district may be modified so that the front yard may be an average of the adjacent existing front yards. Where an unimproved lot of record is adjacent to one (1) improved lot that was developed prior to the enactment of this Ordinance, the front yard requirements of the unimproved lot may be reduced to the average of the existing improved lot setback and required front yard. This provision shall only apply in such cases where the improved lots in question are improved as of the time of the adoption of this Ordinance. For the purpose of this section, an unimproved lot shall be the same as a vacant lot and an improved lot shall be one on which a principal building is

erected.

**§27-517. Residential Conversion Regulations**

**§27-517.1** A single family detached dwelling may be converted into a dwelling for a greater number of families only where permitted by the applicable zoning district regulations, subject to the following requirements:

- a. Each dwelling unit shall not have less than 700 square feet of floor area and shall only be occupied by one family as defined in this Ordinance.
- b. Two off-street parking spaces shall be provided for each dwelling unit. Parking spaces for converted dwelling units shall not be located within front yards.
- c. The lot area per unit is not reduced to less than 4,000 square feet per unit.
- d. The yard, height, and lot coverage requirements for the District in which the dwelling unit is located shall be met.
- e. The maximum number of people permitted to occupy a dwelling unit shall be in accord with any other applicable Township ordinance or Code. The maximum number of persons permitted in any dwelling unit shall not exceed one person for every eighty (80) square feet of habitable floor area in the dwelling unit.
- f. The Zoning Hearing Board shall specify the maximum number of families and people permitted to occupy such building, and may prescribe such further conditions and restrictions as the Board may consider appropriate.
- g. The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
- h. The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building. Dwelling units shall not be located within cellars.

**§27-518. Reduction of Lot Area**

No lot shall be so reduced that the area of the lot or the dimension of yards will be smaller than required by this Ordinance, except as may be required in connection with the widening of a public right-of-way by the Township.

**§27-519. Exceptions to Height Regulations**

The height limitations of this Ordinance shall not apply to church spires; farm structures when permitted by other provisions of this Ordinance (e.g., silos, barns, etc.); belfries, cupolas, penthouses and domes not used for human occupancy; chimneys, ventilators, skylights, water tanks, bulkheads and similar features; utility poles and standards; and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other governmental regulations. HVAC systems placed above roof level shall be completely screened. Communications towers and communications antennas are subject to the applicable requirements of this or

any Township Ordinance.

**§27-520. Reserved.**

**§27-521. Control of Street Access**

**§27-521.1** All areas for off-street parking, off-street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary driveways and accessways for entrance to and egress from such parking, loading or storage areas.

**§27-521.2** The capacity of each parking lot shall provide space upon the lot adequate to prevent a back-up of vehicles on a public street awaiting entry to the lot.

**§27-522. Loading Areas**

**§27-522.1** Paved off-street loading and unloading spaces, with proper access from a street, access drive, or alley, shall be provided on any lot on which a building for trade, business, industry, warehousing, or other use similarly involving receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within five (5) feet of any side or rear lot line. All loading and unloading shall be conducted within or adjacent to a building.

**§27-522.2** The number and size of loading spaces provided and their location shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one (1) loading space shall be provided for each use. When a permit is applied for constructing, expanding, or changing a structure or use, the application shall show all provisions for off-street loading and include supporting data (data on number, frequency and size of vehicles which will use the loading facilities), which justify the number and size of spaces provided. The number and size of spaces required shall be approved by the Zoning Officer unless otherwise indicated in this Ordinance.

**§27-522.3** All areas for off-street unloading and loading shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways for entrance to and egress from such loading areas. Ingress and egress of loading operations shall not require repeated movements into and out of streets to access

a loading space.

**§27-523. Corner Lot Restrictions**

**§27-523.1** Clear sight triangles shall be provided at all street intersections. Within such triangles, nothing which impedes vision between two (2) feet and ten (10) feet above the center line grades of the intersecting streets and driveways shall be erected, placed, planted, or allowed to grow, except street signs, traffic lights or signs, utility poles, and mail boxes. As a minimum, such triangles shall be established by connecting points a distance of seventy-five (75) feet from the point of intersection of street centerlines measured along street centerlines unless otherwise specified in this Ordinance. Greater triangles shall be provided when required by the Township Subdivision and Land Development Ordinance.

Vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of two (2) feet to ten (10) feet above the centerline grades of the intersecting streets within the required clear sight triangle.

**§27-523.2** In the case of a building to be placed on a corner lot such that the front of the building will not be parallel to a street line, yards shall be provided so that no portion of the building will be placed closer to a street than the front yard requirement of this Ordinance, so that no portion of the rear of the building will be placed closer to a lot line than the rear yard requirement of the applicable zoning district, and so that no portion of a side of the building will be placed closer to a lot line than the side yard requirement of the applicable zoning district.

**§27-524. Projections into Yards**

**§27-524.1** The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or building coverage:

- a. Terraces, patios, decks, or open porches provided that such terraces, patios, decks, or open porches are not roofed or enclosed by any wall exceeding four (4) feet in height, are not closer than five (5) feet to any lot line (except a lot line which is the projection of a parting wall), and do not extend above the first floor of the building.
- b. Projecting architectural features such as bay windows, cornices, basement entrances, pilasters, piers, eaves, roof overhang, fireplaces, chimneys, and window sills, provided that all such features shall project no more than five (5) feet into any required yard, and shall not be located closer than five (5) feet to any lot line (except lot lines which are the projection of parting walls), however, any canopies, porte cochères or other roofs that extend more than five (5) feet from the building line as defined in this Ordinance shall be subject to the yard requirements applied from the lot line to the edge of the roof.
- c. Uncovered stairs and landings, provided such stairs or landings are not located closer than five (5) feet to any lot lines (except lot lines that are the projection of parting walls).
- d. Fire escapes provided they are not supported on the ground and do not

project more than five (5) feet into any adjacent property line.

**§27-525. Storage of Vehicles and Recreational Equipment**

**§27-525.1** Major recreational equipment (including, but not limited to, 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) shall not be parked or stored on any lot in an R1, R2, R3, or R4 District except in a carport, enclosed building or rear yard, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

**§27-525.2** Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any property, unless completely covered or in an enclosed building, unless such vehicles are for sale at a sales agency dealing in automotive vehicles or within a properly approved junk yard.

**§27-525.3** No tractor or trailer from a tractor trailer truck or other truck used in the operation of a business, other than a vehicle used in conjunction with a lawful conforming or non-conforming use, shall be stored or parked within an R1, R2, R3, or R4 District unless it is stored within a completely enclosed building.

**§27-525.4** Moving vans, construction vehicles, delivery vehicles, and similar vehicles may be parked temporarily outside buildings during the conduct of business of serving lawful uses.

**§27-525.5** Parking of vehicles and recreational equipment on streets shall be subject to applicable Township ordinances (see Annville Township Code of Ordinances, §15-401 ff.).

**§27-525.6** Any truck, trailer, compressor, or other piece of equipment used in connection with a commercial or manufacturing use, assuming the use is legal or is legally non-conforming, shall be considered an extension of that use, and may be parked when:

- a. It is actually in use in performing some legitimate service at the site at which it is parked.
- b. It is being used in connection with on-going construction or similar work at the site at which it is parked.
- c. It is a motor vehicle under twenty (20) feet in length and 5,000 pounds in weight and is being used as a private vehicle, even if equipment is attached to it or carried on it.
- d. The truck or trailer is parked on the lot of the legal or legally non-conforming use.
- e. The truck or trailer is parked on the street adjacent to the legal or

- legally non-conforming use.
- f. It is parked within a completely enclosed garage.

**§27-525.7** No more than two (2) boats, recreational vehicles, or similar vehicles may be parked on one lot in any zoning district. The only exception to this limit is for a sales and service center for such vehicles or a commercial storage business for such vehicles.

**§27-525.8** In no case shall any street or alley in the Township be used for automobile repair or any other use other than public passage unless authorized by ordinance, license, or act of the Township Commissioners.

**§27-526. Driveways**

**§27-526.1** Driveways shall comply with standards for driveways established by Township driveway ordinances and subdivision and land development ordinances (see Annville Township Code of Ordinances, Chapter 22). If there is a conflict between the following standards and such other ordinance, such other ordinance shall apply.

**§27-526.2** No driveway shall be constructed in such a manner so as to create a drainage or sedimentation problem on an adjacent property or street. Provisions subject to approval of the Township shall be made for drainage at all intersections of driveways with streets.

**§27-526.3** The driveway between the right-of-way line of the street and the street cartway shall be paved.

**§27-526.4** Driveway entrances to State routes shall meet Pennsylvania Department of Transportation requirements.

**§27-526.5** No driveways shall be within two (2) feet of any property line, except for access to the street or highway, unless an adjacent house shares such driveway or the Township permits adjacent driveways.

**§27-526.6** All curb cuts shall be properly constructed to Township standards where curbing exists; if curbing does not exist, then an adequate drainpipe shall be installed as determined by the Township Engineer.

**§27-526.7** No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements that may be imposed by the Township Commissioners shall include, but not be limited to, traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs.

**§27-526.8** No driveway shall be constructed or reconstructed prior to the issuance of any required Driveway Permit.

**§27-526.9** Residential driveways shall have a minimum width of ten (10) feet and

maximum width of twenty (20) feet, excluding parking areas, turnarounds, and driveway aprons.

**§27-526.10** Properties with access to paved or improved alleys shall have driveways that access the alley.

**§27-526.11** Properties with frontage on two streets of the same classification shall have driveways that access the street with lesser traffic volumes.

**§27-526.12** Driveways shall be located so as to provide a clear sight triangle of twenty-five (25) feet at intersections with streets.

**§27-526.13** Driveways shall be located, designed and constructed in a manner which will not cause interference to the traveling public, a hazard to the free movement of normal highway traffic, or areas of traffic congestion.

**§27-526.14** All residential properties shall be limited to one curb cut, which shall be permitted only if it is impossible to access the lot from an alley.

**§27-526.15** The following standards shall apply to non-residential properties:

- a. Properties with frontages of 100 feet or less shall be limited to one curb cut.
- b. Not more than two curb cuts may be permitted for any single property, tract, or lot, for each street frontage. More than two curb cuts per frontage may be permitted only when anticipated traffic volumes warrant more than two and when supported by a traffic study prepared by a qualified traffic engineer.

**§27-527. Accessory Buildings, Structures, and Uses**

**§27-527.1 Residential Accessory Structures – General Regulations**

The following general regulations shall apply to residential accessory structures, regardless of Zoning District. Accessory structures include, but are not limited to, private animal shelters, private detached garages, private swimming pools, private greenhouses, private storage sheds and private tennis courts, seasonal roadside stands.

- a. On any lot on which a principal building existed at the effective date of this Ordinance, an accessory building to such existing principal building which is constructed after the effective date of this Ordinance does not have to be set back further from any street right-of-way than that principal building.
- b. No permanent structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory. Temporary job site construction trailers are permitted during construction.
- c. Nothing in this section shall limit other residential accessory uses not

mentioned so long as they are accessory to the residential use of the land, and do not create a threat to the public health, safety, and welfare of the community.

- d. No non-residential activities shall be permitted.
- e. No accessory structure shall have an area exceeding fifty (50) percent (50%) of the floor area of the principal building.
- f. The total area of all accessory structures on a lot shall not exceed one-half (1/2) the maximum permitted building coverage in the applicable Zoning District.
- g. No more than two (2) storage sheds shall be located on any one lot. All storage sheds shall be anchored in accordance with the Township Construction Code.
- h. Truck bodies or trailers, buses, mobile homes, mobile office trailers, and similar alternative containers shall not be permitted for use as a private storage shed.
- i. No accessory structure shall be permitted within any front yard.
- j. Any structure attached to a principal building in any manner shall comply in all respects with the yard requirements of this ordinance for a principal building.
- k. Storage sheds shall be no larger than 200 square feet. Storage sheds shall be located only in rear and side yards, and shall not be permitted within three (3) feet of any side or rear lot line.
- l. Multi-story accessory structures (excluding garages) are permitted only if there are at least two (2) other multi-story buildings on the same side of the same block within a 250-foot radius as measured from the center of the proposed structure.
- m. In the case of a lot on which a principal building existed on the effective date of this Ordinance, an accessory building thereto may be located closer to a side lot line than permitted above, provided that the accessory building is situated to the rear of the principal building, complies with the construction standards of the Uniform Construction Code, and is not located closer to the side lot line than the principal building.
- n. No more than three (3) accessory structures shall be allowed on any one lot.
- o. Private tennis courts shall be permitted within side or rear yards provided that such facility shall be not less than fifteen (15) feet from side or rear lot lines. No such tennis court shall be permitted unless it is protected on all sides (except for an access way) by a permanent fence ten (10) feet in height.
- p. Greenhouses shall comprise a total floor area of no more than 200 square feet. Greenhouses shall be located only in rear yards and shall not exceed twelve (12) feet in height.
- q. Private, non-commercial swimming pools which are designed to contain a water depth of eighteen (18) inches or more, regardless of whether they are permanently affixed or movable, shall be located on the same lot or tract as the dwelling and shall not be permitted in the front yard. In all other yards,

a pool shall not be closer than fifteen (15) feet to any lot line, as measured from the water's edge. All pools shall be completely enclosed with a continuous impenetrable fence or barrier no less than four (4) feet in height above the ground level and shall be equipped with a lockable gate or retractable ladder. Any deck, patio, or impermeable surface, not under roof or otherwise enclosed, which surrounds, is attached to, or associated with a pool shall be no closer than ten (10) feet to the side or rear lot line. Swimming pools shall be used solely for occupants of the property and their guests.

- r. Apartment and townhouse accessory structures shall be restricted to uses for residents of the apartment and townhouse units.

**§27-527.2 Non-residential Accessory Structures – General Regulations**

No structure shall be located within any required front, rear, or side yard unless otherwise permitted by this Ordinance.

**§27-527.3 Non-residential Accessory Structures – Use Regulations**

The following specific use regulations shall apply to nonresidential accessory uses, regardless of Zoning District: Accessory uses shall be limited to use by employees only.

- a. *Storage* – When storage outside buildings is permitted within a zoning district, no storage shall be permitted within front and side yards. Outdoor storage of materials shall be screened from view from adjoining properties and streets.
  - (1) Outdoor storage of any type shall not be permitted unless such storage is a part of the normal operations conducted on the premises, subject to requirements of the prevailing zoning district.
  - (2) All storage areas shall have direct access to a driveway.
  - (3) Tractor-trailer trucks shall not be used for storage or sales of materials.
  - (4) Materials shall not be stored within the 1% annual chance floodplain (base flood or 100-year floodplain).
  - (5) A fence a minimum of six (6) feet in height shall enclose outdoor storage of products or materials that could be hazardous to humans.
- b. *Shopping Cart Storage* – If any use permits shopping carts to be taken from the confines of the store building, storage areas for such carts shall be provided at convenient locations in the parking area or against the building.
- c. *Trash Containers* – All trash and rubbish shall be kept in covered containers and stored in a permanent enclosure which surrounds the containers, and is constructed of the following materials: brick, stone, wood, concrete-based stucco, vinyl designed to look like wood.
- d. *Fences* – All fences shall be higher than the materials being

screened, and have a minimum height of 4 feet. Although trees, shrubs and other landscaping are encouraged, they may not be used to substitute for fence.

**§27-528. Bed and Breakfast Inn Regulations**

**§27-528.1** Bed and Breakfast Inns are subject to the following regulations:

- a. No cooking facilities shall be permitted in rooms for rent.
- b. The maximum number of rooms for rent shall be six (6).
- c. The Bed and Breakfast shall be owner or manager occupied.
- d. At least one (1) bathroom shall be provided for every three (3) units, plus at least one (1) bathroom for the resident owner or manager.
- e. The use shall maintain an appearance and character consistent with a residence. The only exterior changes permitted to portions of residential buildings that are visible from a public street shall be for historic restoration, cosmetic improvements, and any necessary safety improvements or removal of architectural barriers.
- f. Bed and Breakfasts shall only be permitted within single-family detached dwellings that existed on the effective date of this Ordinance.
- g. One (1) off-street parking space shall be provided for each room available for rent and each employee on the premises at any one time, in addition to those required for the dwelling unit.
- h. All parking areas shall be set back a minimum of fifteen (15) feet from all property lines, and shall be screened from adjoining lots and streets.
- i. Meals shall be offered only to registered overnight guests.
- j. The applicant shall furnish proof to the Zoning Officer of any needed land development approvals.

**§27-529. Conduct of Agricultural Activities**

Agricultural activities permitted within the Township by this Ordinance may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential uses due to sights, sounds, smells or other conditions resulting from the agricultural activities. Such agricultural activities must be conducted in accordance with any and all regulations of the Township, this Ordinance, and the State and are not in a manner that creates a definite danger to the health or safety of neighboring uses.

**§27-530. Recreational Development Regulations**

**§27-530.1** Accessory uses shall be restricted to those providing necessary amenities and equipment to members and guests to include the sale of goods, prepared foods and services and rental of facilities and equipment to members and guests provided that no sleeping accommodations are provided.

**§27-530.2** Playgrounds or similar non-commercial recreation areas owned and operated by a public or private non-profit agency shall not be used for the operation of self-propelled recreational vehicles designed to carry human beings.

**§27-531. Standards for Public Utility Uses**

**§27-531.1** A structure or other installation for the purpose of servicing a public utility is subject to the following:

- a. The public utility shall file a plan with the Township indicating the location of all existing and proposed buildings or facilities within the Township.
- b. No such building or facility shall create a danger to the public safety of any resident of the Township.
- c. A Special Exception must be received from the Zoning Hearing Board prior to the locating of any building or facility.
- d. If adjoining land is zoned to permit residential uses, all public utility buildings or facilities, storage, or activities outside a building, including parking and loading, shall be screened from view from public streets and adjoining lots.
- e. The proposed building or facility must provide a necessary function.
- f. Support and maintenance structures not requiring human occupancy are permitted. Facilities or buildings shall be located no closer than ten (10) feet to any lot line or street right-of-way line. The Zoning Hearing Board may establish greater setbacks depending on the nature of the use and its location. All other uses shall comply with all applicable zoning district regulations unless the Zoning Hearing Board imposes greater standards.

**§27-531.2 Pennsylvania Municipal Corporations or Pennsylvania Municipality Authorities Which Provide Public Utility Service, but Which are Not Subject to Public Utility Commission Jurisdiction**

The restrictions of this Zoning Ordinance shall not apply to any municipal corporation organized and existing under any Pennsylvania municipal code or to any municipality authority of Annville Township organized or existing under the *Pennsylvania Municipality Authorities Act of 1945*, as amended, which owns or leases and uses or operates an existing or proposed building or facility within the Township, provided that said corporation or authority petitions and receives approval from the Township Commissioners and sets forth:

- a. the nature and details of the building or facility,
- b. that the building or facility will be used exclusively in the operation of the public utility service provided by the petitioner, and
- c. that the building or facility is reasonably necessary for the convenience or welfare of the public with respect to the service provided.

**§27-532. Forestry**

**§27-532.1 Intent**

The following regulations intend to conserve forested open space and its environmental, economic, recreation, wildlife and amenity values by promoting good forest stewardship; protect the rights of adjoining property owners; and minimize the potential for adverse environmental impacts.

**§27-532.2 Applicability**

Forestry activities, including timber harvesting, shall be a permitted use by right in all zoning districts. These regulations apply to all timber harvesting within the Township where the project area exceeds two (2) acres for clear cutting operations and five (5) acres for selective cutting operations. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement. These provisions apply to privately and publicly owned property. These provisions apply to any site where there will be clearing of trees for any purpose, if lumber will be removed from the site.

**§27-532.3 Notification; Preparation of a Logging Plan**

- a. *Notification of commencement or completion.* For all timber harvesting operations with a project area exceeding two (2) acres for clear cutting operations and five (5) acres for selective cutting operations, the landowner shall notify the Zoning Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
- b. *Logging Plan.* Every landowner on whose land timber harvesting is to occur shall have a written logging plan in the form specified by this ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request. The plan shall incorporate Best Management Practices (BMPs) for forestry found in the publications Best Management Practices for Pennsylvania Forests, Best Management Practices for Silvicultural Activities in Pennsylvania's Forest Wetlands, and Controlling Erosion and Sedimentation from Timber Harvesting Operations.
- c. *Responsibility for compliance.* The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

**§27-532.4 Contents of the Logging Plan**

- a. *Minimum requirements.* As a minimum, the logging plan shall include the following:
  - (1) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails

- and landings;
  - (2) Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
  - (3) Design, construction, and maintenance of stream and wetland crossings;
  - (4) The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
- b. *Map.* Each logging plan shall include a sketch map or drawing containing the following information:
- (1) Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
  - (2) Significant topographic features related to potential environmental problems;
  - (3) Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
  - (4) Location of all crossings of waters of the Commonwealth;
  - (5) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
- c. *Compliance with state law.* The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:
- (1) Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. § 691.1 et seq.). An erosion and sedimentation plan shall be on-site and shall be approved by the Lebanon County Conservation District when required.
  - (2) Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.).
- d. *Relationships of state laws, regulations, and permits to the logging plan.* Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in paragraph a and paragraph b of this section, provided that all information required by these paragraphs is included or attached.

**§27-532.5 Forest practices**

The following requirements shall apply to all timber harvesting operations in the Township:

- a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
- b. No tops or slash shall be left within twenty-five feet of any public thoroughfare or private roadway providing access to adjoining residential property.
- c. All tops and slash between twenty-five and fifty feet from a public roadway or private roadway providing access to adjoining residential property or within fifty feet of adjoining residential property shall be lopped to a maximum height of four feet above the ground.
- d. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
- e. Litter resulting from a timber harvesting operation shall be removed from the site before the operator vacates it.
- f. Skid trail, skid road, haul road, and landing area design shall be consistent with PA Department of Environmental Protection guidelines.
- g. The Township Commissioners shall approve routes using Township roads. The Commissioners will also set the maximum gross weight permissible on Township roads.
- h. Hours during which harvesting can occur are subject to Township Commissioners approval.
- i. Landing/staging areas and haul/skid roads shall be restored and reseeded after the harvest is complete. Site access roads shall be closed to the general public.

**§27-532.6 Responsibility for Road Maintenance and Repair: Road Bonding**

Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.

No mud or debris shall remain on public roads.

**§27-532.7 Enforcement**

- a. The Zoning Officer or other party designated by the Township Commissioners shall be the enforcement officer for this Section.
- b. Inspections. The Zoning Officer or other designated party may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with this section and (2) inspect the

operation for compliance with the logging plan and other on-site requirements of these regulations.

## **§27-533. Alternative Energy Requirements**

### **§27-533.1 Intent**

The alternative energy requirements recognize the need to conserve energy and natural resources, and to facilitate the use of renewable resources.

### **§27-533.2 Definitions**

*Active Solar Energy System* – A solar energy system that requires external mechanical power to move collected heat.

*Chimney* – A flue that carries off exhaust from an outdoor wood furnace firebox or burn chamber.

*Energy Storage Facility* – equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

*EPA HH Phase 2 Program* – EPA HH (Hydronic Heater) Phase 2 Program administered by the United States Environmental Protection Agency and that has a particulate matter emission limit of 0.32 pounds per million British Thermal Units output and is labeled accordingly.

*Existing Outdoor Wood Furnace* – An outdoor wood furnace that was purchased and installed prior to the effective date of this local law.

*Natural Wood* – Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

*New Outdoor Wood Furnace* – An outdoor wood furnace that is first installed, established or constructed after the effective date of this Ordinance.

*Outdoor Wood Furnace.* – Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors and is primarily hand-loaded for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an Outdoor Wood Stove, Outdoor Wood Boiler, Outdoor Wood-fired Hydronic Heater or Hydronic Heater.

*Outdoor Wood-Pellet Furnace* – An outdoor wood-pellet furnace that is specifically designed to burn wood pellet fuel, or other biomass pellets with metered fuel and air feed and controlled combustion engineering, which burns only wood pellets, or other biomass pellets.

*Passive Solar Energy System* – A solar energy system that uses natural and architectural components to collect and store energy without using any external mechanical power.

*Solar Collector* – A freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply.

*Solar Energy* – Radiant energy (direct, diffused and reflected) received from the sun.

*Solar Energy System* – A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

*Skyspace* – The open space between a solar or wind collector and the sun or prevailing wind which must be free of obstructions that may shade or impede the collector to an extent that would reduce its cost-effective operation.

*Wind Energy Conversion System* – A device that converts wind energy to mechanical or electrical energy; commonly referred to as a windmill.

*Wind Rotor* – The blades, plus hub to which the blades are attached, that are used to capture wind for the purpose of energy conversion. The wind rotor is used on a pole or tower along with other generating and electrical storage equipment and forms a wind energy conversion system.

### **§27-533.3 Solar, Wind and Alternate Energy Standards**

The use of solar, wind and alternate energy systems is encouraged within these regulations and permitted within any zoning district. Although the installation of such systems is not mandatory, where they are used, the following shall apply:

- a. Active and passive solar systems, wind energy systems and similar alternate energy systems, including customary energy storage accessories, shall be permitted for the production, collection, movement, distribution or storage of heated water, air or other medium which is intended for conveyance to a principal or accessory building. Systems may include the following, subject to the requirements contained herein:
  - (1) Solar panels with a combined glazing area of sixty-five (65) square feet or less may be placed in any side or rear yard but shall not be closer than two (2) feet from any property line.
  - (2) Solar panels with a combined glazing area in excess of sixty-five (65) square feet, provided that:
    - (a) Solar panels attached to a principal structure shall comply with the zoning setbacks prescribed for a principal structure in the applicable zoning district;
    - (b) Solar panels that are freestanding or attached to

an accessory structure shall comply with the accessory structure requirements of this Ordinance.

- (3) Solar greenhouses attached to principal structures shall meet all yard requirements for a principal structure in the applicable zoning district.
- (4) Solar greenhouses attached to accessory structures shall meet all yard requirements specified for accessory structures in this Ordinance.
- (5) Detached solar greenhouses shall meet all yard requirements specified for accessory structures in this Ordinance.
- (6) Wind energy conversion systems, provided that:
  - (a) The structure supporting the wind rotor unit shall be located a minimum distance of the tower height (measured from the ground to the top of the rotor) plus fifteen (15) feet from any property line or road right-of-way. The height of such structures shall not exceed seventy-five (75) feet.
  - (b) Towers may be ground or roof-mounted and shall be securely fastened as per manufacturer's specifications or a demonstrable equivalent to achieve maximum safety and prevent collapse or fall. Any propeller or turning device that reacts to wind velocity shall have a governor to control the speed of revolutions. Such governor may include a rudder that turns the propeller away from the wind, individually spring-mounted paddles that turn away from the wind, or other suitable manufacturer's device. Towers shall be locked or secured to prevent unauthorized access, and in no case shall a permanently mounted ladder be affixed less than ten (10) feet from grade level.

**§27-533.4 Outdoor Wood Furnaces**

- a. Outdoor wood furnaces are permitted by Special Exception only in the R1 and Light Industrial Districts and prohibited in all other Districts.
- b. No person shall operate or maintain an outdoor wood furnace other than in compliance with the applicable sections of this Ordinance.
- c. No person shall operate an existing outdoor wood furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of this Ordinance regarding fuels that may be burned in an outdoor wood furnace.
- d. All new outdoor wood furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Ordinance. In

- the event of a conflict, the requirements of this Ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- e. A new outdoor wood furnace that is EPA HH Phase 2 Program Qualified (0.32 lbs./MMBTU heat output) shall be allowed to be installed to replace a non-qualified outdoor wood furnace in the same location as long as the furnace is installed to meet the chimney height requirements in §27- 533, 4, l. and proper fuel use requirements in §27- 533, 4, h. of this Ordinance are met by the owner.
  - f. The owner of any new outdoor wood furnace shall produce the manufacturer's owner's manual or installation instructions to the Zoning Officer to review prior to installation.
  - g. All new outdoor wood furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.
  - h. If an existing outdoor wood furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, as defined by local or state law, one of the following steps shall be taken by the owner and the Zoning Officer:
    - (1) Cease operating the unit until reasonable steps can be taken to ensure that the outdoor wood furnace will not be a nuisance.
    - (2) Agree to make modifications to the unit within thirty (30) days to eliminate the nuisance such as extending the chimney, or relocating the outdoor wood furnace.
  - i. Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.
    - (1) The following fuels are strictly prohibited in new and existing outdoor wood furnaces:
      - (a) Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
      - (b) Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.
      - (c) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
      - (d) Rubber including tires or other synthetic rubber-like products.
      - (e) Newspaper, cardboard, or any paper with ink or dye products.
      - (f) Any other items not specifically allowed by the manufacturer or this provision.
  - j. Setbacks for any new outdoor wood furnace model not EPA Hydronic

- Heater Program Qualified:
- (1) The outdoor wood furnace shall be located at least fifty (50) feet from the property line.
  - (2) The outdoor wood furnace shall be located at least 100 feet from any residence that is not served by the outdoor wood furnace.
  - (3) The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.
- k. Chimney heights for any outdoor wood furnace model that is not EPA Hydronic Heater Program Qualified:
- (1) The chimney of any new outdoor wood furnace shall extend at least two (2) feet above the peak of any residence not served by the outdoor wood furnace located within 300 feet of such outdoor wood furnace.
- l. Setbacks for EPA HH Phase 2 Program qualified models (0.32 lbs./million BTU heat output):
- (1) The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.
- m. Chimney heights for EPA HH Phase 2 Program qualified models:
- (1) If located within 300 feet to any residence not served by the furnace, the chimney must be at least two (2) feet higher than the peak of the residence served.
  - (2) If located within 100 feet to any residence not served by the furnace, the chimney must be at least two (2) feet higher than the peak of the residence served or not served, whichever is higher.
- n. Outdoor wood-pellet furnaces that are specifically designed to burn wood pellet fuel, or other biomass pellets with metered fuel and air feed and controlled combustion engineering shall be installed per the manufacturers' recommendations. Wood Furnace or both.

**§27-533.5 Protection and Maintenance**

The improvements required and permitted within this Section shall be protected and maintained to assure the environmental benefits of non-polluting, replenishable alternate energy. The following requirements shall apply:

- a. Protection
  - (1) Where a solar or wind energy system has been installed to serve an existing structure, it shall be the responsibility of the property owner to secure any easements or restrictive covenants necessary to protect the skyspace affecting the solar or wind energy system. Such an agreement shall be negotiated between owners

of affected properties, but it is not a requirement for approval of a building and zoning permit for the solar or wind energy system.

- (2) Maximum height requirements of this Ordinance shall not apply to roof-mounted solar collector systems.
- b. Maintenance
  - (1) Energy systems shall be maintained in a safe manner. Broken glass or other potentially hazardous conditions shall be promptly repaired.
  - (2) A disconnected or abandoned energy system shall be dismantled and removed from the property within sixty (60) days of such abandonment.

**§27-533.6 Plans and Permits**

- a. Plans depicting solar or wind energy installations or outdoor wood furnaces shall be submitted at the time of application for a building and zoning permit. Information may be included on the required plot plan specified in this Ordinance or submitted on a separate plan. In addition to the information required elsewhere within this Ordinance, plans shall include:
  - (1) Exact size and location of proposed solar, wind energy conversion system, or outdoor wood furnace.
  - (2) Any associated apparatus, structures, or architectural features necessary for the efficient operation of a solar, wind energy device, or outdoor wood furnace.
- b. Building and Zoning Permits – A building and zoning permit shall be required for installation of, expansion or alteration to any of the energy systems described within this Section. Applicable procedures of this Ordinance shall apply during the processing of such permit applications. Where desired, the Zoning Officer may refer plans to any other applicable agencies for review and comment prior to formal action on the permit application.

**§27-534. Roadway Access**

**§27-534.1 Access Management Standards**

Vehicular access to and from all buildings, structures and lots shall be governed by the following:

- a. Every building lot shall have access to a public street or an approved private street, except as provided for in §27-505 of this Ordinance.
- b. Proposed access points shall be separated according to the provisions set forth in this ordinance.
- c. Where a lot or multiple lots are created with frontage on more than one road, access shall only be permitted to the road with the lower functional classification according to this Ordinance, unless permission

- is given by the Township Commissioners to access the road of higher functional classification.
- d. Unless the Township Commissioners give permission, direct driveway access to collector and arterial roads, as defined by this Ordinance, shall be prohibited.
  - e. Unless the Township Commissioners give permission, all residential lots shall have access only to local roads.
  - f. Where a development proposal creates lots with frontage along existing collector or arterial roads, the proposed street pattern shall provide driveway, parking and loading access to a local road within the development, rather than access to the collector or arterial road.
  - g. Where a building, structure, or lot is created having frontage along an existing collector or arterial road, and access to another street is not possible, access may be provided from an adjacent use.
  - h. Where a building, structure or lot is created having frontage along an existing collector or arterial road, and no viable alternative for access is possible in the opinion of the Township Commissioners, access to the arterial or collector road may be permitted in conjunction with the following:
    - (1) The proposed use shall utilize existing access ways of adjacent properties through inter-connection of interior drives, parking areas, or loading areas where possible.
    - (2) The design of parking and interior circulation of the proposed use shall be planned in such a manner as to connect interior access ways, parking areas and loading areas with future adjacent uses, structures, buildings or lots.
    - (3) Access points along collector or arterial roads, as designated in the Comprehensive Plan or this Ordinance, shall comply with all Township and State regulations governing lot access, driveways and street intersections and shall be approved by the Township.

**§27-534.2 Access Intersection Distance**

All proposed access drives and driveways shall be set back a minimum distance from any intersection, based on the highway classification as defined by the Circulation Plan in the Comprehensive Plan or this Ordinance. The minimum setback distance from intersections shall be calculated as the distance from the nearest edge or projected edge of the pavement of the intersecting roadway to the nearest edge of the proposed access way according to the following, unless a setback is established in the Township Subdivision and Land Development Ordinance, or other Township Ordinance, or elsewhere in this Ordinance, in which case that standard shall apply.

All proposed access drives and driveways shall be set back a minimum of forty (40) feet from the intersection of two local roads.

- a. From an intersection involving a collector road, proposed access drives and driveways shall be set back a minimum of seventy-five (75) feet , except 40 feet in the TC District.

- b. From an intersection involving an arterial road, proposed access drives and driveways shall be set back a minimum of one hundred (100) feet, except 40 feet in the TC District.

**§27-534.3 Shared Access Provisions**

a. Purpose

- (1) Adjacent non-residential uses shall share access points to better facilitate the flow of traffic by increasing access coordination along road frontages and minimizing confusion caused by an excessive number of access points, unless permission is granted by the Township to use individual access points.

b. Standards

The following standards shall be met to the satisfaction of the Township for all types of land uses:

- (1) Limit the number of access points along collector and arterial roads.
- (2) Use parallel access roads as entrances to uses and lots that abut collector and arterial roads.
- (3) Coordinate ingress and egress locations for adjacent uses, lots and structures along collector and arterial roads.
- (4) Connect interior access ways, parking areas or loading areas of uses with frontage along collector and arterial roads.
- (5) Coordinate similar traffic movements at access locations to increase safety and facilitate vehicle movement.

**§27-534.4 Access Point Separation**

- a. A minimum distance shall be provided between all new access points on a property as determined by the highway classification identified in the Comprehensive Plan or this Ordinance and in accordance with the following, unless a separation is established in the Township Subdivision and Land Development Ordinance or other Township Ordinance, in which case that standard shall apply:

- (1) The minimum separation distance between access points on a local road shall be seventy-five (75) feet.
- (2) The minimum separation distance between access points on a collector road shall be one hundred (100) feet.
- (3) The minimum separation distance between access points on an arterial road shall be three hundred (300) feet.

- b. Where two or more adjacent buildings, structures, or lots are in such proximity that achieving the minimum separation is not possible for each individual use, access points shall be shared in compliance with the provisions of this ordinance.

**§27-534.5 Responsibilities**

- a. The applicant shall be held responsible for the construction of any necessary traffic control devices, signs and roadway safety

- improvements, including acceleration and deceleration lanes where required by the Township or PennDOT.
- b. Driveway design is subject to Township requirements established during subdivision and land development plan review procedures and after review of any required traffic impact studies.

**§27-535. Wireless Telecommunications**

**§27-535.1 Intent**

In recognition of the quasi-public nature of personal wireless service, the purpose of this subsection is:

- a. To regulate the placement, construction and modification of communications and transmissions antennas and communications towers to protect the public safety and welfare;
- b. To accommodate the need for communications antennas while regulating their location in the Township;
- c. To minimize adverse visual effects of antennas and communications towers through proper design, siting, painting, and vegetative screening;
- d. To encourage co-location of antennas and the use of existing structures to reduce the number of such structures needed in the future;
- e. To avoid, through engineering and proper siting of communications towers, potential damage to adjacent properties from tower failure or falling ice or debris;
- f. To minimize adverse effects to residential property values resulting from the location and design of personal wireless facilities;
- g. To ensure that antennas and communications towers will be removed in the event that such structures are abandoned or become obsolete and are no longer necessary;
- h. To promote co-location of emergency services antennas;
- i. To insure that the location and number of personal wireless facilities protect the health, safety, and welfare of Township residents.

**§27-535.2 Wireless Communications Antennas:**

- a. Communications antennas shall, if feasible, be mounted on existing utility poles in the public right of way, but may be attached to buildings or other structures, (e.g. a water tower or tall building) except residential dwellings, and shall be a permitted use in all districts, except in the Annville Township Historic District Overlay, provided that the following requirements are met:
  - (1) Communications antennas shall not exceed the height of the existing structure by more than fifteen (15) feet; omnidirectional communications antennas shall not exceed seven (7) inches in diameter; directional or panel communications antennas shall not exceed five (5) feet in height or width with a maximum surface area of fifteen (15) square feet.

- (2) Any applicant proposing a communications antenna to be mounted on a building or other structure shall submit to the Zoning Officer evidence of the following, satisfactory to the Township:
- (a) A report from a Pennsylvania registered engineer certifying that the proposed use will not exceed the structural capacity of the pole, building or other structure, considering wind, ice and other loads associated with the use.
  - (b) Detailed construction and elevation drawings indicating how the antenna will be mounted on the pole or structure for review and for compliance with any applicable State, county or local building code or other law or ordinance.
  - (c) Agreements or easements showing access to the pole or structure on which the antenna is to be mounted in order that installation and maintenance of the communications antenna and any communications equipment building can be accomplished.
  - (d) Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - (e) Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township of Annville nor shall they create crosstalk or otherwise interfere with other methods of telephone communication.
  - (f) The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.
  - (g) Communications antennas and supporting electrical and mechanical equipment must be a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antennas and related equipment as visually unobtrusive as possible.

**§27-535.3 Communications Towers and Equipment Buildings**

Communications towers are permitted as a conditional use in the Institution (I) District and the Light Industrial (LI) District provided that the following requirements are met:

- a. *Procedure.* The applicant and the Board of Commissioners shall follow the procedure set out in §27-810 to obtain a conditional use. The request for a conditional use shall be accompanied by documentation meeting each of the requirements of this Section as applicable. Prior to issuing a decision on the request for conditional use, the Board of Commissioners

- may engage the services of a consultant to review this information. The fees of the consultant shall be borne by the applicant. The Board of Commissioners may require the applicant to pay in advance a retainer to be used towards the fees incurred by the consultant, which retainer shall be provided by the applicant within ten (10) days of the request. The consultant may be required to perform inspections or testing, to determine the need for the facility, and whether the type of facility proposed is appropriate and to provide comments on the documentation provided by the applicant.
- b. *License.* The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas, and shall provide a copy of all applicable license approvals by the Federal Communications Commission including any special conditions applicable to the license.
  - c. *Setbacks.* A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district for an accessory structure.
  - d. *As-Built Plans.* Within sixty (60) days of completion of the initial construction and any additional construction, the applicant shall furnish to the Township two (2) complete sets of plans, drawn to scale, and certified to the Township as accurately depicting the wireless telecommunications facilities constructed pursuant to the conditional use approval.
  - e. *Exposure Standards.* The applicant shall demonstrate that the proposed communications tower, and communications antennas proposed to be mounted thereon, comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
  - f. *Tower Location.* Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structures apply:
    - (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
    - (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
    - (3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

- (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (5) A commercially reasonable agreement could not be reached with the owners of such structure.
- g. *Access.* Access to the communications tower and the communications equipment building shall be provided by means of a public street or easement to a public street, which easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
- h. *Lot and Plan.* A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot so long as the minimum lot size requirements for the zoning district are met; recording of a land development or subdivision plan shall not be required for a leased parcel upon which a communications tower is proposed to be constructed so long as the communications equipment building is unmanned.
- i. *Airports and Traffic.* Communications towers shall comply with all applicable Federal, State and local aviation, airport and air traffic statutes, regulations and ordinances.
- j. *Height Regulations.* Communications towers, including attached antennas, shall be kept to the minimum height necessary to perform its function, which may be adjusted to provide for co-location with other users, but in no event shall any communications tower exceed a maximum height of one hundred fifty (150) feet; communications equipment buildings shall comply with all applicable requirements of the zoning district in which they are located.
- k. *Yard and Setback.* Communications towers shall be located at a minimum of five hundred (500) feet from any existing residential structure or any other zoning district; communications towers shall be set back from all property lines or lease lines a distance of one hundred ten percent (110%) of the height of the communications tower and communications antenna; communications equipment buildings shall comply with all yard requirements of the zoning district in which they are located.
- l. *Use of Stealth Technology.* The applicant shall demonstrate that stealth technology has been used to the greatest extent possible in the design of the communications tower.
- m. *On-Site Parking.* A minimum of one (1) paved on-site parking space shall be provided on the lot or leased parcel on which the communications tower and/or communications equipment building is located for use by inspection or maintenance vehicles only.
- n. *Fencing and Landscaping.* A fence shall be required to surround a communications tower and communications equipment building and

- other related equipment; a minimum of six (6) feet in height and a maximum of eight (8) feet in height, which shall not contain openings greater than nine (9) square inches and shall contain, at all entrances, gates which shall be locked except during such times as the site is manned by authorized personnel; all guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times, and shall be located within the fenced enclosure; an evergreen screen shall be required to surround the fenced site, using evergreen trees of a minimum height of six (6) feet at time of planting, tree planting not exceed every eight (8) feet.
- o. *Color.* Communications towers and communications equipment buildings shall be painted in a color and/or composed of materials, that best allows blending into the surrounding area, including the use of colors such as grays, blues and greens as appropriate.
  - p. *Communications Equipment Buildings.* Communications equipment buildings are accessory buildings and must conform to all requirements of the zoning district in which the communications equipment building is located.
  - q. *Signs and .Lighting.* A sign shall be mounted in a visible location upon the communications tower or communications equipment building identifying the name, address and emergency telephone number of the operator; no lights shall be mounted on a communications tower unless as required by a governmental agency with such jurisdiction; security lighting may be placed upon communications equipment buildings but must be downshielded and the light shall not shine or reflect on adjacent properties.
  - r. *Safety.* The applicant shall demonstrate that the proposed antenna and communications tower are safe and the surrounding area will not be negatively affected by support structure failure, falling ice or other debris; compliance with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation shall be met in compliance with guidelines recommended by the American National Standard Institute with respect to radio frequency emissions shall be met; communication towers shall be fitted with anti-climbing devices, as approved by the manufacturers; certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting structures, published by the Electrical Industrial Association/Telecommunications Industry Association and the applicable requirements of any State, county and local building code.
  - s. *Insurance.* The applicant shall provide a certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000.00) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000.00) per occurrence covering the communications tower, communications

- antenna, and communications equipment building which insurance shall be maintained and remain in effect during the entire time the tower, antenna and/or equipment building remains upon the lot or leased premises.
- t. *Waste.* No waste, including hazardous waste, shall be placed or disposed of on the site of the communications tower and communications equipment building.
  - u. *Noise Levels.* Noise levels shall not exceed five (5) dBA above the ambient levels on adjacent properties; operation of a backup power generator in the event of power failure, or the testing of a backup power generator between 9:00 a.m. and 6:00 p.m. are exempt from this limitation.
  - v. *Visibility Impact Limitations.* The applicant shall demonstrate that the communications tower, antenna and communications equipment building shall have no visual impact upon Annville's Historic District or the Quittie Creek Nature Park.
  - w. *Fully Automated Site.* The applicant shall demonstrate that the site is fully automated.
  - x. *Inspection.* Beginning in December of the year that the construction of the communications tower is completed, and then in December of every other year thereafter, the owner of the communications tower shall have the communications tower inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communications towers. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222 Structural Standards for Steel Antenna Towers and Antenna Support structures. A copy of said inspection report shall be provided to the Township. At the time said report is provided to the Township, the applicant shall pay a fee as the Board of Commissioners shall from time to time set forth in a resolution.
  - y. *Amateur Radio.* This regulation shall not govern any tower, or the installation of any antenna that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio status operator.
  - z. *Removal.* A communications tower, communications antenna or communications equipment building that is no longer in use for its approved purpose shall be removed at the owner's expense. The owner shall provide the Township with a copy of the notice to the FCC of intent to cease operations. If the tower, antenna or equipment building remains unused for a period of six (6) consecutive months, the owner shall be given ninety (90) days from the end of that six (6) consecutive month period to remove the communications tower, antenna or equipment building. The owner shall post a bond in an amount satisfactory to the Township to be used by the Township for such removal in the event the applicant fails to remove the facilities within the ninety (90) days. In the case of multiple operators sharing use, this provision shall not become

effective until all users cease operations. The equipment on the ground is not to be removed until the tower portion of the communications facility has first been dismantled and removed. If the owner removes the tower and equipment in proper fashion, upon request, the Township shall return the bond.

**§27-535.4 Satellite Dish Antennas**

- A. Roof, wall or window mounted dish antennas up to one meter (39.4 inches) in diameter are permitted by right as accessory uses within any District. No more than two (2) such devices shall be permitted per dwelling unit. However, satellite dishes in the Historic District Overlay shall require review of their proposed location by the HARB and a Certificate of Appropriateness before installation; such antennas shall not be visible from Main Street. Residents must remove out-of-service or disconnected satellite dishes within thirty (30) days following their disuse.
- B. Within any District, ground-mounted satellite dish antennas in excess of one meter (39.4 inches) in diameter are permitted as Conditional Uses when approved by the Board of Commissioners. Such installations shall observe all setbacks applicable to the zone in which they are located and provide such screening as the Board may deem appropriate.

**§27-536. Setbacks from Quittapahilla Creek**

All buildings shall be setback no less than seventy-five (75) feet from the top of the bank of the Quittapahilla Creek, unless a greater setback is required by other provisions of this Ordinance or another Local, State or Federal regulation, in which case such greater setback shall apply.

**§27-537. Setbacks from Quittie Creek Nature Park**

All buildings constructed outside the limits of Quittie Creek Nature Park shall be setback no less than one hundred (100) feet from the boundary of the Nature Park, unless a greater setback is required by other provisions of this Ordinance or another Local, State or Federal regulation, in which case such greater setback shall apply.

**§27-538. Homesharing**

**§27-538.1 Intent**

The use of single and multiple family dwelling units, duplexes, guesthouses, caretaker units, apartments, and other structures normally occupied for residential purposes, for short term rental, or other transient lodging purposes affords property owners a supplementary income and can increase and enhance public access to areas of the Township and other visitor destinations. Such use may also increase levels of commercial and residential vehicular traffic, demand for parking, light and glare, and noise detrimental to surrounding residential uses and the general welfare of the Township. Such use also requires collection of the Lebanon County Transient Occupancy Tax. This section allows the transient use of residential property in all districts under the following conditions.

**§27-538.2 Permit**

- a. Property owners wishing to engage in transient use of their residential property for remuneration shall obtain an annually renewable permit from the Zoning Officer.
- b. Use of the property for transient purposes shall be restricted to the permitted residence(s) on the property and may not extend to any accessory structure except in so far as the accessory structures may be used by the guests for appropriate accessory uses. (e.g. a garage may be used for the storage of the tenant's automobile).
- c. The permit shall include a description of the facilities offered for transient rental.
- d. The permit shall establish the maximum number of occupants (maximum of two times the number of bedrooms) in the rental facility.
- e. Any zoning permit issued pursuant to this Section shall require, as a condition of approval, that an applicant who does not reside within a 30-mile radius of the residence being rented, designate a person located within a 30-mile radius of the rental unit, as a local contact person who will be available 24 hours a day to respond to tenant and neighborhood questions or concerns and to otherwise be responsible for assuring that the rental unit complies with the requirements of the permit issued and the provisions of this Section and other applicable provisions of this ordinance. The name, address, and telephone number(s) of such a designated person shall be furnished to the Zoning Officer prior to issuance of the permit and made available for public review. The permit holder shall promptly notify the Zoning Officer of any change in the local contact person's address or telephone number.
- f. The applicant shall provide written notice to the homeowners' association if the subject property is within a subdivision governed by restrictive covenants which the homeowner's association has the power to enforce and submit proof of such notice to the Zoning Officer. In the event that the homeowners' association objects to the issuance of the permit, the permit shall not be approved until the homeowners' association's objection has been withdrawn or the right of the applicant to use the subject residential property for transient use has been validated, approved, or otherwise ordered by a court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use of the action of the homeowners' association. . If the homeowner's association fails to notify the Zoning Officer, in writing, of any objection(s) within 30 days of the association's receipt of the applicant's notice, the Zoning Officer may assume there are no objections and issue the permit.

- g. A copy of any permit issued pursuant to this Section shall be furnished by the Zoning Officer to the Township office and to the Treasurer of Lebanon County.
- h. Any permit issued is nontransferable.

**§27-538.3 Regulations**

- a. The permit holder or registrant shall collect and remit to the Treasurer of the County of Lebanon, the transient occupancy tax for each rental unit pursuant to law.
- b. The use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions on real property.
- c. No sign, display or device identifying the homeshare may be used.
- d. Homeshares must have a working smoke alarm in each guest bedroom and a fire extinguisher visible and accessible to guests.
- e. The structure shall remain a residential structure, and the exterior appearance of the structure shall not be altered.
- f. A fire escape plan shall be developed and graphically displayed in each guest room.
- g. Existing homeshares shall apply for a license within ninety (90) days of the effective date of this ordinance.

10-12-16

## Part 6

### Historic and Environmental Resource Protection

#### §27-600. Resource Protection In The Historic District Overlay

##### §27-600.1 Intent

It is the intent of this Section to provide a framework for the preservation of historic sites, objects, buildings, and structures in Annville Township.

##### §27-600.2 Boundaries

The Annville Township Historic District Overlay shown on the Annville Township Zoning Map shall have the same boundaries as the Annville Township Historic District, created by Ordinance 587 and amended by Ordinance 632. Special regulations for signs in the Historic District Overlay are found in §27-500 of this Ordinance.

##### §27-600.3 Integrity of Historic Setting

- a. The subdivision or land development of a lot in the Historic District Overlay shall be accomplished in such a manner that the resulting lot is large enough to preserve the integrity of the historic setting of any historic resource. A goal of the Township is to preserve outbuildings, significant site features and immediate yard areas significant to the resources on the lot with the resource.
- b. The size and configuration of the subdivided lot shall depend upon the nature of the historic resource and the natural characteristics and the landscaping of the subdivided lot and adjacent lots. Lot boundaries shall, in general, conform to the lines of identifiable natural features including landscaping, topography, geology, lot configuration, etc., on the site. Review and recommendations regarding the historic resource, its subdivided lot, and the proposed land developments shall be made by the HARB to the Planning Commission and the Township Commissioners. The Commissioners may require that a lot size be increased above the minimum lot size for the zoning district in which the resource is located.

§27-600.4 Every property owner within the historic district overlay is responsible for obtaining a Certificate of Appropriateness for alterations or improvements, but not repairs or maintenance, affecting any part of a structure that is visible from a public street.

- a. A Certificate of Appropriateness is required for:
  - (1) All exterior alterations, including porches, roofs, and windows.
  - (2) An addition to a building.
  - (3) New construction.
  - (4) Demolition of a building or part of a building.
  - (5) Erecting a fence.
  - (6) Placement of any manufactured or pre-built structure.
  - (7) Change in exterior materials.
  - (8) Erecting a sign where a permit is required per Section 500.

- b. No Certificate of Appropriateness is required for the following: (Building permits may still be necessary, however.)
  - (1) Exterior Maintenance for the purpose of repairing deterioration of any architectural feature or any part of the structure. The work must be identical in design, size, texture, and material in order to restore the feature or structure to its original condition. Historically appropriate paint colors are recommended; consult the HARB for advice.
  - (2) Interior maintenance, alteration or demolition that does not affect or alter the exterior appearance of the structure.

**§27-600.5 Buffering**

- a. Buffering. When any subdivision, land development, or any nonresidential use is proposed on a property, any boundary of which is within 300 feet of the Annville Township Historic District Overlay, the applicant shall be required to submit a plan depicting how the Historic District will be buffered against deleterious or adverse impacts of the proposed change. Buffering may include, but need not be limited to, vegetative screening, fencing, or compatible design, the appropriateness and effectiveness of which the Annville HARB shall evaluate prior to any plan approval or permit issuance.

**§27-600.6 Demolition of Historic Resources by Neglect**

- a. Demolition by neglect is defined as the absence of routine maintenance and repair that can lead to structural weakness, decay and deterioration resulting in the demolition a structure.
- b. All buildings and structures, whether occupied or not, within the Township's historic district shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration according to standards put forth in the International Property Maintenance Code. (See Chapter 5, Code Enforcement, in the Township Code of Ordinances.)

**§27-601. Woodland Controls**

**§27-601.1** Forestry may be practiced where permitted by this Ordinance, subject to the regulations of this Ordinance.

**§27-601.2** §27-603 of this Ordinance indicates the percentage of the woodland on a tract of land proposed for development that may be developed. The remaining woodland on the tract shall be protected from development, though dead and diseased trees may be removed, pre-commercial timber stand improvement practiced, and trees removed for personal use, so long as trees are not clear-cut.

**§27-601.3** If woodland is removed from a tract of land prior to submission of a subdivision or land development plan after the date of adoption of this Ordinance, the woodland removed shall count towards the permissible removal under §27-603 of this

Ordinance.

**§27-602. Reserved**

**§27-603. Reserved**

**§27-604. Environmental Performance Standards**

**§27-604.1** Upon request of the Township, a landowner shall furnish proof at his own expense that he is in compliance with the following standards. No use shall be operated in such a manner as to constitute a danger to the residents and inhabitants of the Township:

a. Air Management

- (1) Air quality standards of the Pennsylvania Department of Environmental Protection shall be complied with unless a more restrictive standard is established by this ordinance and in which case the more restrictive standard shall apply.
- (2) No malodors shall be detectable beyond the lot lines of the lot on which such malodors originate.
- (3) No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than twenty percent (20%), except where the presence of uncombined water (visible mist or condensed water vapor) is the only reason for the failure of the emission to meet this limitation.
- (4) No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates, except as may occur during lawn maintenance, agricultural operations, or construction operations carried out pursuant to any applicable State requirements and required planning and permitting procedures.
- (5) No emission shall be made which can cause any damage to health, to animals or vegetation or other forms of property, or which can cause any excessive soiling at any point.

b. Wastewater Management

- (1) No wastewater discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or sewage treatment plant, or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances (oils, grease, acids, alkalines and other chemicals) are in accordance with the standards approved by water pollution control boards, appropriate agencies of the Department of Environmental Protection, other Township regulations or other agencies having

- jurisdiction.
- c. Heat
    - (1) Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.
  - d. Electromagnetic and Radioactive Radiation
    - (1) All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.
  - e. PA DEP Requirements
    - (1) All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.

## **§27-605. Floodplain District Overlay (FDO)**

### **§27-605.1 Intent**

These regulations are designed to prohibit or restrict construction of any permanent structure or uses and activities in the Special Flood Hazard Area (SFHA), 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 watercourses 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, to minimize future flood damage, and comply with federal and state floodplain management requirements.

### **§27-605.2 Definitions Used in this Section**

*Accessory Use or Structure* – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

*Alluvial Soils Maps* - Soils maps prepared by the United States Department of Agriculture, Soil Conservation Service that 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.

*Base Flood* - A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the “100 year flood”).

*Base Flood Elevation (BFE)* - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface

elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

*Basement* – Any area of the building having its floor below ground level on all sides.

*Building* – A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human occupancy.

*Construction* - The term shall include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a 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 municipality.

*Development* - Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

*Existing Manufactured Home Park or Subdivision* - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an Existing Manufactured Home Subdivision* - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

*Flood Insurance Rate Map (FIRM)* - The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood Insurance Study (FIS)* - The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

*Floodplain Area* - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; or any area subject to the unusual and rapid accumulation of surface waters from any source.

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

*Floodway* - 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 one (1) foot at any point.

*Highest Adjacent Grade* - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic Structure* - Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

*Lowest Floor* - The lowest floor of the lowest enclosed area (including basements). An unfinished, flood-resistant, partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance

*Manufactured Home* – See general definitions. For floodplain management

purposes, the term also includes (1) all Manufactured Homes and (2) camping trailers, recreational vehicles, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

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

*Market Value* - For the purposes of this Ordinance, shall be determined utilizing the market value established by the Lebanon County Tax Assessment Office.

*Minor Repair* - The replacement of existing work with the equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain, leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

*New Construction* - structures for which the start of construction commenced on or after June 5, 2012 and including any subsequent improvements to such structures. Any construction started after April 15, 1977 and before June 5, 2012 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within ninety (90) days of permit issuance.

*New Manufactured Home Park or Subdivision* - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

*Person* - An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

*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.

*Regulatory Flood Elevation* - The base flood elevation (BFE) plus a freeboard safety factor of two (2) feet.

*Special Flood Hazard Area (SFHA)* - means an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zones A, AO, A1-30, AE, A99, or AH.

*Start of Construction* - Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within ninety (90) days from the date of the permit and shall be completed within two (2) years after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure 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; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets 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 without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure of any part thereof on its piling or foundation. 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.

*Structure* - A walled and roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home, or any other man-made 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.

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

*Substantial Improvement* - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The

term does not, however, include any project for the improvement of a structure to correct existing violations of the state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance, must comply with all ordinance requirements that do not preclude the Structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior of the State Historic Preservation Officer. Any exemption from the ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

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

Acetone	Magnesium
Ammonia	Nitric acid and oxides of nitrogen
Benzene	Petroleum products (gasoline, fuel oil, etc.)
Calcium carbide	Phosphorus
Carbon disulfide	Pesticides (includes insecticides, fungicides, and rodenticides)
Celluloid	Potassium
Chlorine	Sodium
Hydrochloric acid	Sulfur and sulfur products
Hydrocyanic acid	Radioactive substances, insofar as not otherwise regulated

*Uniform Construction Code (UCC)* - The statewide building code adopted by The Pennsylvania General Assembly in 1999, applicable to new construction in all municipalities whether by the municipality, a third party, or the Department of Labor and Industry. The Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable to residential and commercial building in the floodplain. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

*Violation* - Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §27-60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

### §27-605.3 Delineation of Districts

The Special Flood Hazard Area (SFHA) shall include all areas of this municipality subject to inundation by flood waters of the Base Flood. The basis for the delineation of the SFHA shall be the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) (dated June 5, 2012 or the most recent revision thereof). The above-referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the municipality and declared to be part of this Ordinance.

The A and AE Zones are necessary to equitably enforce floodplain management controls in the SFHA. The A Area/District shall be those areas of the municipality identified as an A Zone on the FIRM included in the FIS prepared by FEMA for which no one-percent (1%) annual chance flood elevations have been provided. The Base Flood Elevation will determine the actual elevation and extent of the district. In order to determine the Base Flood Elevation, the following variety of sources of data shall be used.

- a. All digital data developed as part of the Flood Insurance Study,
- b. Alluvial Soil Maps prepared by the U.S. Soil Conservation Service,
- c. Local data from the 1972 and 2011 floods,
- d. Army Corps of Engineers – Flood Plain Information Reports,
- e. U.S. Geological Survey – Flood Prone Quadrangles, and
- f. Other available studies and sources of flood plain information.

For those areas, elevation and floodway information from Federal, State or other acceptable sources shall be used when available. In lieu of the previously mentioned, the municipality shall require the applicant to determine the Base Flood Elevation with hydrologic and hydraulic engineering techniques. Only professional engineers shall undertake hydrologic and hydraulic analysis or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality or a qualified agent thereof. The Base Flood Elevation shall determine the actual elevation and extent of the district.

Floodway areas in the AE Zones, 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 Ordinance 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 one (1) foot at any point. The areas included in this district are specifically defined in the Flood Insurance Study and shown on the accompanying Flood Insurance Rate Maps (FIRM). In the AE Zones outside of the floodway, where base flood elevations have been determined, and 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 AE Zones outside of the floodway shall be that area of the One Hundred (100) Year Flood Plain not included in the Floodway District. The basis for the outermost boundary of the AE Zone 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.

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.

Initial interpretations of the boundaries of the SFHA shall be made by the Floodplain Administrator. Where interpretation is needed concerning the exact location of any boundary of the SFHA, 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.

The identified floodplain area may be revised or modified by the municipal governing body where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available; a community shall notify FEMA of the changes by submitting technical or scientific data.

#### **§27-605.4 District Provisions**

All uses, activities, construction, including manufactured homes, and other development occurring within the SFHA shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable state and federal codes, ordinances and requirements, including but not limited to, Uniform Construction Code (UCC) and the Annville Township Subdivision and Land Development Ordinance (Annville Township Code of Ordinances, Chapter 22).

Under no circumstances shall any use, encroachment, activity 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 Ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

All permitted uses shall be regulated by the provisions of the underlying zoning district as shown on the Official Zoning Map. Where there happen to be conflicts between the provisions or requirements of the SFHA – A Zones and AE Zones and the underlying zoning district, the more restrictive provisions shall apply. In the event that any portion of the SFHA be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the underlying zoning district shall be deemed to be the district in which the SFHA are located.

- a. SFHA – A Zone and Floodway Area in the AE Zones. In the A Zones

and the floodway area in the AE Zones, 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 proposed encroachment would not result in any increase in the flood levels within the community during the occurrence of the base flood discharge.

*Permitted Uses* - In the A Zones and floodway area of the AE Zones, the following uses and activities are permitted provided that (1) the information required in Subsection 14 of this Section is submitted as a part of the permit application, (2) they are in compliance with the provisions of the underlying zoning district, (3) they will not result in any increase in the level of the Base Flood anywhere, (4) they are not prohibited by this or any other ordinance, (5) they do not require the placement or use of permanent on-lot sewage facilities within any of the SFHA, and (6) they do not require encroachments, new construction, manufactured homes, substantial improvements, fill, vehicles or parts thereof, or other development except as outlined below:

- (1) Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry, and sod farming and wild crop harvesting.
- (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 *Uniform Construction Code (UCC)*.
- (3) All uses and open structures customarily accessory to permitted uses in the underlying 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, laticing, studs, or structural supports less than eight (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 *Uniform Construction Code*; impervious parking and loading areas; and airport landing strips. Accessory structures shall not include manufactured homes, vehicles or parts thereof.
- (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.

- (5) Water-related uses and activities such as marinas, docks, wharves, piers, etc.
- (6) Extraction of sand, gravel, and other materials.
- (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.
- (8) Enclosed structures accessory to a principal building, which need not be elevated or flood proofed to remain dry but which comply, at a minimum with the following requirements:
  - (c) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
  - (d) Floor area shall not exceed 200 square feet.
  - (e) The structure will have a low damage potential.
  - (f) The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
  - (g) The structure will not be supplied with electrical power.
  - (h) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
  - (i) Sanitary facilities are prohibited.
  - (j) Storage of toxic chemicals or volatile organic compounds are prohibited.
  - (k) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must be reviewed by the Annville Township Planning Commission and certified by the Supervisor of the Public Works Department of Annville Township to meet or exceed the following minimum criteria:
    - i. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
    - ii. The bottom of all openings shall be no higher than one foot above grade.
    - iii. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that

they permit the automatic entry and exit of floodwaters.

- (9) Corridor Management Plan - Any developer shall submit to the Board of Commissioners a Corridor Management Plan prepared by a Landscape Architect, Engineer, or other qualified professional, which fully evaluates the effects of any proposed uses on the Overlay District. The Corridor Management Plan shall identify the existing conditions (vegetation, soils slopes, etc.), all proposed activities, all proposed management techniques, including any measures necessary to offset disturbances to the Overlay District, and proposed riparian trees and shrubs and plantings necessary to stabilize the soil. The Board of Commissioners shall approve the Plan as part of the Subdivision and Land Development process.
- b. *AE Zones Outside the Floodway Areas*.- In the AE Zones outside the floodway areas, where base flood elevations have been determined, the development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district provided that all uses, activities and/or development shall be undertaken in strict compliance with Subsection 5 of this Section and the *Uniform Construction Code (UCC)* and any other applicable state or federal codes and ordinances.

No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the Base Flood Elevation (BFE) more than one (1) foot at any point.
- c. *Prohibited Uses* - In the SFHA - A Zones and AE Zones, the following uses and activities are strictly prohibited:
  - (1) Hospitals, clinics, etc. whether public or private.
  - (2) Public or private nursing homes.
  - (3) Jails or prisons.
  - (4) Public or private schools or institutions of higher education.
  - (5) New manufactured home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.
  - (6) A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons of such materials or any amount of radioactive substances.
  - (7) Any other use, activity, or development not specifically permitted under the terms of this article.

**§27-605.5 Flood Damage Control Regulations**

- a. Basements and First Floors
- (1) All new construction (including manufactured homes) and substantial improvements (including manufactured home) of residential Structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the Base Flood Elevation. Additionally, manufactured homes shall be placed on a permanent foundation; anchored to resist flotation, collapse, or lateral movement.
  - (2) All new construction and substantial improvements of non-residential Structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the Base Flood elevation: or together with attendant utility and sanitary facilities, be floodproofed to an elevation of two (2) feet above the Base Flood Elevation in accordance with the following:
    - (a) Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed Structure and its relation to the lot where it is to be constructed.
    - (b) A determination of elevations of existing ground, proposed finished ground, lowest floor level, and floodproofing limits; certified by a registered professional engineer, surveyor, or architect.
    - (c) A certificate prepared by the registered professional or architect who prepared the plans in (2) above, that the Structure in question, together with attendant utility and sanitary facilities, is designed so that (1) below an elevation of two (2) feet above the Base Flood Elevation the Structure is watertight, with walls substantially impermeable to the passage of water, (2) the Structure will withstand the hydrostatic, hydrodynamic, buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.
- b. Electrical, Mechanical, and Plumbing Systems
- (1) All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other critical electrical installation shall be permitted only at elevations of two (2) feet above the Base Flood Elevation.
  - (2) No electrical distribution panels shall be allowed at an elevation less than two (2) feet above the Base Flood

- Elevation.
- (3) Water heaters, furnaces, and other critical mechanical installations shall be permitted only at elevations of two (2) feet or more above the Base Flood Elevation.
- c. Space Below The Lowest Floor
- (1) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term *fully enclosed space* also includes crawl spaces.
  - (2) Designs meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria: (1) a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space; (2) the bottom of all openings shall be no higher than one (1) foot above grade; (3) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they may permit the automatic entry and exit of floodwaters.
- d. Additionally, all new construction (including manufactured homes) and substantial improvement (including manufactured home) of residential and non-residential Structures shall comply with all applicable requirements of the *Uniform Construction Code (UCC)*.

#### §27-605.6

##### **Additional Safeguards**

- a. No encroachments, including manufactured homes, new construction or development, shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no encroachments shall be permitted within the stream channel (from top of bank to top of bank). Furthermore, encroachments outside the stream banks but within the SFHA shall be permitted only when in compliance with this Ordinance and Pennsylvania Department of Environmental Protection permit requirements.
- b. No part of any private on-lot sewage disposal system shall be constructed within any SFHA.
- c. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.
- d. The municipality will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located near a municipal boundary.
- e. All buildings and Structures, including manufactured homes, shall be

- constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- f. The following shall not be placed or caused to be placed in any of the designated SFHA: Fences, except two-wire fences, other Structures, or other matter which may impede, retard, or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream of flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.
- g. Recreational vehicles to be placed within any SFHA shall be on the site for fewer than one-hundred eighty (180) consecutive days and fully licensed and ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanent foundation or attached additions.
- h. Filling or the dumping of fill material is prohibited in the SFHA on vacant lots or on land not scheduled for approved construction activities. Fill shall ONLY be used in the SFHA to raise the finished surface of the lowest floor of a Structure to an elevation of a minimum of two (2) feet above the Base Flood Elevation provided the following conditions are met:
- (1) Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For non-residential Structures, fill shall be placed to provide access acceptable for the intended use. At grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five (25) percent of the perimeter of a non-residential structure.
  - (2) Fill shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
  - (3) Fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
  - (4) Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Floodplain Administrator.
  - (5) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
  - (6) Use of fill shall be permitted only when the property owner or applicant provides a document acceptable by the Floodplain Administrator, 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.

- i. Prior to any stream or watercourse alteration or relocation, a 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 municipality must be assured that the developer will maintain the flood carrying capacity of an altered or relocated watercourse.
- j. The placement of any manufactured home in the SFHA 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 Subsection 5 of this section and be placed on a permanent foundation: elevated so that the lowest floor of the manufactured home is at least two (2) feet above the Base Flood Elevation; anchored to resist flotation, collapse, or lateral movement; and comply with the *Uniform Construction Code (UCC)*.

**§27-605.7 Factors for the Zoning Hearing Board to Consider when Reviewing Variances.**

In reviewing applications for Special Exceptions and Variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Ordinance, in the *Pennsylvania Municipalities Planning Code (Act 247, as amended)* and other state or federal ordinances, and shall apply all of the following factors:

- a. The danger of life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept onto other lands or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- d. The susceptibility of the proposed Structure or use and its contents to flood damage and the effect of such damage on the individual owners.
- e. The importance of the services provided by the proposed facility to the community.
- f. The requirements of the facility for a waterfront location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use or Structure with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use or Structure to the Comprehensive Plan and floodplain management programs of the

- area.
- j. The safety of access to the property in times of flood by ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- l. No variance shall be granted to allow either in whole or in part any prohibited use listed in Subsection 4.c. of this Section.
- m. Where appropriate, variances may be granted for the reconstruction, rehabilitation or restoration of historical Structures as defined herein.
- n. The granting of a variance shall provide relief only from the specific term(s) of the floodplain regulations requested, not exemption from all floodplain regulations or any applicable insurance premiums, nor any state or federal permitting requirements.
- o. Variances shall not be granted which result in any increase in the Base Flood Elevation.
- p. Variances shall be granted only when and where the applicant demonstrates
- q. Compliance with the provisions of the *Pennsylvania Municipalities Planning Code* (Act 247, as amended).
- r. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.
- s. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:
  - (1) Increased insurance premium rates will result; and
  - (2) Construction occurring below the Base Flood Elevation will increase risks to life and property.
- t. Other factors which are relevant to the purpose of this Ordinance.

**§27-605.8 Non-conformities**

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

- a. Existing non-conforming structures or uses located in the SFHA – A Zones and floodway areas of the AE Zones:
  - (1) Shall not be moved, replaced or substantially improved, but may be modified, altered or repaired to incorporate floodproofing measures as per §27-605.5 and the *Uniform Construction Code (UCC)*, provided that such measures and elevation techniques do not raise the level of the Base Flood.
  - (2) May be expanded or enlarged, but not substantially improved; provided, that said expansion or enlargement (a) does not exceed 25% of the area of the first floor of the Structure existing at the effective date of a flood plain management

regulation adopted by the municipality, (b) is not constructed below the existing first floor elevation, and (c) complies with all applicable floodproofing requirements of §27-605.5 and the Uniform Construction Code. Plans for the above-mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, use of fill, etc.

- b. Existing non-conforming structures or uses located in the AE Zones, outside the floodway areas, where base flood elevations have been determined:
  - (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, Subsection 5 of this Section, and the *Uniform Construction Code (UCC)*, and any other applicable codes or ordinances.
  - (2) May be enlarged or expanded in a manner which is not a substantial improvement as defined by this Ordinance and provided that said enlargement or expansion complies with the above requirements (a), (b), and (c) of §27-605.8 a. (2).
- c. If any non-conforming Structure or use, including manufactured homes, located in the SFHA is demolished, removed, substantially damaged or destroyed by any means, including floods, to an extent of fifty (50) percent or more of the market value of the Structure, it shall not be reconstructed, replaced or continued except in conformity with the provisions of this Ordinance, Subsection 6 of this Section, and the *Uniform Construction Code (UCC)*, and any other applicable ordinance.

#### **§27-605.9 Lot Area, Yard and Sign Requirements**

The lot area, yard, sign and other district requirements of the land in question shall be the same as the district requirements of the underlying zoning district.

#### **§27-605.10 Designation of the Floodplain Administrator**

The Zoning Officer is hereby appointed to administer and enforce this Ordinance and is referred to as the Floodplain Administrator.

#### **§27-605.11 Duties of the Floodplain Administrator**

- a. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- b. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and

- ordinances. There shall be as many inspections during and upon completion of the work as are necessary.
- c. The Floodplain Administrator shall have the authority to enter any building, structure, premises, or development in the identified floodplain area, upon presentation of the proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.
  - d. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the municipal governing body for whatever action it considers necessary.
  - e. The Floodplain Administrator shall maintain all records associated with the requirements of this Ordinance including, but not limited to, permitting, inspection, and enforcement.
  - f. The floodplain Administrator or other authorized official shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

#### **§27-605.12 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 flood prone area of the municipality. Prior to issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by the State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344; and any other required local, State, or Federal permits, including but not limited to the following permits when applicable; floodway, wetland, surface mining, earth disturbance, or the State Fire Marshall. No permit shall be issued until this determination has been made. The applicant shall submit to the Floodplain administrator copies of all other required State and Federal permits. Copies of all required permits shall be maintained by the Floodplain Administrator as part of the building permit file.

After the issuance of a building permit or site plan approval by the Floodplain Administrator, 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 Floodplain Administrator.

#### **§27-605.13 Application Procedures and Requirements**

Applications for a Building and Zoning Permit shall be filed by the property owner, his authorized agent or an individual with a proprietary interest in the property, said individual to hereafter be known as the applicant. Applications shall be submitted to the Floodplain Administrator and contain the following:

- a. Building and Zoning Permit Application Form – On a form supplied by the Floodplain Administrator, the applicant shall provide information to describe the size, location, and nature of the proposed building, Structure or use. The applicant shall sign the application form to verify the accuracy of their information.
- b. Plot Plan – All applications for a Building and Zoning Permit shall be accompanied by a plot plan in accordance with the following:
- (1) Name and address of the applicant.
  - (2) Name and address of the owner of the land on which the proposed construction is to occur.
  - (3) Name and address of contractor.
  - (4) Site location address.
  - (5) Three (3) copies of the plot plan shall be submitted. In lieu thereof, an 8 1/2" x 11" plot plan is acceptable, provided it is suitable for photocopying.
  - (6) The plot plan shall show, where applicable, size, shape, and dimensions of the lot; size and location of all existing buildings; size, location and use of all proposed buildings, additions, or alterations; parking lots; parking spaces, driveways, signs, and other site improvements; and other information as may be necessary to determine conformance with this Ordinance.
  - (7) Brief description of proposed work and estimated cost, including a breakout of flood related cost and market value of the building before the flood damage occurred where appropriate.
- c. *Application Fee* – All applications for a Building and Zoning Permit shall be accompanied by a fee in accordance with the current schedule of fees adopted by resolution by the municipality.
- d. *Placards* – In addition to the Building and Zoning Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Building and Zoning Permit, the date of issuance, and signed by the Floodplain Administrator.
- e. *Start of Construction* – Work on the proposed construction or development shall begin within ninety (90) days after the date of issuance and shall be completed within two (2) years after the date of issuance of the Building and Zoning Permit or the Building and Zoning Permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other

service.

Time extensions shall only be granted if the applicant, who sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request, submits the written request.

**§27-605.14 Additional Administrative Requirements**

- a. To insure that all construction and development on property which contains identified floodplain areas will be conducted employing flood damage controls, the Floodplain Administrator shall require the following additional information to be included as part of an application for a permit:
- (1) A plan, at a scale of one (1) inch being equal to one hundred (100) feet or less, shows a north arrow, scale, and date, the location of all existing and proposed buildings, Structures and other improvements, which accurately locates the proposed construction and/or development with respect to existing bodies of water or watercourses, identified floodplain area boundaries, stream channel, and if available, information pertaining to the floodway, and flow of water including direction and velocities, existing floodplain development and all proposed subdivision and land development to assure that:
    - (a) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
    - (b) All public utilities and facilities, such as sewer, water, gas, telephone, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage;
    - (c) Adequate drainage is provided to reduce exposure to flood hazard;
    - (d) Structures will be anchored to prevent flotation, collapse, or lateral movement;
    - (e) Building materials are flood-resistant;
    - (f) Appropriate practices that minimize flood damage have been used; and
    - (g) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
  - (2) Such plan shall also include existing and proposed contours (at intervals determined to be adequate by the Floodplain Administrator based upon site conditions) and elevations of the grounds, Base Flood Elevations, structure elevation, lowest floor elevation based upon North American Vertical Datum of 1988, size of structure, location and elevation of streets, water

supply, sanitary sewage facilities, supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC or latest revisions thereof, soil types and floodproofing measures. When proposed construction or development involves structures 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 Floodplain Administrator may require more detailed contour and elevation data. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.

- (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 structure, and that the plans for the development of the site adhere to the restrictions cited in this Ordinance, the *Uniform Construction Code (UCC)*, and other applicable ordinances.
  - (4) A document certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a SFHA when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
  - (5) A document certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of the floodproofing measures that have been incorporated into the design of the structure or the development.
  - (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
  - (7) Where excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- b. Review of Application by Others – The Floodplain Administrator 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 or individuals (e.g., County Conservation District, planning commission, municipal engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves Structures or fill which will be located directly within the designated floodplain,

the Floodplain Administrator shall submit said plans and specifications to the appropriate agencies or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a Building and Zoning Permit.

- c. A record of all variances granted, including their justification, shall be maintained by the community as well as reported in the annual report to the Department of Community and Economic Development (DCED) and the biennial report to FEMA.

**§27-605.15 Enforcement**

- a. Notices – Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
- (1) Be in writing;
  - (2) State the name of the owner of record and any other person against whom the municipality intends to take action;
  - (3) State the location of the property in violation;
  - (4) State the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance;
  - (5) Contain an outline of remedial action that, if taken, will effect compliance with the provisions of this Ordinance. State the date before which the steps for compliance must be commenced and the date before which the steps must be completed, not to exceed thirty (30) days;
  - (6) State the date before which the steps for compliance must be commenced and the date before which the steps must be completed, not to exceed thirty (30) days;
  - (7) State that the recipient of the notice has the right to appeal to the municipal zoning hearing board within a prescribed period of time in accordance with procedures set forth in this Ordinance;
  - (8) State that failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described.
  - (9) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.

- b. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Section shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township of Annville, pay judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township of Annville 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 of Annville 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 (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and therefore each day that a violation continues shall constitute a separate violation.
- c. 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.
- d. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township of Annville the right to commence any action for enforcement pursuant to this Section.
- e. District Justices shall have initial jurisdiction over proceedings brought under this Section.

#### **§27-605.16 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 SHFA – A Zones full force and effect. This Section supersedes any other conflicting provisions that may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrict shall apply.

#### **§27-605.17 Statement of Disclaimer**

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 man-made 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 municipality or any officer or employee thereof for any flood damage that results from reliance on this Section or any administrative decision made thereunder.

10-12-16

## Part 7

### Non-conforming Uses, Structures, and Buildings

#### §27-700. Statement of Intent

Within the Zoning Districts established by this Ordinance or subsequent amendments thereto, there exist or will exist certain non-conformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, although such non-conformities would be prohibited, regulated, or restricted under the terms of this Ordinance or subsequent amendments thereto.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any 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 has, in the opinion of the Zoning Officer, been diligently carried on. However, instances involving non-conforming uses, setbacks, and lot and building coverage within the Village District Overlay shall be regulated by the provisions in §27-306.

#### §27-701. Non-Conforming Lots of Record

In any Zoning District permitted 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, 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, height, coverage, and open space requirements for the Zoning District in which such lot is located shall be met. Variance of yard, height, coverage, and open space requirements shall be obtained only through action of the Zoning Hearing Board.

If two or more lots, combination of lots or portion of lots which are adjoining and in single ownership are of record at the time of passage or amendment of this Ordinance and if all or part of the lots do not meet the requirements established for lot width or area, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance. Provided, however, that when a subdivider has had an application for approval of a Preliminary or Final Subdivision Plan approved prior to the effective date of this Ordinance, no provision in this Ordinance shall be applied to affect adversely the right of the subdivider to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within the time limits established in the *Pennsylvania Municipalities Planning Code*, as amended.

#### §27-702. Non-Conforming Uses of Land

Lawful uses of land involving no principal structure, 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 it remains otherwise lawful, subject to the following provisions:

**§27-702.1 Expansion**

No non-conforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was owned, leased or under option to purchase by the user of the non-conforming use at the effective date of adoption or amendment of this Ordinance.

Total future expansion of a non-conforming use of land shall not exceed twenty-five (25) percent of the area occupied by the use at the time it first became a non-conforming use.

The proposed expansion shall not cause an increased detrimental effect on surrounding properties.

The Zoning Hearing Board shall approve expansion of a non-conforming use of land as a Special Exception.

**§27-702.2 Discontinuance**

Whenever a non-conforming use of land has been discontinued for a period of twelve (12) consecutive months, such use shall be deemed abandoned and shall not thereafter be reestablished. Vacation of land or buildings or the non-operative status of the use normally carried on upon the property shall be evidence of discontinuance. Any future use shall be in conformity with the provisions of this Ordinance.

**§27-702.3 Changes of Use**

A non-conforming use of land, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A non-conforming use may, by special exception, be changed to another non-conforming 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 and is not more detrimental to the surrounding neighborhood. The Zoning Hearing Board may specify appropriate conditions and safeguards when granting a Special Exception.

**§27-702.4 Additional Structures**

Additional structures or building expansions that are accessory to the non-conforming use of land, must conform to the Area, Yard and Height Requirements of this Ordinance. No new non-conformity shall be created.

**§27-703. Non-Conforming Structures**

Structures which at the effective date of this Ordinance or subsequent amendments thereto become non-conforming by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, may be continued to be used so long as such structure remains otherwise lawful, subject to the following provisions:

**§27-703.1 Enlargement**

- a. Except as hereinafter provided, a lawfully existing structure which does not conform with the yard or height regulations of the district in which it is located may be extended, provided that the extension conforms with such yard and height regulations, and with all other regulations set forth in this section and other applicable sections of this Ordinance.
- b. A principal building which existed at the effective date of this Ordinance which is non-conforming as to yard requirements may have repairs, improvements, maintenance, modifications and additions made to those portions of the building located within the required yard, provided that no repair, improvement, maintenance, modification or addition shall be made which will cause any part of the building to project into the yard farther than the building did at the effective date of this Ordinance. The total floor area constructed within required yards under this provision over time shall not exceed twenty-five (25) percent of area of the existing structure at the time of the adoption of this Ordinance.
- c. Except as provided in §27-703.1.b above, no non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

**§27-703.2 Destruction or Damage**

- a. The Building Inspector shall inspect any non-conforming structure that is destroyed or damaged by any means, including neglect. Any structure deemed unsafe by the Building Inspector shall be taken down and removed or made safe and secure as the Building Inspector may deem necessary in the public interest.
- b. Any non-conforming structure of which the basic structural elements, including foundation, are totally destroyed or rendered unusable by any means, in the opinion of the Building Inspector, may be rebuilt. The rebuilt structure shall comply with all requirements of this Ordinance and shall begin within twelve (12) months of the date of destruction and be completed within twenty-four (24) months, unless the Zoning Hearing Board grants a special exception to extend these time limits on the basis of such restoration not being practical or possible within the time limits herein prescribed. Applications for a Special Exception to alter these time limitations for commencement of restoration shall be filed with the Zoning Officer no later than nine (9) months after the time of damage or destruction.
- c. Any non-conforming structure of which the basic structural elements are partially destroyed, or which is partially destroyed but which has all basic structural elements remaining, may be reconstructed. The reconstructed portions of a structure need not be more conforming in any respect than

the portions of the structure which were damaged provided reconstruction shall begin within twelve (12) months of the date of damage and be completed within twenty-four (24) months, unless the Zoning Hearing Board grants a special exception to extend these time limits on the basis of such restoration not being practical or possible within the time limits herein prescribed. Applications for a Special Exception to alter these time limitations for commencement of restoration shall be filed with the Zoning Officer no later than nine (9) months after the time of damage or destruction.

**§27-703.3 Demolition**

A non-conforming structure which is demolished or removed by the owner, must be rebuilt or reconstructed to conform with the provisions of this Ordinance.

**§27-703.4 Moving of a Structure**

A non-conforming structure that is moved for any distance shall thereafter conform to the zoning regulations for the District in which it is located after it is moved.

**§27-703.5 Non-conforming Signs**

See §27-500.9.g.

**§27-704. Non-Conforming Uses of Structures or Uses of Land and Structures in Combination**

Lawful uses of structures, or land and structures in combination, that are non-conforming or that become non-conforming at the effective date of this Ordinance, or as a result of subsequent amendments thereto, may be continued subject to the following provisions:

**§27-704.1 Abandonment**

- a. Abandonment of a non-conforming use of land and structure in combination shall remove the non-conforming status of the land and structure in combination so that the non-conforming use may not thereafter be reestablished. Furthermore, use of the structure and land in combination shall thereafter conform with the regulations for the Zoning District in which it is located. Abandonment shall be deemed to have occurred when the non-conforming use is ceased, removed or discontinued for a period of 180 consecutive days. However, this cessation, discontinuance or abandonment time limit may be supplemented by an additional 180-day time period where contracts or agreements are being negotiated, provided:
  - (1) The property owner makes written application for an extension, citing the reasons necessary for the extension and the length of extension requested, and
  - (2) The Zoning Office issues a temporary certificate of zoning

compliance to register the reasons for extension, the length of extension, and the nature of the non-conformity.

#### **§27-704.2 Extension**

A non-conforming use may extend throughout any part of an existing structure, or a new extension may be constructed on the same lot, provided that any structural alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to Area, Yard and Height Requirements for the Zoning District in which the structure is located. However, such an extension shall not exceed twenty-five (25) percent of the gross floor area of principal buildings occupied by said non-conforming use at the time such non-conforming use became non-conforming.

A non-conforming use shall not extend into a portion of a building containing a conforming use on the effective date of this Ordinance or amendment thereto.

For residential non-conforming uses, no structural or other alterations shall be made which would increase the number of dwelling units.

#### **§27-704.3 Change of Use**

A non-conforming use of a structure, or land and structure in combination, if changed to a conforming use, shall not thereafter be changed back to any non-conforming use. A non-conforming use of a structure, or land and structure in combination, may, by Special Exception, be changed to another non-conforming 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 and is not more detrimental to the surrounding neighborhood. The Zoning Hearing Board may specify appropriate conditions and safeguards when granting a Special Exception.

#### **§27-704.4 Discontinuance**

Whenever a non-conforming use of a structure or portion thereof has been discontinued or abandoned for thirty (30) months such structure or portion thereof shall not thereafter be used for a non-conforming use.

#### **§27-704.5 Destruction or Damage**

- a. Any non-conforming use of a structure, which is totally destroyed or rendered unusable by any means may be rebuilt (see §27-703.2.b of this Ordinance). The rebuilt structure may continue the non-conforming use as legally existed prior to the destruction.
- b. Any non-conforming use of a structure that is partially destroyed may be reconstructed (see §27-703.2.c of this Ordinance). The reconstructed structure may continue the non-conforming use as legally existed prior to the damage.
- c. Where the non-conformity applies to a use of land and structure in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land unless such structure is rebuilt or

reconstructed (see §27-703.2.b and §27-703.2.c of this Ordinance).

**§27-705. Special Exception or Conditional Uses are not Non-Conforming Uses**

Any use which is permitted as a Special Exception or Conditional Use in a Zoning District under the terms of this Ordinance (other than a change by Special Exception from one non-conforming use to another non-conforming use) shall not be deemed a non-conforming use in such Zoning District, but shall without further action be considered a permitted use.

10-12-16

## Part 8

### Administration and Enforcement

#### §27-800. Zoning Officer

##### §27-800.1 Appointment

Township Commissioners shall appoint a Zoning Officer to administer and enforce this Zoning Ordinance. The Zoning Officer shall not hold any elective office in the Township. The Zoning Officer shall meet qualifications established by the Commissioners and shall be able to demonstrate to the satisfaction of the Commissioners a working knowledge of municipal zoning.

##### §27-800.2 Duties and Powers

It shall be the duty of the Zoning Officer to administer this Zoning Ordinance in accordance with its literal terms and to enforce the provisions of this Ordinance and the amendments thereto. The Zoning Officer shall not have the power to permit any construction or any use or any change of use that does not conform to the Zoning Ordinance. 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:

- a. Receive and review applications for permits as set forth in this Ordinance.
- b. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, approvals issued, and reports and inspections made in connection with any structure, building, sign or land shall be retained as long as the structures, etc. remain in existence.
- c. Make inspections as required to fulfill his duties. In doing so, however, he shall first seek the permission of the landowner or tenant, and in the event such permission cannot be voluntarily obtained, he shall have the right to take such other means as are authorized under the law.
- d. Issue approvals for buildings, structures, and land uses for which Subdivision and Land Development approval is required only after all necessary approvals have been secured and plans recorded.
- e. Issue approvals for special exception uses, conditional uses or for variances only after a special exception or variance has been approved by the Zoning Hearing Board or a conditional use has been approved by the Commissioners in accordance with the regulations of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.
- f. Issue approvals for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue approvals for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.

- g. Be responsible for keeping this Ordinance and the Official Zoning Map up to date by including all amendments thereto.
- h. Issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.
- i. Send enforcement notices as provided for in this Zoning Ordinance.
- j. Submit a report of his activities to the Commissioners as appropriate, and where appropriate to the Zoning Hearing Board as well.
- k. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Officer's employment and authorized by the Commissioners.
- l. Identify and register non-conforming uses, structures and lots, together with the reason why the Zoning Officer identified them as non-conformities when directed to do so by the Commissioners.
- m. Receive and refer applications for special exceptions to the Zoning Hearing Board.
- n. Receive applications for interpretation appeals and variances, following refusal of a permit, and forward these applications to the Zoning Hearing Board.

**§27-801. Zoning Permits**

**§27-801.1 Requirements**

A permit issued by the Zoning Officer shall be required before land, buildings and structures be used or have their use changed or expanded; structures shall not be built or installed, nor shall any conversion which increases the number of dwelling units or additional activity accessory to the primary use occur, unless otherwise provided for in this Ordinance. No permit shall be issued unless there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a variance or upon order from any court of competent jurisdiction. In the Historic Overlay District, a Certificate of Appropriateness shall be required to alter the exterior of any building according to the provisions of Chapter 4 of the Annville Township Code of Ordinances before a permit may be issued.

**§27-801.2 Application Procedures**

The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Township. Either the owner or lessee of any building, structure or land or the agent of the same, shall submit the application provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by two sets of at least the following information:

- a. A plan of the lot in question, indicating the lot size and showing all dimensions of lot lines, the location on the lot of all existing and proposed buildings, fences, signs, Structures and alterations to buildings or structures, and distances of such features from lot lines. The plan shall be

- drawn to scale and show exact locations.
- b. The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures, and the height, length, width, illumination and design of all signs. Proposed buildings, additions, and external alterations shall be described.
  - c. A statement indicating the number of dwelling units or commercial or industrial establishments to be accommodated within existing and proposed buildings on the lot and the floor area to be devoted to each residential, commercial, industrial, and home occupation use.
  - d. The location, dimensions, grade and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and provisions for outdoor lighting. The percentage of the lot that is paved and the percentage of the lot that is open area.
  - e. The location of all utility lines.
  - f. Any other information which the Zoning Officer may request in order to determine conformance with and provide for enforcement of this Ordinance.
  - g. Name and address of the applicant and the owners of the real estate involved and a description of and location of the real estate involved.
  - h. In addition to the information required above, applicants in the Historic District Overlay shall submit the following information:
    - (1) For new buildings:
      - (a) A scale drawing, known as an elevation, showing the façade of the proposed building facing the street.
      - (b) A description of the materials comprising the façade of the proposed building.
    - (2) For additions or alterations to existing buildings:
      - (a) No less than one photograph of the façade of the building facing the street.
      - (b) A sketch of the proposed changes to the façade or addition to the building.
      - (c) A written description of the proposed changes to the façade or addition to be constructed, including the materials to be used.
    - (3) For fences and sheds:
      - (a) A photograph or sketch showing the appearance of the proposed fence or shed from the street.
      - (b) A scale drawing showing the location of the fence or shed on the property.

**§27-801.3 Approval or Disapproval**

Upon receipt of the Zoning Permit application and all accompanying information,

the Zoning Officer shall examine them and determine compliance with this Zoning Ordinance. Within thirty (30) days from the date the Officer receives the application, a copy of the Zoning Officer's decision with respect to compliance with this Ordinance shall be returned to the applicant. A copy shall be retained by the Zoning Officer. The Zoning Permit shall expire six (6) months from the date of approval of the application by the Zoning Officer if work described in the permit has not begun. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefor, indicating the manner in which the application could be corrected and/or modified to obtain approval, and informing the applicant of his rights to appeal.

If the work authorized in the Zoning Permit is commenced within six (6) months after approval of the application by the Zoning Officer, the permit shall expire one (1) year from the date of issuance, provided that the permit may be extended at the discretion of the Zoning Officer for a period not exceeding one (1) year.

The Zoning Officer shall revoke a permit issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the approval was based or for any other cause set forth in the Zoning Ordinance.

## **§27-802. Certificate of Use and Occupancy**

### **§27-802.1 Requirements**

It shall be unlawful to put to use any building, structure or land or portion thereof for which a Zoning Permit is required or to change the use of any building, structure or land or portion thereof until a Certificate of Use and Occupancy has been issued by the Township. A Certificate of Use and Occupancy shall not be issued unless the Zoning Officer or other designated municipal official has inspected such building, structure or land and has determined that all provisions of this Zoning Ordinance have been met. The lot shall be graded, construction debris shall be removed from the lot, and the Building Inspector shall indicate compliance with the Building Code.

### **§27-802.2 Inspection Procedure**

Upon receipt of written notification that the applicant is ready to use the premises for which a permit has been issued or for a change in use, the Zoning Officer or other designated municipal official shall inspect the premises within ten (10) days to determine compliance with the approved application and the Zoning Ordinance. If in compliance, he shall approve and sign a Certificate of Use and Occupancy for the use indicated on the approved application. The Zoning Officer shall retain a copy of the Certificate of Use and Occupancy as part of the municipal records. If he finds that the work has not been performed or that the use of the premises does not comply with the approved application and this Zoning Ordinance, the municipal official shall refuse to approve and sign the Certificate of Use and Occupancy and in writing give the reasons therefor and inform the applicant of his right of appeal.

In zoning districts in which performance standards are imposed, no Certificate of Use and Occupancy shall become permanent until the Zoning Officer has re-inspected the facility and determined that it is in compliance with all performance standards. The owner

of the facility shall request that the Zoning Officer re-inspect said facility. Such request shall be made no less than thirty (30) nor more than forty-five (45) days after the facility is fully operating, but in no event shall such request be made more than one hundred and twenty (120) days after the Certificate of Use and Occupancy has been issued. The Zoning Officer shall re-inspect the facility within thirty (30) days of receipt of such notification, and he shall notify the applicant, in writing, within ten (10) days thereof that a) the facility is in full compliance with all performance standards and the Certificate of Use and Occupancy is permanent or b) the facility does not comply with the performance standards and that the Certificate of Use and Occupancy is still temporary and may be revoked if the applicant does not correct all violations. Requests for additional re-inspection and action by the Zoning Officer for correction of violations shall follow the same procedure and requirement as described in this paragraph for re-inspections.

### **§27-802.3 Temporary Use Permit**

The Zoning Officer may issue a Temporary Use Permit for such temporary uses as tents, trailers, and buildings on construction sites. The Commissioners may authorize a Temporary Use Permit for a structure or use which it deems beneficial to the public health or general welfare or necessary to promote the proper development of the Township, provided that such Structure or use shall be completely removed upon expiration of the Temporary Use Permit without cost to the Township.

Such Temporary Use Permits shall be for the period of time to be determined by the Zoning Officer or Commissioners, as applicable, at the time of application, but in no case shall any Certificates, except those for uses on construction sites, be issued for more than six (6) months.

### **§27-803. Sign Permits**

Sign permits are required pursuant to §27-500 of this Ordinance.

### **§27-804. Schedule of Fees, Charges and Expenses**

The Township Commissioners shall establish, by resolution, a schedule of fees and charges for Zoning Permits, certificates of use and occupancy, special exceptions, variances, appeals, conditional uses, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter relating thereto.

### **§27-805. Amendments**

#### **§27-805.1 Procedure**

The provisions of this Ordinance and the boundaries of zoning districts as set forth on the Official Zoning Map may from time to time be amended, supplemented, or changed by the Township Commissioners in accordance with the procedures established in the *Pennsylvania Municipalities Planning Code*, as amended. The procedures for proposing landowner or municipal curative amendments shall be as established in the *Pennsylvania Municipalities Planning Code*, as amended.

**§27-805.2 Submission of Impact Statement**

With a request for a zoning amendment initiated by other than the Township Commissioners or Planning Commission, a statement indicating the impact of the zoning change on the Township shall be submitted with the application for rezoning. The statement shall compare the impact on the Township resulting from the existing zoning with the impact resulting from the proposed zoning, specifically discussing:

- a. *Environmental Impact* - The impact on floodplains, wetlands or areas of high water table, storm water runoff, erosion and sedimentation, water quality, air quality, solid waste generation, and noise levels.
- b. *Traffic Impact* - The impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.
- c. *Services Impact* - The demand for school, police, sanitary sewer, water, sanitation, and road maintenance services.
- d. *Fiscal Impact Analysis* - The costs and revenues to the Township and School District.

**§27-806. Causes of Action**

**§27-806.1 Need to Give Notice**

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted maintained or used in violation of this Ordinance, the Township Commissioners or, with the approval of the Commissioners, an officer of the Township, 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, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When a landowner or tenant institutes any such action, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Commissioners. No such action may be maintained until such notice has been given.

**§27-807. Enforcement Notice**

**§27-807.1** If it appears to the Township that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided for in the *Pennsylvania Municipalities Planning Code*, as amended.

**§27-807.2** The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

- §27-807.3** An enforcement notice shall state at least the following:
- a. The name of the owner of record and any other person against whom the Township intends to take action.
  - b. The location of the property in violation.
  - c. The specific violation with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Ordinance.
  - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
  - e. Notice that the recipient has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
  - f. Notice that failure to comply within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

**§27-808. Enforcement Remedies**

**§27-808.1** Any person, partnership or corporation who has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor appeals the judgment in a timely manner, the Township may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

**§27-809. Appeals**

Proceedings for securing review of any ordinance or of any decision, determination or order of the Township Commissioners, their agencies, the Zoning Hearing Board, or Zoning Officer issued pursuant to this Ordinance shall be in accordance with the *Pennsylvania Municipalities Planning Code*, as amended.

**§27-810. Conditional Use Regulations**

**§27-810.1 General**

Wherever this ordinance provides for conditional uses to be authorized by the

Township Commissioners, the procedures set forth in this Section shall be the exclusive mode for securing authorization for or approval of any such conditional use, and the Commissioners shall give consideration to any such conditional use in accordance with the provisions of this Section.

### **§27-810.2 Applications**

An application for a conditional use shall be made in writing to the Commissioners and shall be accompanied by the written material and data required by this Ordinance for a Zoning Permit, along with such other written and graphic material as may be required by the Commissioners in order to adequately make the decisions and determinations required by this Ordinance, and the names and addresses of all adjacent landowners. All applications, along with the written material and data required by this Ordinance, shall be submitted in quadruplicate, and shall be accompanied by such fees as shall be set forth in a resolution of the Commissioners.

### **§27-810.3 Conduct of Hearings**

- a. The Commissioners shall hold public hearing upon an application for a conditional use within sixty (60) days after the filing of said application unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Commissioners shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Commissioners shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal. At least thirty (30) days prior to said hearing, the Commissioners shall submit one (1) copy of the application, together with the written material and data required by this Ordinance, to the Township Planning Commission to provide the Planning Commission the opportunity to submit its recommendations with regard thereto.
- b. The Commissioners shall give written notice of any public hearing upon an application for a conditional use to the applicant, to the zoning officer, to any person who has made timely request for the same, and shall give public notice of any such public hearing in accordance with the provisions of the *Pennsylvania Municipalities Planning Code*.
- c. The parties to the hearing shall be the applicant, any person affected by the application who has made timely appearance of record before the Commissioners, and any other person including civic or community organizations permitted to appear by the Commissioners. The Commissioners shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by

- the Commissioners for that purpose.
- d. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to present evidence and argument and to cross-examine adverse witnesses on all relevant issues.
  - e. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
  - f. The Commissioners shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of the graphic or written material received in evidence shall be made available to any party at cost.

#### **§27-810.4 Decision by the Commissioners**

The Commissioners shall render a written decision upon application for a conditional use within forty-five (45) days after the last public hearing before the Commissioners. In authorizing or approving any such conditional use the Commissioners shall have power to attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. Where the application is contested or denied, each such written decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Commissioners have power to render a decision and fails to render the same within the period required by this section, or fails to commence, conduct or complete the required hearing as provided for in this section, within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case-in-chief, unless extended for good cause upon application to the court of common pleas, 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. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. When a decision has been rendered in favor of the applicant because of the failure of the Commissioners to meet or render a decision as hereinabove provided, the Commissioners shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Commissioners shall fail to provide such notice, the applicant may do so.

A copy of the written decision shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Commissioners not later than the date of the last public hearing before the Commissioners, the Commissioners shall provide, by mail or otherwise, brief notice of the decision and the statement of the place at which the full decision may be examined.

#### **§27-810.5 General Standards**

In approving any such use, the Commissioners shall take into consideration the

public health, safety, welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the express intent of this Ordinance. In considering any application for a conditional use, the Commissioners shall, among other things:

- a. Assure itself that the proposed use is consistent with the spirit, purpose and intent of this Ordinance and specifically authorized as a conditional use.
- b. Determine that the proposed use will not substantially injure or detract from the use of the neighborhood property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed application is adequately safeguarded.
- c. Determine that the proposed use will serve the best interest of the Township, the convenience of the community, and the public health, safety and welfare.
- d. Consider the effect of the proposed use upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection, and public schools, and assure adequate arrangements for sanitation in specific instances.
- e. Determine that the use complies with all specified standards for the use.
- f. Be guided in its study, review and recommendation by sound standards of land development practice where applicable.
- g. Guide the development of highway frontage insofar as possible so as to limit the total number of access points and to encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the highway.

#### **§27-810.6 Compliance**

Nothing in this Ordinance shall relieve the owner or his agent, the developer, or the applicant for the conditional use approval from receiving a subdivision plan approval in accordance with the Township Subdivision and Land Development Ordinance, Chapter 22 of the Annville Township Code of Ordinances.

#### **§27-811 Uses Not Provided For**

Whenever under this chapter a use is not specifically permitted, the Zoning Officer shall refer to the North American Industry Classification System Manual (2012 or current edition) for the appropriate classification in accordance with approved uses in that zoning district. If the use is not described or classified or the zoning permit has been denied and an applicant makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the case to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the standards governing special exception applications. The use may be permitted if it is similar to and compatible with the permitted uses in the district in which the subject property is located; is not

permitted in any other district under the terms of this chapter; and in no way is in conflict with the general purposes and intent of this chapter. The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood.

## **Part 9.**

### **Zoning Hearing Board**

#### **§27-900. Creation and Organization**

##### **§27-900.1 Creation**

The Township Commissioners shall appoint a Zoning Hearing Board, herein referred to as the *Board*, consisting of residents of the Township, appointed by the Commissioners pursuant to the *Pennsylvania Municipalities Planning Code*, as amended, who shall be appointed and removed, serve and perform all the duties and have all the powers as prescribed by said Code and as herein provided.

The Commissioners may appoint alternate members of the Board pursuant to the provisions of the *Pennsylvania Municipalities Planning Code*, as amended. The alternate members may serve as provided for in said Code.

##### **§27-900.2 Organization**

The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other Ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary for the proper performance of its duties and for the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.

##### **§27-900.3 Meetings**

Meetings and hearings of the Board shall be held at the call of the Zoning Officer. Public notice shall be given as required by the *Pennsylvania Municipalities Planning Code*.

##### **§27-900.4 Minutes and Records**

The Board shall keep full public 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 filed with the Township Secretary. Such records shall be the property of the Township. The Board shall submit a report of its activities to the Commissioners as requested by the Commissioners.

#### **§27-901. Public Hearings**

The Board shall conduct public hearings and make decisions in accordance with the provisions of the *Pennsylvania Municipalities Planning Code* and the following requirements:

- a. Public notice as defined by law shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Commissioners shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as the Ordinance shall prescribe or, in the absence of Ordinance provision, by rules of the Board. Such notice shall be in accordance with the provisions of the *Municipalities Planning Code*. 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.
- b. The Board shall conduct the hearings or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the 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 Board and accept the decision or findings of the hearing officer as final.
- c. The Commissioners 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.
- d. The first hearing before the Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- e. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- f. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- g. 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.
- h. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- i. The 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.
- j. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, 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.
- k. The Board or the hearing officer as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the 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 the reasons therefor. Conclusions based on any provisions of this Ordinance or of any Ordinance, rule or regulation 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 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 Board prior to the 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. Except for challenges filed under §916.1 of the *Pennsylvania Municipalities Planning Code* where the Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in §§901.4 of this Ordinance, 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 the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection 901.1 of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- I. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### **§27-902. Functions Of The Zoning Hearing Board**

**§27-902.1** The Zoning Hearing Board shall have the functions authorized in the *Pennsylvania Municipalities Planning Code*, as amended.

**§27-902.2** The jurisdictions of the Zoning Hearing Board and the Township Commissioners and the procedures to be followed by each, shall be as established in said Code.

**§27-902.3** Parties to proceedings before the Zoning Hearing Board authorized by the *Pennsylvania Municipalities Planning Code*, as amended, may utilize mediation as an aid in completing such proceedings. The mediation option shall meet the stipulations and follow the procedures set forth in said Code.

#### **§27-902.4 Variances**

The Zoning Hearing Board may authorize, upon appeal in specific cases, such variance(s) from the terms of this Ordinance as will not be contrary to public interest, where a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. In granting any variance the Board may attach such reasonable conditions and

safeguards as it may deem necessary to implement the purposes of this Ordinance and the *Pennsylvania Municipalities Planning Code*, as amended. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided findings are made where relevant in a given case. The person applying for a variance shall introduce evidence at the hearing that will allow the Zoning Hearing Board to make the following determinations:

- 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 condition, and not circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located;
- 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 Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- c. The appellant has not created the unnecessary hardship.
- 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.
- e. That the variance as granted by the Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- f. Such other considerations as may be set forth in the *Pennsylvania Municipalities Planning Code*, as amended, from time to time.

If a zoning permit has been requested, the approved variance with any conditions imposed by the Board shall be attached to the application. Where the variance is approved prior to the application, then the approved variance with any conditions imposed by the Board shall be forwarded to the Zoning Officer.

#### **§27-902.5 Special Exceptions**

The Zoning Hearing Board may issue, upon application, only such special exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria. The applicant for a Special Exception shall demonstrate, as a condition to approval of his application, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

- a. Such use shall be one specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a special exception. The use shall meet all applicable regulations of this Zoning Ordinance. Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.

- b. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
- c. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use.
- d. Services and utilities such as water supply, sewage disposal, and storm water drainage shall be made available to adequately service the proposed use by the applicant.
- e. There shall be control of development of highway frontage so as to limit the number of points for ingress and egress and consider their location with due regard to safety factors.
- f. Consideration shall be given to the desirability of the proposed location of an industrial or commercial use with respect to probable effects upon street or highway traffic, and assurance of adequate access arrangements to protect against undue traffic congestion and hazard.
- g. Consideration shall be given to such other considerations as may be set forth in the *Pennsylvania Municipalities Planning Code*, as amended, from time to time.
- h. That the proposed use shall not have an adverse effect upon the logical and economic extension of public services and facilities, such as public water, sewer, police and fire protection, and public schools.
- i. The proposed use does not impair the achievement of any Township Comprehensive Plan.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the *Pennsylvania Municipalities Planning Code*, as amended, which conditions may include but are not limited to harmonious design of buildings, planting and maintenance of shrubbery or trees as a sight and/or sound barrier, and the minimizing of potentially noxious, offensive or hazardous elements.

**§27-902.6** The Zoning Hearing Board shall exercise any other power specifically granted to the Board under the terms of this Ordinance or the *Pennsylvania Municipalities Planning Code*, as amended.

**§27-903. Procedures for Application to the Zoning Hearing Board**

The Board shall act in accordance with the procedures specified by 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. All appeals and any stay of proceedings shall be in accordance with the *Pennsylvania Municipalities Planning Code*, as amended.

Applications and appeals, together with the required filing fee as established by the Township Commissioners, shall be submitted to the Zoning Officer. As a minimum, all material required for a Zoning Permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

#### **§27-904. Time Limitations**

**§27-904.1** If the Zoning Hearing Board grants a special exception or variance, approves the issuance of a permit or authorizes other action to be taken by an applicant, the necessary permit(s) shall be secured and the authorized action begun within one (1) year after the date of the grant of the special exception, variance, approval, authorization or approval of the permit or authorization of other action, as the case may be, unless a longer time is specified by the Zoning Hearing Board.

**§27-904.2** If the applicant fails to obtain necessary permits within the said one (1) year or such specified longer time, the granted special exception or variance, the issued permit(s) or other authorized actions shall automatically expire.

**§27-904.3** If the applicant commences construction or alteration within one (1) year or such specified longer time but fails to complete the work within any specified time, the granted special exception, variance, the issued permit or other authorized action shall automatically expire.

#### **§27-905. Submission of Applications for Special Exceptions and Variances to Township Commissioners**

The Zoning Officer shall immediately upon receipt forward a copy of any application for a Special Exception or Variance to the Commissioners prior to the hearing held by the Board on such application.

#### **§27-906. Multiple and Pending Applications**

##### **§27-906.1 Legislative Intent**

The consideration of multiple applications for a single property at the same time creates substantial additional administrative work for the Township staff and the volunteer members of the Zoning Hearing Board. The Township staff must maintain multiple files with differing time limits within which the Zoning Hearing Board is required

to schedule hearings and render decisions. The Township staff and the Zoning Hearing Board must also insure that each submission, letter, or other document is properly included in the record of one or more of the multiple application files, as appropriate. Documents that cannot be easily reproduced, such as plans, or documents that are bulky must be cross-referenced. The Township incurs costs to store plans and other documentation associated with an application, which are increased by having to retain copies in each file and to cross-reference each application. The costs to the Township that arise from multiple applications at one time relating to a single property are greater than the Township's costs to administer single applications for various properties.

**§27-906.2 Number of Applications which may be Pending**

No more than one application for the same property shall be pending before the Zoning Hearing Board at any time. If an applicant files a second or subsequent application with the Zoning Hearing Board while an application for the same property is pending, the Zoning Hearing Board shall schedule a hearing for the second or subsequent application as required by the *Municipalities Planning Code (MPC)* and may deny the second or subsequent application for violation of this Section unless that applicant has, in writing, withdrawn the application for the property which was pending on the date the second or subsequent application was filed.

**§27-906.3 Reconsideration**

After the Zoning Hearing Board has rendered a decision or after a court of competent jurisdiction has rendered a final determination upon an appeal from a decision of the Zoning Hearing Board on an application for a special exception, the applicant, his successors and assigns, shall not be permitted to file an application for a special exception under the same Section of this Ordinance for a period of one year from the date of the decision of the Zoning Hearing Board or order of the court, whichever is later. Any reapplication for a special exception under the same Section of this Zoning Ordinance shall be considered a request for a reconsideration of the Zoning Hearing Board's decision. The Zoning Hearing Board does not have jurisdiction to reconsider a decision. If an applicant files an application for such a reconsideration, whether or not the applicant terms his application a request for reconsideration, the Zoning Hearing Board shall schedule a hearing on the application for reconsideration in accordance with the requirements of the MPC and may deny the application for violation of this Section and because the Zoning Hearing Board does not have such jurisdiction under *Municipalities Planning Code* §909.1(a). Nothing contained herein shall prevent the Zoning Hearing Board from denying an application for a special exception, application for a variance, challenge to the validity of the Zoning Ordinance, or appeal from a determination of the Zoning Officer based upon *res judicata*, collateral *estoppel* or other concepts of issue preclusion.

## **Part 10.**

### **Enactment**

#### **§27-1000. Public Utilities Corporation Exempted**

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 shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public.

This exemption shall not apply to Communications Antennas, Communications Equipment Buildings and Communications Towers for wireless telecommunications services regulated under the 1996 Telecommunications Act.

#### **§27-1001. Severability**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance is declared for any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase word, or remaining portion of the Zoning Ordinance. The Board of Commissioners of Annville Township, Lebanon County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

#### **§27-1002. Repeal of Conflicting Ordinances**

All ordinances or parts of ordinances, together with the amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this Zoning Ordinance, provided however, that the provisions of this Zoning Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Zoning Ordinance.

#### **§27-1003. Repealer.**

Ordinance No. 407 is hereby repealed and replaced with this Ordinance, entitled "Zoning".

#### **§27-1004. Effective Date**

This Ordinance shall become effective five (5) days after the date of its enactment.

Ordained and enacted into law this \_\_\_\_\_ day of \_\_\_\_\_,  
2016.

BOARD OF COMMISSIONERS  
Annville Township

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST: 10-12-16

\_\_\_\_\_  
Secretary

## Appendix 1

### Recommended Plant Species

The following list of plants is intended to provide a guideline to the selection of plant materials in the Township.

The landscape architect for the owner or developer is invited to consult the following list and to make selections from it depending on the specific conditions at a property and the degree to which the plants will be used in a private setting or in a public/quasi-public setting.

The Recommended Plant List is broken down into two categories A & B. The A List contains trees that are best suited for street or parking lot trees. The B List contains trees that can be used as street or parking lot trees, but have some limitations due to fruit, space, and insect issues.

#### Street Trees: List A

Acer campestre <sup>1</sup>	Hedge Maple
Acer saccharum (and cultivars)	Sugar Maple (and cultivars, native)
Fraxinus Americana	White Ash (and cultivars, native)
Fraxinus pennsylvanica	Green Ash (and cultivars, native)
Nyssa sylvatica	Black Gum
Ostrya virginiana	American Hophornbeam (native)
Quercus coccinea	Scarlet Oak (native)
Quercus imbricaria	Shingle Oak (native)
Quercus macrocarpa	Bur Oak (native)
Quercus phellos <sup>2</sup>	Willow Oak (native)
Quercus rubra	Northern Red Oak (native)
Tilia cordata	Littleleaf Linden
Tilia x euchlora	Crimean Linden
Ulmus x "Homestead"	Homestead Elm
Ulmus x "Urban"	Urban Elm
Ulmus parvifolia	Lacebark Elm

#### List B

Acer rubrum (and cultivars)	Red Maple (and cultivars, native)
Gleditsia triacanthos (thornless cultivars)	Honey Locust (thornless, native)
Platanus x Acerifolia 'Bloodgood'	Bloodgood London Planetree
Pyrus calleryana (selected cultivars) <sup>3</sup>	Callery Pear (Aristocrat, Chanticleer, Redspire)
Tilia americans	American Linden (native)
Tilia tomentosa	Silver Linden
Zelkova serrata	Japanese Zelkova

#### NOTES:

<sup>1</sup>When planting area or clearance are limited.

<sup>2</sup>Only if limbed up.

<sup>3</sup> Bradford is not a recommended cultivar.

**Shade trees List A** *All trees from Street Tree List A, plus:*

Celtis occidentalis	Common Hackberry (native)
Liriodendron tulipifera	Tulip Poplar (native)
Liquidambar styraciflua	Sweetgum (native)
Quercus acutissima	Sawtooth Oak
Quercus alba	White Oak (native)
Quercus prinus	Chestnut Oak (native)
Quercus velutina	Black Oak (native)

**List B** *All trees from the Street Tree List B, plus:*

Betula nigra	River Birch (native)
Cladrastis lutea	Yellowwood (native)
Gymnocladus dioicus	Kentucky Coffee Tree (native)
Koelreuteria paniculata	Goldenrain Tree
Larix deciduas	European Larch
Quercus palustris	Pin oak (native)
Sassafras albidum	Sassafras (native)
Taxodium distichum	Common Baldcypress (native)

**Evergreen trees**

**List A**

Chamaecyparis obtusea (and cultivars)	Hinoki False Cypress (and cultivars)
Ilex opaca	American Holly (native)
Picea glauca	White Spruce (native)
Picea omorika	Serbian Spruce
Picea pungens (and cultivars)	Colorado Spruce (and cultivars)
Pinus cembra	Swiss Stone Pine
Pinus sylvestris	Scotch Pine
Pseudotsuga menziesii	Douglas Fir
Thuja occidentalis	Eastern Arborvitae (native)
Tsuga Canadensis	Canadian Hemlock (native)

**List B**

Juniperus virginiana	Eastern Red Cedar (native)
Picea abies	Norway Spruce
Pinus strobus (and cultivars)	Eastern White Pine (and cultivars, native)
Pinus thunbergii	Japanese Black Pine

**Ornamental trees**

Amelanchier canadensis	Shadbush, Serviceberry, Juneberry (native)
Betula nigra	River Birch (native)
Carpinus caroliniana	Ironwood, American Hornbeam (native)
Cercis canadensis	Eastern Redbud (native)
Chionanthus virginicus	Fringetree (native)

Cornus florida  
Conlus kousa chinensis  
Cornus mas  
Halesia Carolina  
Koelreuteria paniculata  
Magnolia virginiana  
Oxydendium arboreum  
Prunus serulata cv 'Kwanzan'  
Pyrus calleryana

**Native shrubs**

Aesculus parviflora  
Aronia arbutifolia  
Aronia melanocarpa  
Callicarpa americana  
Calycanthus floridus  
Cephalanthus occidentalis  
Ceanothus americanus  
Clethra acuminata  
Clethra alnifolia  
Cornus amomum  
Cornus stolonifera  
Fothergilla gardenii  
Fothergilla major  
Hamamelois virginiana  
Hydrangea quercifolia  
Itea virginica  
Ilex glabra  
Ilex verticillata  
Kalmia angustifolia  
Kalmia latifolia  
Lindera benzoin  
Myrica pennsylvanica  
Potentilla fruticosa  
Rhododendron arborescens  
Rhododendron calendulaceum  
Rhododendron catawbiense  
Rhododendron nudiflorum  
Rhododendron viscosum  
Vaccinium angustifolium  
Vaccinium corymbosum  
Viburnum dentatum  
Viburnum trilobum

**Plants toxic to livestock**

Acer palmatum

Flowering Dogwood (native)  
Chinese Kousa Dogwood  
Cornelian Cherry Dogwood  
Carolina Silverbell (native)  
Goldenrain Tree  
Sweetbay Magnolia (native)  
Sourwood (native)  
Kwanzan Flowerng Cherry  
Callery Pear Cultivars

Bottlebrush Buckeye  
Red Chokeberry  
Black Chokeberry  
Beautyberry  
Carolina Allspice  
Buttonbush  
Jerseytea  
Summersweet  
Summersweet  
Silky Dogwood  
Redosier Dogwood  
Dwarf Fothergilla  
Fothergilla  
Witch Hazel  
Oak-leaved Hydrangea  
Sweetspire  
Inkberry  
Winterberry  
Lambhill Kalmia  
Mountain Laurel  
Spicebush  
Bayberry  
Bush Cinquefoil  
Sweet Azalea  
Flame Azalea  
Catawba Rhododendron  
Pinxterbloom Azalea  
Swamp Azalea  
Lowbush Blueberry  
Highbush Blueberry  
Arrowwood  
American Cranberrybush

Japanese Red Maple

Acer rubrum	Red Maple
Ligustrum vulgare	Common Privet
Prunus species	Cherry, Peach, Plum
Taxus species	Yew
Juglans nigra	Black Walnut
Robinia pseudoacacia	Black Locust
Aesculus hippocastanum	Horse Chestnut
Quercus species	Oak
Eleagnus species	Russian Olive
Rhododendron species	Rhododendron
Hypericum species	St. Johnswort

**Recommended basin plantings** - Plantings should be selected based on degree and frequency of inundation and soil saturation. Trees and shrubs shall not be planted on basin berms.

**Basin trees**

Acer negundo	Box Elder
Acer rubrum	Red Maple
Fraxinus pennsylvanica	Green Ash
Larix laricina	Eastern Larch
Liquidambar styraciflua	Sweetgum
Platanus occidentalis	American Sycamore
Quercus palustris	Pin Oak
Salix discolor	Pussy Willow
Salix nigra	Black Willow
Taxodium distichum	Common Baldcypress

**Basin shrubs**

Alnus serrulata	Common alder
Aronia sp.	Chokeberry
Cephalanthus occidentalis	Buttonbush
Clethra alnifolia	Summersweet
Cornus amomum	Silky Dogwood
Cornus sericea	Redosier Dogwood
Hamamelis vernalis	Vernal Witchhazel
Ilex glabra	Inkberry
Ilex verticillata	Winterberry
Itea virginica	Virginia Sweetspire
Kalmia angustifolia	Lambkill Kalmia
Magnolia virginiana	Sweetbay Magnolia
Myrica pennsylvanica	Bayberry
Rhododendron viscosum	Swamp Azalea
Vaccinium sp.	Blueberry, Huckleberry

**Aquatic emergents**

Hibiscus moscheutos	Swamp Rose Mallow
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Iris versicolor  
Nymphaea odorata  
Panicum virgatum  
Pontedaria cordata  
Sagittaria latifolia  
Scirpus pungens  
Scirpus tabernaemontanii  
Sparganium americanum  
Sparganium eurycarpum  
Typha angustifolia

Blue Flag  
Water Lily  
Switchgrass  
Pickerelweed  
Arrowhead  
Common 3-square  
Softstem bulrush  
Burreed  
Giant Burreed  
Narrow-leaved Cattail

**Wetland herbaceous plants**

Acorus calamus  
Asclepias incarnate  
Aster novae-angliae  
Aster novi-belgii  
Carex sp.  
Cinna arundinacea  
Eupatorium fistulosum  
Glyceria striatus  
Iris versicolor  
Juncus sp.  
Leersia oryzoides  
Lobelia sp.  
Onoclea sensibilis  
Osmunda cinnamomea  
Panicum virgatum  
Thelypteris palustris  
Scirpus sp.  
Verbena hastate  
Veronica noveboracensis

Sweet Flag  
Swamp Milkweed  
New England Aster  
New York Aster  
Sedge  
Wood Reed  
Joe-Pye Weed  
Fowl Mannagrass  
Blue Flower Iris  
Rush  
Rice Cut Grass  
Cardinal Flower, Blue Lobelia  
Sensitive Fern  
Cinnamon Fern  
Switchgrass  
Marsh Fern  
Woolgrass, Bulrush  
Blue Vervain  
New York Ironweed

**Herbaceous upland grasses**

Andropogon gerardi  
Andropogon virginicus  
Bouteloua sp.  
Elymus Canadensis  
Festuca ovina  
Panicum sp.  
Schizocharium scoparius  
Sorghastrum nutans  
Sporobolus heterolepis

Big Bluestem  
Broomsedge  
Blue grama  
Canada Wild Rye  
Sheep's Fescue  
Switchgrass  
Little Bluestem  
Indian Grass  
Prairie Dropseed

**Upland wildflowers**

Aquilegia Canadensis  
Asclepiads sp.

Wild Columbine  
Milkweed, Butterfly weed

Aster sp.  
Baptismal leucantha  
Cassia marylandica  
Castilleja coccinea  
Coreopsis lanceolata  
Echinacea purpurea  
Epilobium angustifolium  
Eupatorium rugosum  
Gaillardia aristata  
Helianthus sp.  
Lupinus perennis  
Monarda fistula  
Oenothera speciosa  
Penstemon digitalis  
Rudbeckia sp.  
Solidago sp.

Aster  
False Indigo  
Senna  
Indian Paintbrush  
Lance-leaved Coreopsis  
Purple Coneflower  
Fireweed  
White Snakeroot  
Blanket Flower  
Sunflower  
Perennial Lupine  
Wild Bergamot  
Showy Evening Primrose  
Beardtongue  
Black-eyed Susan, Coneflower  
Goldenrod

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10-12-16