Erie County Model Zoning Ordinance Template

Prepared By:

The Erie County Department of Planning
Erie County, Pennsylvania

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Introduction

Is your municipal zoning ordinance more than 10 years old? Does your municipality receive numerous requests for zoning amendments or variances? Has your municipality recently adopted a new comprehensive plan? If the answer to any of these questions is "yes", then it's probably time for your municipality to review its current ordinance in order to evaluate how well it addresses your municipality's needs.

Zoning ordinances help to protect and enhance property values by preserving neighborhood character, and protecting against incompatible land uses. They can help a community implement the goals and strategies of its comprehensive plan.

Unfortunately, older ordinances often fail to adequately protect a community and address its current needs. Neighborhoods change over time. Technological advances such as wireless communications and digital sign technology provide many benefits, but can also create conflicts if not regulated effectively. Changes in Federal and State laws sometimes necessitate changes to municipal zoning regulations.

The Erie County Department of Planning (ECDP) recognizes the need for municipalities to review and update their zoning ordinances on a regular basis. ECDP also recognizes that in many cases, municipalities lack the staffing and/or financial resources needed to address ordinance updates on their own. In response, ECDP has created an Erie County Model Zoning Ordinance Template and a companion "Use Matrix" for use by Erie County municipalities.

Helpful Hints on How to Use this Template

The model zoning ordinance is intended to be a template, to be modified and tailored to the individual needs of the municipality. There is no "one size fits all" in zoning. The model template can be used in its entirety if a new zoning ordinance is desired, or it can be used as a resource for zoning amendments needed to address specific topics or areas of concern. For example, the model ordinance template includes an article on signs and a section on wireless communications facilities. Either of these sections can be pulled from the model and used as the basis for an amendment to an existing municipal zoning ordinance.

The model template is not intended to be used "as-is". All municipalities have differing needs, goals and policies. Municipalities should carefully review each section and modify it, as desired. Not all sections or individual regulations may be needed or desired, and those can be removed. In order to prevent the need to renumber remaining sections and update cross-references, it is recommended that unused section numbers should simply be "Reserved for Future Use". Municipalities may also desire to add additional regulations or strengthen the model regulations to better suit their needs.

Sections highlighted in Green or Yellow will need special attention, and usually some editing or customization. For example, some sections (highlighted in yellow) are included only as examples to

consider. These sections should be revised, as needed, to address the specific needs of your municipality.

Comments have been provided in the margins. Many of these comments provide legal references to the PA Municipalities Planning Code (MPC) or some other State or Federal law. Others simply provide recommendations or brief explanations. The margin area will "disappear" once all comments are deleted during your municipality's editing process.

The model template is available in both pdf and MS Word format. Copies may be requested from the Erie County Department of Planning.

Use Matrix

A "Use Matrix" is available as a companion piece to the model zoning ordinance template. The matrix provides a base list of uses, and is intended to help your municipality stay organized while deliberating which uses should be permitted within each of its zoning districts.

The Use Matrix is available in Excel format. This allows for easy editing. Uses can be added or removed from the list, or renamed, if desired. It also allows the municipality's lists of uses to be sorted alphabetically and copied/pasted into the model ordinance template.

Legal Disclaimer

The Erie County Department of Planning and its staff are not qualified to provide legal advice, and no warranties are being made concerning the legality of any portion of the model zoning template. Municipalities should have their municipal solicitors review any zoning ordinance or zoning ordinance amendment prior to adoption.

Additional Assistance

For questions or comments about the model ordinance template or the use matrix, please contact John McGranor at (814) 451-7329 or jmcgranor@eriecountypa.gov.

If your municipality is interested in receiving assistance from ECDP with the development of a new ordinance, please contact Katherine S. Wyrosdick, AICP at (814) 451-7338 or kwyrosdick@eriecountypa.gov.

References and Additional Resources

This model zoning ordinance template is a composite of ideas "borrowed" from several model ordinances and municipal zoning ordinances. These resources are listed below. Most are available online and are good sources of additional information.

Tri-County Regional Planning Commission Model Zoning Ordinance, Adopted by the Tri-County Regional Planning Commission on 4/24/2008. http://www.tcrpc-pa.org/Documents/Model%20Zoning%20Ordinance.pdf

Model Sign Ordinance, Prepared by the Montgomery County Planning Commission. http://www.tcrpc-pa.org/Documents/Model%20Sign%20Ordinance%20-%20Montgomery%20County%20Planning%20Commission.pdf

Wireless Communication Facilities Model Guidelines, Prepared by the Cumberland County Planning Department, 1/23/2015. https://www.ccpa.net/DocumentCenter/View/21316

Zoning Ordinance of Millcreek Township, Erie County, Pennsylvania, Adopted by Millcreek Township as Ordinance No. 2011-8. http://www.millcreektownship.com/portals/0/pdf/zoning/ZoningNEW.pdf

Harborcreek Zoning Ordinance, 2010, Prepared by Harborcreek Township Planning Commission with the assistance of Richard Grossman, Community Planning Consultant; Adopted by Harborcreek Township as Ordinance 2010-200. http://www.harborcreektownship.org/zoning/Ord_10-200.pdf

Franklin Township Zoning Ordinance, Adopted by Franklin Township 1/27/2010

Greenfield Township Zoning Ordinance, Prepared by the Greenfield Township Planning Commission with the assistance of GCCA; Adopted by Greenfield Township on 7/14/2008

The Latest Illustrated Book of Development Definitions, by Harvey S. Moskowitz and Carl G. Lindbloom, ©2004 by Rutgers, The State University of New Jersey

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Article 1 General Provisions

101 Authority

This Ordinance is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code.

102 Title

This Ordinance shall be known and may be cited as the **[Insert Municipality]** Zoning Ordinance. The accompanying district map shall be known, and may be cited, as the **[Insert Municipality]** Zoning Map.

103 Effective Date

This ordinance shall take effect upon its enactment by the **[Insert Municipality]** Board of Supervisors.

104 Purpose and Provisions

The purpose and provisions of this Ordinance are those as set forth by Sections 603, 603.1 and 604 of the Pennsylvania Municipalities Planning Code, and to implement the Community Development Objectives of the **[Insert Municipality]** Comprehensive Plan. See Section 105 of this Ordinance.

105 Community Development Objectives

The Community Development Objectives of this Ordinance are enumerated in detail by the **[Insert Municipality]** Comprehensive Plan. These can be generalized as follows:

A. Preserve and enhance the natural and cultural resources in the community;
B. Promote energy conservation;
C. Enrich the lives of all residents in the community by seeking to improve the aesthetic quality and visual impact of the man-made environment and by preserving and enhancing the natural environment;
D. Establish a diversified and enduring business structure in the community which provides residents with a variety of employment opportunities while at the same time preserving a healthful, secure, and pleasant residential environment;
E. Enhance the economic development potential of the PA-8/PA-89 corridor between Lowville village and Wattsburg Borough with a village/mixed use concept;
F. Provide adequate housing for the current and future residents of the community;
G. Provide for the safe and convenient circulation and movement of goods and people within the community;
H. Provide the quantity and quality of community facilities, services, and utilities necessary to meet the physical, social, cultural, recreational, and aesthetic needs of the community and to do so in a timely and fiscally responsible manner;
I. Provide and perpetuate a land use pattern in the community that includes a wide variety of interrelated land uses in proper proportion. These land uses must be able to function efficiently,

Comment [JMM1]: Refer to MPC Section 606. The zoning ordinance should reflect the policy goals of the municipality. These are often found in the comprehensive plan.

Comment [JMM2]: Community Development Objectives should be customized based on the policies and goals of the municipality. These objectives (highlighted in yellow) are taken from Venango Township's plan, and are provided only as an example.

and feature an optimum degree of compatibility between land uses, development, and the natural environment;

J. Encourage the concentration of land uses in discernable clusters and limit both strip development and irregularly dispersed development patterns;

K. Discourage the adverse scattering of higher and medium density residential development; and

L. Encourage the development of an identity for **[Insert Municipality]** through the revitalization of Lowville village.

106 Applicability

A. This Zoning Ordinance shall apply throughout **[Insert Municipality]**.

B. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance:

   1. Use, occupation, erection, construction, reconstruction, movement, alteration, razing, demolition, removal, placement or extension (vertical or horizontal) of a structure, building or sign, unless relief is granted by the Zoning Hearing Board.
   2. Change of the type of use or expansion of the use of a structure, building or area of land.
   3. Creation of a lot or alteration of lot lines.
   4. Creation of a new use.

C. This Ordinance shall not apply to an existing or proposed building or extension thereof, used or to be used by a public utility corporation, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

107 Interpretation

In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for promotion of the health, safety, morals and general welfare of **[Insert Municipality]**. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all the regulations of the zoning district in which it is located and with all other pertinent regulations of this and other related ordinances. This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this Ordinance imposes more stringent restrictions upon the use of buildings, structures and land than are elsewhere established, the provisions of this Ordinance shall prevail. Wherever and whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive shall apply. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be

interpreted, where doubt exists as to the intended meaning of the adopted language, in favor of the property owner and against any implied extension of the restriction.

108 Municipality Liability

The granting of a zoning permit for the erection and/or use of a structure, building or lot shall not constitute a representation, guarantee or warranty of any kind or nature by the municipality, or an official or employee, thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

109 Disclaimer

It is recognized that: the Act of June 22, 1937 (P.L. 1987, NO. 394) known as "The Clean Streams Law"; the Act of May 31, 1945 (P.L. 1198, No 418) known as the "Surface Mining Conservation and Reclamation Act"; the Act of April 27, 1966 (1st Special Session, P.L. 31, No. 1) known as "The Bituminous Mine Subsidence and Land Conservation Act"; the Act of September 24, 1968 (P.L. 1040, No. 318) known as the "Coal Refuse Disposal Control Act"; the Act of December 19, 1984 (P.L. 1140, No. 223) known as the "Non-coal Surface Mining Conservation and Reclamation Act"; the Act of June 30, 1981 (P.L. 128, No. 43) known as the "Agricultural Area Security Law"; the Act of June 10, 1982 (P.L. 454, No. 133) entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances": and the Act of May 20, 1993 (P.L. 12, No 6) known as the "Nutrient Management Act" preempt zoning ordinances. Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those Acts. Nothing contrary to those Acts shall be mandated by this Zoning Ordinance.

110 Validity/Severability

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Ordinance or the zoning district boundaries as shown on the zoning map, shall, for any reason, be declared to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of this Ordinance as a whole or any of the remaining article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the Ordinance. The remaining portions of the Ordinance shall remain in effect as though the part or section declared unconstitutional or invalid was never a part thereof.

111 Repeal

The pre-existing **[Insert Municipality]** Zoning Ordinance, as amended, is hereby expressly repealed; provided, further that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent herewith by virtue of references or incorporation of requirements contained in the pre-existing Zoning Ordinance as amended shall, as nearly as possible, be construed to reference this Ordinance.

Article 2 Definitions

201 Interpretation

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

202 Specific Terms

Abandoned Sign: Defined in Section 903.

Abandonment: The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abut or Abutting: To physically touch or border on; or to share a common property line but not overlap. Buildings which physically touch. Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, public alley open to traffic or a perennial waterway.

Access or Access Drive: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Building: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

Accessory Structure: A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Acre: A measure of land area containing 43,560 square feet.

Activity: The use of land for a specific purpose.

Addition: (1) A structure added to the original structure at some time after the completion of the original; (2) an extension or increase in floor area or height of a building or structure.

Address Sign: Defined in Section 903.

Adjacent Land: See “Adjoining Lot or Land”

Adjoining Lot or Land: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. (See Abut)

Adult Related Use: An establishment consisting of, including, or having the characteristics of any or all of the following:

1. Adult Bookstore, Newsstand, Video Store, or Combination: An establishment having more than 40 percent of its stock-in-trade, floor area, or display area used for the sale or rental of books, magazines, publications, tapes, or films that are distinguished or characterized by the emphasis on sexually oriented material depicting, describing, or relating to sexual activities or anatomical genital areas.
2. Sex Shop: Any establishment offering, for sale or rent, items from any two of the following categories: sexually oriented books, magazines, and videos; leather goods marketed or presented in a context to suggest their use for sexual activities; sexually oriented toys and novelties; or video viewing booths; or an establishment that advertises or holds itself out in any forum as a sexually oriented business.
3. Video Viewing Booths: Often referred to a peep shows and characterized by small private booths rented to individuals to view sexually explicit films or tapes
4. Adult Motion Picture Theater: A building used for presenting films distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
5. Adult Cabaret: An establishment, either with or without a liquor license, offering sexually oriented live entertainment, which may include topless and go-go dancers, strippers, or male or female impersonators.

Agricultural Related Business: Businesses selling goods or services to a substantially agricultural clientele, including feed mills, seed sales, feed grinding services, and farm machinery sales and services.

Agriculture: The use of land which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, viticulture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine horses ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Aircraft, Ultralight: A vehicle that has only one seat, is used only for recreational or sport flying, does not have a U.S. or foreign airworthiness certificate, weighs less than 155 pounds if unpowered, and weighs less than 254 pounds if powered. Regulation of ultralight aircraft is covered by the Code of Federal Regulations Title 14 (Federal Aviation Regulations) Part 103 (or 14 CFR Part 103).

Airport: A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair and various accommodations for passengers.

Airport, Ultralight: A place where ultralight aircraft can land and take off.

Airstrip, Private: An airfield consisting of one or more runways for the private, personal use of the individual(s) living on or owning the premises.

Aisle: The traveled way by which cars enter and depart parking spaces.

Alley: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Alternative Fuels: known as non-conventional or advanced fuels, alternative fuels are any materials or substances that can be used as fuels, other than conventional fuels like fossil fuels (petroleum (oil), coal, and natural gas), nuclear materials, or artificial radioisotope fuels that are made in nuclear reactors. Some well-known alternative fuels include biodiesel, bio alcohol (methanol, ethanol, butanol), chemically stored electricity (batteries and fuel cells), hydrogen, non-fossil methane, non-fossil natural gas, vegetable oil, propane, and other biomass sources.

Amendment: A change in use in any district or change in zoning district, which includes revisions to the zoning text and/or the official zoning map.

Animal: A living organism other than a plant or bacterium, including fish, amphibians, birds, and mammals, excluding humans.

Animal, Domestic: Any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Animal Shelter: A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Animated Sign: Defined in Section 903.

Antenna: Defined in Section 1101.01.

Applicant: A landowner or developer (as herein defined) who has filed an application for development including his personal representatives, heirs, successors and assigns.

Application: The application form and all accompanying documents and exhibits required of an applicant by an approving authority for review and approval purposes.

Architecturally Compatible (or Compatible Design): The visual relationship between adjacent and nearby buildings and the immediate streetscape, in terms of a consistency of materials, colors, building elements, building mass, and other constructed elements of the urban environment, such that abrupt of severe differences are avoided.

Assisted Living Facility: Coordinated and centrally managed housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

Auction House: A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Automotive Repair Garage: Any building, land area, or other premises, or portion thereof, used for automobile repair services.

Automobile Repair Services: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including bodywork, welding, and painting service.

Automobile Service Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Awning: Defined in Section 903.

Awning Sign: Defined in Section 903.

Balloon Sign: Defined in Section 903.

Banner: Defined in Section 903.

Basement: A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and a half feet.

Base Station: Defined in Section 1101.01.

Bed and Breakfast Inn: An owner-occupied dwelling where overnight accommodations and a morning meal are provided to transients for compensation.

Beacon Lighting: Defined in Section 903.

Berm: A mound of earth or the acct of pushing earth into a mound.

Billboard: See Section 903, definition of Off-Premises Sign

Board: The Zoning Hearing Board of the Township of **[Insert Municipality]**, Erie County, Pennsylvania.

Boarding House (Including "Rooming House"): A residential use in which: (a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a motel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the pubic unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Boarding Stable: A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises may receive compensation.

Board of Supervisors: The Board of Township Supervisors, **[Insert Municipality]**, Erie, County, Pennsylvania.

Brew Pub: A restaurant that prepares handcrafted natural beer intended for consumption on the premises as an accessory use.

Buffer Area or Buffer Strip: A strip of land consisting of landscaped areas, fences, walls, berms or combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buffer Yard: See Buffer Area

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

Building, Accessory: See "Accessory Building".

Building, Detached: A building surrounded by open space on the same lot.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Building Coverage: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total gross lot area.

Building Footprint: The area encompassed by a building's outer wall at ground level.

Building Frontage: Defined in Section 903.

Building Height: The vertical distance from the finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

Building Inspector: An individual designated by the appointing authority to enforce the provisions of the building code. Includes code enforcement officer or zoning administrator.

Building Line: A line parallel to the street right-of-way line touching that part of a building closest to the street.

Building, Non-Conforming: See Non-Conforming Structure or Building.

Building Permit: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

Building Setback Line: See Setback Line.

Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research, development, and testing; photo finishing; and personal supply services.

Camper: Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

Campground: A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Camping Unit: Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

Campsite: Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

Canopy: Defined in Section 903.

Canopy Sign: Defined in Section 903.

Cartway: The paved area of a street between the curbs, including travel and parking lanes and acceleration and deceleration lanes, but not including shoulders, curbs, sidewalks, or swales.

Car Wash Facility: Any building or premises used for washing motor vehicles.

Cemetery: Property used for the interment of the dead.

Certificate of Use and Occupancy (or Certificate of Occupancy): A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances.

Changeable Copy Sign: Defined in Section 903.

Change of Use: Any use that substantially differs from the previous use of a building or land.

Channel Letter Sign: Defined in Section 903.

Clearance: Defined in Section 903.

Child Day Care Center or Home: See "Day Care Services for Children"

Church: See House of Worship.

Clear-Sight Triangle: An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. Within this clear-sight triangle nothing is to be 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.

Clinic: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than 24 hours.

Club: An establishment operated by an organization for social, recreational, educational and/or fraternal purposes, but open only to members and their guests and not the general public.

Collocation: Defined in Section 1101.01.

Commercially Reasonable: Defined in Section 1101.01.

Commercial Use: Activity involving the sale of goods or services carried out for profit.

Commercial Recreation Facility: Includes all indoor and/or outdoor recreation facilities which are operated as a business and where the facility is available to the general public for a user fee or where the facility (facilities) is available on a membership basis.

Commercial Recreation, Indoor – a facility that offers various indoor recreational opportunities for its patrons (paying or non-paying) including ice skating, billiards, bowling, video games, paint ball, indoor shooting ranges, and similar pursuits.

Commercial Recreation, Outdoor – a facility which offers various outdoor or spectator opportunities for its patrons (paying or non-paying) including go-cart raceways, miniature golf, concerts and music parks, and similar pursuits.

Community Center: A facility used for recreational, social, educational, and cultural activities.

Compatible Land Use: A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

Comprehensive Plan: The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted, consisting of maps, charts and textual material, that constitutes decisions about the physical and social development of **[Insert Municipality]**, as amended from time to time.

Conditional Use: A use permitted (and approved by the governing body) in a particular zoning district when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance.

Condominium: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conservation Subdivision: A development concept that conserves special open spaces and natural resources using an approach called Growing Greener.

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

Contiguous: Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

Contracting Operation: An operation engaged in a trade or activity related to building maintenance and/or construction, such as painting, electrical work, carpentry, plumbing, heating, air-conditioning, roofing, and similar activities.

Convenience Store: A retail establishment with primary emphasis on quick purchases from a limited variety of consumable goods, typically gasoline, snacks, food and related sundries. These are typically located along high traffic roads and have extended business hours, with most products consumed off the premises.

County Planning Commission: The Erie County Planning Commission.

Coverage, Building: The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings on a lot to the total lot area.

Coverage, Lot: That part of the lot that is covered by impervious surfaces.

Cul-De-Sac: See Street, Cul-De-Sac.

Cultural Facilities: Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, art galleries, and botanical and zoological gardens of a natural, historic, educational, or cultural interest.

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

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.

Day Care Center, Adult: A use providing supervised care and assistance primarily to persons who are over age 60 and/or mentally retarded and/or physically handicapped who need such daily assistance because of their limited physical abilities, Alzheimer's disease, mental abilities or mental retardation. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care Services for Children: - provides out-of-home care for part of a 24-hour day to children under sixteen (16) years of age, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services for Children:

a. Child Day Care Home (Family): 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. See Title 55, Chapter 3290 of the PA Code.
b. Child Day Care Home (Group): the premises in which care is provided at one time for more than six (6) but fewer than sixteen (16) older school-age level children, or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises. See Title 55, Chapter 3280 of the PA Code.
c. Child Day Care Center: A premises in which care is provided at any one time for seven or more children unrelated to the operator. See Title 55, Chapter 3270 of the PA Code.

Childcare for less than four (4) children will not be considered as Day Care Services.

Data Collection Unit (DCU): Defined in Section 1101.01.

Density: The number of families, individuals, dwelling units, households, or housing structures per unit of land.

DEP: Pennsylvania Department of Environmental Protection.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such lands.

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; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Development Plan: The provisions for a planned 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 open-space and public facilities.

Digital Display: Defined in Section 903.

Directional Sign: Defined in Section 903.

Distributed Antenna Systems (DAS): Defined in Section 1101.01.

Distribution Center: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

District: A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

District, Residential: For purposes of this ordinance, Residential Districts include the following zoning districts: R-1, Residential District; and R-2, Residential District.

Comment [JMM3]: The terms "Residential District" and "Non-Residential District" are used throughout this model ordinance. The term "Residential District" should be customized to include a list of all residential zoning districts within the municipality.

District, Non-Residential: For purposes of this ordinance, Non-Residential Districts are all zoning districts that are not Residential Districts.

Dog Kennel – See Kennel.

Dormitory: A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use.

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

Drive-Through Facility: A facility, accessory to a commercial use including but not limited to financial institutions, restaurants and drug stores that permits customers to receive services or obtain goods while remaining in their motor vehicles.

Dry Cleaning and Laundry Services: A business establishment primarily engaged in laundering, dry cleaning, and pressing apparel and linens of all types. These establishments may also provide clothing repair and alteration services. For purposes of this Ordinance, the term is used to refer to an

establishment that renders services primarily to the general public. See also, definition of Laundry and/or Dry Cleaning Establishment (Industrial).

Dump: A land site used primarily for the disposal by dumping, burial, burning, or other means and for whatever purposes of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap, or discarded material of any kind.

Dumpster: An exterior waste container designed to be mechanically lifted by and emptied into or carted away by a collection vehicle.

Duplex: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from basement to roof. See Dwelling, Two-Family.

Dust-free Surface - a surface of asphalt paving, concrete, brick, cobblestone (or similar pavers), crushed limestone, gravel or similar stone material installed and compacted as needed. Dirt, clay and similar material will not be accepted as a dust-free surface.

Dwelling: A structure or portion thereof that is used exclusively for human habitation.

Dwelling, Attached: A one-family dwelling with ground floor outside access, attached to two or more one-family dwellings by common vertical walls without openings.

Dwelling, Detached: A dwelling that is not attached to any other dwelling by any means.

Dwelling, Multi-Family: A building containing three or more dwelling units, including units that are located one over another.

Dwelling, Two-Family: A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling, Single-Family: A one-family dwelling.

Dwelling Unit: One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Easement: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Emergency: Defined in Section 1101.01.

Emergency Medical Treatment Facility: Any building or group of buildings occupied by medical practitioners and related services for the purpose of providing emergency health service to people on an outpatient basis.

Emergency Services: Emergency services shall include fire departments, police services, ambulance and emergency response services.

Engineer, Municipal: A registered professional engineer in Pennsylvania designated by the municipality to perform the duties of engineer as herein specified.

Enlargement: An increase in the size of an existing structure or use, including the physical size of the property, building, parking, and other improvements.

Equine Animal: An animal of or belonging to the family Equidae, which includes horses, asses and zebras.

Equipment Compound: Defined in Section 1101.01.

Erosion: The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, and gravity.

Essential Service, Class 1: The erection, construction, alteration or maintenance by public utilities or municipal departments, authorities, or commissions of: underground gas, underground or above ground electrical, telephone, cable television transmission or distribution systems; and public water, public sanitary sewer and public storm sewer facilities including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith. Essential Services does not include wireless communications facilities and/or antennae.

Essential Service, Class 2: The erection, construction, alternation or maintenance by public utilities or municipal departments, authorities, or commissions of building or structures necessary for the furnishing of adequate services for the public health, safety and general welfare such as water and sewer pump stations, water storage towers, electric substations, natural gas regulator stations, telephone substations or similar type structures, but excluding office buildings, the outside storage of equipment or maintenance depots, wireless communications facilities and/or antennae.

Establishment: An economic unit where business is conducted or services or industrial operations are performed.

Excavation: Any act by which earth, sand, gravel, rock or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

Existing Use: The use of a lot or structure as of the effective date of this ordinance.

Exterior Wall: Any wall that defines the exterior boundaries of a building or structure.

Façade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Facility: A place where an activity occurs.

Facility Owner: The entity or entities having an equity interest in the facility, including their respective successors and assigns.

Farm or Farmland: A parcel of land used for agricultural purposes.

Farm Building or Farm Structure: Any building or structure used for agricultural purposes.

Farmer's Market: The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural product, occurring in a predesignated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

Family: One or more persons related by blood, marriage, legal guardianship, licensed or court-appointed foster care or legal adoption, including any domestic servants or gratuitous guests thereof, who maintain one common household and reside in one dwelling unit; or no more than six persons who are not related to each other by blood, marriage, legal guardianship, licensed or court-appointed foster care, or legal adoption. A roomer, boarder or lodger is not considered a family member; any number of persons possessing a handicap within the meaning of the Fair Housing Act (42 USC Section 3602(h), or successor legislation) who reside in one dwelling unit and live and cook together as a single housekeeping unit.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Festoon Lighting: Defined in Section 903.

Fill: Sand, gravel, earth, or other materials of any composition whatsoever placed or deposited by humans.

Financial Institution: An establishment primarily involved with monetary, not material, transactions and that has routine interactions with the public.

Finished Grade: See Grade, Finished.

Flag: Defined in Section 903.

Flashing Sign: Defined in Section 903.

Flea Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Floor Area, Gross (GFA): The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches.

Floor Area, Habitable: The gross floor area of a dwelling which is used or designed for living, sleeping, eating or cooking, but not including garages, enclosed porches, and unfinished basements or attics.

Floor Area, Net: The total of all floor areas of a building, excluding stair-wells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

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.

Foot-candle: Defined in Section 903.

Foot-lambert: Defined in Section 903.

Fraternal Organization: A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.

Freestanding Sign: Defined in Section 903.

Front Lot Line: See Lot Line, Front.

Front Yard: See Yard, Front.

Frontage: That side of a lot abutting on a street; the front lot line.

Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Garage: A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

Garage Sale: This term is used to broadly define a temporary sales event of common household items located at a residential home. The term includes, but is not limited to, sales events referred to as garage, yard, porch, or apartment sales.

Garden Center: A commercial operation offering for retail sale plants, flowers, lawn and garden supplies and other items, and which may include a nursery or greenhouse, and may also include the sale of bulk stone, bark and other materials.

Gas Station / Gasoline Service Station: See “Automobile Service Station”.

Gas Station Canopy: Defined in Section 903.

Gas Station Canopy Sign: Defined in Section 903.

General Public: Any and all individuals without prior qualifications.

Glare: The effect produced by light from a luminaire with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course: A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

Governing Body: The Board of Supervisors of the Township of **[Insert Municipality]**, Erie County, Pennsylvania.

Government/Regulatory Sign: Defined in Section 903.

Grade: (1) The average elevation of the land around a building; (2) the percent of rise or descent of a sloping surface.

Grade, Finished: The elevation of the land surface of a site after completion of all site preparation work.

Greenhouse: A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.

Ground Sign: Defined in Section 903.

Group Quarters: Any dwelling or portion thereof which is occupied as a residence by persons unrelated to each other and which has common eating facilities. Group quarters include, but are not limited to, boarding- or lodging houses, fraternity and sorority houses, theme houses and other quarters of an institutional nature. Group quarters are often owned and operated by a parent religious, educational, charitable or philanthropic institution. Group quarters shall exclude hotels, motels, dormitories, emergency shelters, student housing, nursing facilities and personal care facilities. In zoning districts where group quarters are permitted, other than institutional, group quarters shall be limited to no more than 10 persons.

Growing Greener: A development approach designed to conserve special open spaces and natural resources in a community using the techniques generally set forth by the Growing Greener Workbook of 1999, as prepared for the Pennsylvania Department of Conservation and Natural Resources by the Natural Lands Trust.

Half-Way House: A noninstitutionalized living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections

or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

Hazardous Material: Materials which are classified by the U.S. Environmental Protection Agency or the Pennsylvania Department of Environmental Protection as having the potential to damage health or impair safety. Hazardous materials include but are not limited to inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, arsenic and their common salts, lead, coal tar acids, such as phenols and cresols and their salts, petroleum products, and radioactive material. Also included are floatable materials with the potential to cause physical damage, such as logs, storage tanks and large containers, located in flood prone areas.

Hazardous Waste: Any substance classified by the U.S. Environmental Protection Agency or the Pennsylvania Department of Environmental Protection as having the potential to damage health or impair safety, including garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant or air pollution facility, and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community activities, or any combination of the above, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or,
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(NOTE: “Hazardous Waste” shall also include any added components from the Solid Waste Management Act of July 7, 1980, P.L. 380, No. 97, as amended).

Height: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

Heliport: An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Helistop: A heliport but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Historic District: Defined in Section 903.

Holiday Decorations: Defined in Section 903.

Home Based Business or Occupation: A business, occupation or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, but which does not meet all the standards of a no-impact home based business. See Section 1002.26 for criteria.

Home Based Business (No Impact): - 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. See Section 1002.27 for criteria.

Home Gardening: The non-commercial, cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining a residential dwelling. For purposes of this ordinance, home gardening is an accessory use considered to be customary to a residential use.

Hospital: A building or part thereof used for medical, psychiatric, obstetrical, or surgical care on a twenty-four hour basis. The term "hospital" shall include facilities used for medical research and training for health-care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities which provide inpatient care. The term "hospital" shall not include any facility in which is conducted the housing of the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted of a felony. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

Hotel: A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such a s restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

Household: Persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

House of Worship: (1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; (2) a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

Hub Height: Defined in Section 1102 (A).

Illumination: Defined in Section 903.

Illumination, External: Defined in Section 903.

Illumination, Halo: Defined in Section 903.

Illumination, Internal: Defined in Section 903.

Illuminated Sign: Defined in Section 903.

Impervious Surface (Impervious Area): A surface that prevents the infiltration of water into the ground. Impervious surface (or areas) include, but is not limited to: buildings and similar structures, patios, sidewalks, and parking or driveway areas.

Improvements: Those physical additions, installations and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, curbing, streetlights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees, and improvements to existing water courses.

Incidental: Subordinate and minor in significance and bearing a reasonable relationship to the primary use.

Incidental Sign: Defined in Section 903.

Incidental Window Sign: Defined in Section 903.

Industrial Park: A tract of land that is planned, developed, and operated as a coordinated and integrated facility for a number of separate industrial uses, with consideration for circulation, parking, signage, utility needs, aesthetics, and compatibility.

Industry: The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.

Industry, Heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve, hazardous or commonly recognized offensive conditions.

Industry, Light: A use engaged in the basic processing and manufacture, predominantly from previously prepared, materials of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Inflatable Sign: Defined in Section 903.

In-Law Apartment: A separate living space within a single-family dwelling unit consisting of separate sleeping, cooking and bathroom facilities and which is to be occupied by an in-law of, in-laws of, or a member of the family unit occupying the main portion of the dwelling.

Inoperable Motor Vehicle: A vehicle intended to be self-propelled that shall not be operable under its own power for any reason, or a vehicle that shall be without a valid current registration plate or valid current certificate of inspection, or any vehicle in a major or severe state of disrepair.

Institutional Use: A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, or government-owned or-operated building, structure, or land used for public purpose.

Interactive Sign: Defined in Section 903.

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

Junkyard: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk

Junk Vehicle: Includes any vehicle or trailer that meets any of the following conditions:

1. Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
2. Cannot be towed, in regards to a trailer designed to be towed,
3. Has been separated from its axles, engine, body or chassis, and/or
4. Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

Kennel: An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. For purposes of this Ordinance, a use meeting the definition of "pet grooming establishment" is not intended to be a "kennel".

Kennel Accessory: A use in conjunction with and accessory to the principal use of a veterinary clinic or pet grooming establishment which includes only the interior housing for animals under treatment, and with no outdoor operations or boarding for compensation.

Laboratory: A building, part of a building, or other place equipped to conduct scientific experiments, tests, investigations, etc., or to manufacture chemicals, medicines, or the like.

Laboratory, Research: An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

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

Laundromat: An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public.

Laundry and/or Dry Cleaning Establishment (Industrial): A business establishment equipped with large-scale clothes washing and dry cleaning equipment, and primarily engaged in rendering services to commercial, industrial or institutional establishments rather than the general public.

Lease: A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

Legibility: Defined in Section 903.

Library: A place in which literary, musical, artistic or reference material (such as books, manuscripts, recordings or films) are kept for use but not for sale.

Light Trespass: Defined in Section 903.

Limited Duration Sign: Defined in Section 903.

Livestock: Any wild or domestic animal of the bovine, swine or sheep family.

Loading Space: An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

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

Lot Area: The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets or private roads.

Lot, Double Frontage: See Lot, Through

Lot, Flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

Lot, Improved: A lot with buildings or structures.

Lot, Interior: A lot other than a corner lot.

Lot, Minimum Area: The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.

Lot, Nonconforming: A lot the area or dimension of which was lawful prior to the adoption or amendment of this 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.

Lot, Reverse Frontage: A through lot with frontage on two parallel streets with vehicular access restricted to only one of the streets.

Lot, Through: A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

Lot Depth: The average distance measured from the front lot line to the rear lot line.

Lot Frontage: The length of the front lot line measured at the street right-of-way.

Lot Line: A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Front: The lot line separating a lot from a street right-of-way.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: A lot that exists as shown or described on a plat or deed in the records of the Recorder of Deeds of the County of Erie, Commonwealth of Pennsylvania.

Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Luminance: Defined in Section 903.

Manual Changeable Copy Sign: Defined in Section 903.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins, or liquors.

Manufacturing, Heavy: The assembly, fabrication, production or processing of goods and materials using processes that that have the potential to create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, production or processing takes place; or the processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials; or that necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. For purposes of this ordinance, heavy manufacturing shall also include those manufacturing processes which do not meet the definition of light manufacturing.

Manufacturing, Light: The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, production or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, production or processing does not exceed 25 percent of the floor area of all buildings on the lot. This shall not include uses that constitute “heavy" manufacturing”, resource extraction, or recycling and salvage operations.

Manufactured Home: Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401) commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

Marquee: Defined in Section 903.

Marquee Sign: Defined in Section 903.

Massage Therapy: An establishment whose business emphasis is the administration of non-sexually-oriented massage to patrons by employees.

Mechanical Movement Sign: Defined in Section 903.

Memorial Sign: Defined in Section 903.

Menu Sign: Defined in Section 903.

Message Center Sign: Defined in Section 903.

Message Sequencing: Defined in Section 903.

Mineral Extraction: The removal or separation of mineral resources, by any means, from the surface or sub-surface of land or water. Mineral extraction includes, but is not limited to: surface mining for gravel, sand or coal, oil and gas drilling, and the removal of topsoil, clay, shale or peat.

Minerals: any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mini-Storage Warehouses: See Self-Storage Facility

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Modification or Modify: Defined in Section 1101.01.

Monopole: Defined in Section 1101.01.

Mortuary: A place for the storage of human bodies prior to their burial or cremation.

Motel: A building or group of buildings whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances, and designed for temporary occupancy by primarily transient automobile travelers and providing for accessory off-street parking facilities.

Motor Vehicle: See Vehicle, Motor

Multiple-Family Dwelling - see Dwelling, Multiple-Family.

Multi-Tenant Sign: Defined in Section 903.

Municipal Building or Structure: A building or structure owned and operated by the municipality to provide a governmental service to the public.

Municipality: The Township of **[Insert Municipality]**, Erie County, Pennsylvania.

Mural: Defined in Section 903.

Natural Gas Compressor Station: A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Natural Gas Processing Plant: A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow the natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

Natural Gas, Oil and Gas Development: Uses that include the process of perforating the earth's surface and rock layers to extract fossil fuels, natural gas or oil, for energy production and all associated equipment, structures and construction at the drilling site including the well pad, access roads, hydraulic fracturing, production, pipelines, tanks, meters, and temporary work crew and supervisor trailers for exploration and production at a single well pad, including multiple wells at a single well pad, and all subsequent site reclamation activities which follow the production phase. The term does not include Natural Gas Compressor Stations or Natural Gas Processing Plants.

Neon Sign: Defined in Section 903.

Non-Commercial Keeping of Poultry, Livestock and/or Equine Animals: The keeping of poultry, livestock and/or equine animals for personal use in a zoning district where agriculture is not a permitted use by right. The use is permitted only as an accessory use, and only in zoning districts specifically identified by this ordinance. See Section 1002.34 for criteria.

Nonconforming Sign: Defined in Section 903.

Non-Tower Wireless Communications Facilities (Non-Tower WCF): Defined in Section 1101.01.

New Use: Any new activity or use of land in a lot or parcel that was not occurring as of the effective date of this ordinance.

Nightclub: Any building used for on-site consumption of alcoholic or nonalcoholic beverages and in which music, dancing, or entertainment is conducted. Nightclub includes an "Under 21" club which features entertainment.

Noise: (1) Any undesired audible sound; (2) any sound that annoys or disturbs humans or that causes or tends to cause an adverse psychological or physiological effect on humans.

Nonconforming Building: See "Nonconforming Structure".

Nonconforming Lot: See "Lot, Nonconforming"

Nonconforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use: A use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Non-Participating Landowner: Defined in Section 1102 (A).

Non-Residential District: See District, Non-Residential

Nursery, Plant or Horticulture: Any lot or parcel of land used to cultivate, propagate, grow and/or sell trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

Nursing Home: A facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania.

Occupancy or Occupied: The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building; (2) holding real property by being in possession.

Occupied Building: Defined in Section 1102 (A).

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

Off-Premises Sign: Defined in Section 903.

Official Traffic Sign: Defined in Section 903.

Off-Street Loading: Designated areas located adjacent to buildings where trucks may load and unload cargo, and that is not located on a dedicated street right-of-way.

Off-Street Parking: A temporary storage area (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

On-Premises Sign: Defined in Section 903.

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

Operator: (1) The entity responsible for the day-to-day operation and maintenance of a facility or establishment. (2) A person or company that engages in or runs a business or enterprise.

Outdoor Lighting: An illumination source outside any building, including but not limited to an incandescent bulb, mercury, sodium or neon-filled bulb, and the hardware containing the illumination source and supporting it. Lighting fixtures underneath a roof of an open-sided building, including but not limited to storage sheds, canopies and gas station marquees over gas pumps, are deemed to be "outdoor lighting."

Outdoor Storage: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Overlay Zone: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone.

Owner: See Landowner.

Parapet: The extension of the main walls of a building above the roof level.

Parcel: A lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

Park: A tract of land, designated and used by the public for active and passive recreation.

Parking Lot: An off-street, ground-level open area that provides temporary storage for motor vehicles.

Parking Space: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

Party Wall: A common shared wall between two separate structures, buildings, or dwelling units.

Pennant: Defined in Section 903.

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

Permit: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law by not allowed without such authorization.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Personal Expression Sign: Defined in Section 903.

Personal Services Establishment: An establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Service activities shall include and be similar to barbershops; beauty salons; health spas; massage therapy; photographic studios; radio and television repair; repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; and pet grooming with no overnight boarding. Personal service establishments shall not be construed to be adult regulated facilities as defined herein.

Pet: A domestic or tamed animal or bird kept for companionship or pleasure and treated with care and affection.

Pet Grooming Establishment: A business activity that is operated and conducted within an enclosed premises and includes and is limited to the grooming and/or washing of pets and/or domestic animals and which shall not include any training or boarding of animals and/or any outdoor activities.

Planned Residential Development (PRD): an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

Planning Code: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, P.L. 805, No. 247, as reenacted and amended.

Planning Commission: The Planning Commission of **[Insert Municipality]**, Erie County, Pennsylvania.

Playground: An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

Pole Sign: Defined in Section 903.

Poultry: Domesticated fowl collectively, especially those valued for their meat and eggs, such as chickens, turkeys, ducks, geese, and guinea fowl.

Portable Sign: Defined in Section 903.

Premises: A lot, parcel, tract, or plot of land together with the buildings and structures thereon.

Principal Building: See Building, Principal

Principal Use: The primary or predominant use of any lot or parcel of land.

Private: Not publicly owned, operated, or controlled.

Private Drive Sign: Defined in Section 903.

Professional Offices: Include but are not limited to offices for real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, physicians, lawyers, clergymen, teachers, dentists, architects, engineers, insurance agents, opticians, banks, financial institutions, contractors (excluding storage) and similar office-oriented uses.

Projecting Sign: Defined in Section 903.

Property: A lot, parcel, or tract of land together with the building and structures located thereon.

Public hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

Public Meeting: A forum held pursuant to notice under 65. C.S. CH7 (Relating to open meetings).

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality; or other notice schedule as required by Pennsylvania Law. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Unless otherwise required by Pennsylvania Law, the first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Parks and Recreation Areas: Locations for leisure-time activities, including but not limited to sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

Public Recreation Facility/Public Grounds: Recreation facilities owned and/or operated by an agency of the municipality or other governmental body, including but not limited to parks, swimming pools, golf courses, etc.

Public Sewer and Water System: Any system other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

Public Sign: Defined in Section 903.

Public Street/Road: A street ordained or maintained or dedicated and accepted by a Borough, City, Township, County, State or Federal governments and open to public use.

Public Utility: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Public Utility Building or Structure: Any building or structure which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency.

Real Estate Sign: Defined in Section 903.

Rear Yard: See Yard, Rear

Recreation, Active: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

Recreation, Passive: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, board and table games.

Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.

Recreation Facility, Public: A recreation facility open to the general public.

Recreational Equipment: Includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and similar vehicles and equipment; and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not.

Recreational Vehicle: A vehicle-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park: Any lot or parcel of land upon which two or more sites are located, established, or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.

Recycling Center: A use involving the collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve

the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste processing facility. This definition shall not include a "junkyard."

Reflective Sign: Defined in Section 903.

Replacement: Defined in Section 1101.01.

Residence: A home, abode, or place where an individual is actually living at a specific point in time.

Residential Area: A generic term describing an area that gives the impression that it is predominately a place where people live.

Residential District: See District, Residential

Resort: A facility for transient guests where the primary attractions are recreational features or activities.

Restaurant: An establishment where food and drink are prepared, served, and consumed, mostly within the principal building.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retail Sales Area: The retail sales area shall be considered to be the total area of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales area shall include all indoor and/or outdoor area as listed above.

Revolving Sign: Defined in Section 903.

Riding Academy: An establishment where horses are boarded and cared for and where instruction in riding, jumping, and/or showing is offered and where horses may be hired for riding.

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

Right-of-Way Lines: The lines that form the boundaries of a right-of-way.

Road: See "Street".

Roadside Stand: A structure for the display and sale of farm products primarily grown on the property upon which the stand is located.

Roof Sign: Defined in Section 903.

Salvage: The utilization of waste materials.

Salvage Yard: A facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment.

Sandwich Board Sign: Defined in Section 903.

Sanitary Landfill: Any facility, fully permitted by the Pennsylvania Department of Environmental Resources, used for the purpose of disposing of solid wastes of an industrial, commercial or domestic nature.

Sawmill: A place or building in which timber is sawed into planks, boards, etc. by machinery.

School: Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge.

School, Elementary: Any school that is licensed by the state and meets the state requirements for elementary education.

School, Private: Any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

School, Secondary: Any school that is licensed by the state and authorized to award diplomas for secondary education.

Scoreboard: Defined in Section 903.

Screening: A method of visually shielding or buffering one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Screen Planting: A vegetative material of sufficient height and density to conceal from the view of property owners on adjoining properties the structures and uses on the premises on which the screen planting is located.

Seasonal Use: A use carried on for only a party of the year.

Security Sign: Defined in Section 903.

Self-Storage Facility: A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

Service Station: See “Automotive Service Station”

Services: Establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Setback: The distance between the building or structure and any lot line.

Setback Line: That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure may be erected or placed.

Shielded: Defined in Section 903.

Side Yard: See Yard, Side

Sidewalk: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sidewalk Area: That portion of the right-of-way that lies between the right-of-way line and curb line, regardless of whether the sidewalk exists.

Sight Distance: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

Sign: Defined in Section 903.

Sign Area: Defined in Section 903.

Sign Face: Defined in Section 903.

Sign Height: Defined in Section 903.

Sign Supporting Structure: Defined in Section 903.

Similar Use: A use that has the same characteristics as the specifically cited uses in terms of trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and market area.

Single Housekeeping Unit – One person or two or more individuals living together sharing household responsibilities and activities, which may include, sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

Site: Any plot or parcel of land or combination of contiguous lots or parcels of land.

Site Plan: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

Slaughterhouse: A building or place where animals are butchered for food.

Snipe Sign: Defined in Section 903.

Sign Supporting Structure: Defined in Section 903.

Solid Waste: Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.

Solid Waste Disposal: The ultimate disposition of solid waste that cannot be salvaged or recycled.

Special Event of a Temporary Nature: A temporary use of land and/or structures for specially scheduled events of a temporary and short-term nature, including but not limited to fairs, festivals, circuses, concerts and the like, where the actual use, exclusive of one day each for preparation and cleanup, shall not exceed 5 days.

Special Exception Use: A use permitted in a particular zoning district and approved by the Zoning Hearing Board pursuant to the provisions of this ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code. A special exception use must be approved by the Zoning Hearing Board.

Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the municipality's comprehensive plan.

State Game Lands: Lands owned and managed by the PA State Game Commission for wildlife and recreation. Lawful hunting and trapping are permitted during open seasons on these public hunting grounds.

Stealth Technology: Defined in Section 1101.01.

Stockyard: An enclosure with pens, sheds, etc., connected with a slaughterhouse, railroad, market, etc., for the temporary housing of cattle, sheep, swine, or horses.

Stoop: A covered or uncovered area at the front, side or rear door.

Storage Shed: A structure not intended for residential occupancy which is accessory to the principal use of the property as a place to store personal property.

Storefront: Defined in Section 903.

Story: The 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, the space between such floor and the ceiling above it. A basement shall be considered as a story if more than 50% of its clear height is above finished grade, or if it is used for business, or dwelling purposes.

Streamers: Defined in Section 903.

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

Street, Arterial: A high-capacity road or thoroughfare that functions primarily to deliver traffic from collector streets to freeways or expressways, and between urban centers at the highest level of service possible. For purposes of this ordinance, arterials are identified on PennDot's Federal Functional Class map of Erie County.

Street, Collector: A street that collects traffic from local streets and connects with arterials. For purposes of this ordinance, collectors are identified on PennDot's Federal Functional Class map of Erie County.

Street, Cul-De-Sac: A street with a single common ingress and egress and with a turnaround at the end.

Street, Dead-End: A street with a single common ingress and egress.

Street, Local: A street that provides frontage for access to abutting lots and carries slow-speed traffic primarily having a destination or origin on the street itself.

Street, Private: A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance.

Street Frontage: Defined in Section 903.

Street Pole Banner: Defined in Section 903.

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

Structure, Accessory: A structure detached from a principle structure, but located on the same lot, which is customarily incidental and subordinate to the principal building, structure or use.

Structure, Non-Conforming: See Non-Conforming Structure.

Structure, Principal: The main or primary structure on a given lot, tract, or parcel.

Structure, Temporary: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Studio: A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

Substantial Change or Substantially Change: Defined in Section 1101.01.

Supervisors: The Board of Township Supervisors, **[Insert Municipality]**, Erie, County, Pennsylvania.

Swimming Pool: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches, designed, used and maintained for swimming and bathing. Farm ponds and/or lakes are not included provided that swimming was not the primary purpose for their construction.

Tannery: A place or building where animal skins and hides are tanned.

Target Range or Shooting Range: A specialized facility designed for target practice for archery or firearms.

Tavern: An establishment which serves alcoholic beverages for mostly on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. Taverns may also serve food.

Temporary Sign: Defined in Section 903.

Temporary Structure: See "Structure, Temporary".

Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Tower: Defined in Section 1101.01.

Tower-Based Wireless Communications Facility (Tower-Based WCF): Defined in Section 1101.01.

Township: The Township of **[Insert Municipality]**, Erie County, Pennsylvania.

Transportation Terminal: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. A terminal is not used for permanent or long-term accessory storage for principal land uses at other locations. A terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. A terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with another line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

Treatment Center/Pre-Release Detention Facility:

A. Treatment Center means a use, other than a prison, providing housing facilities for persons who need specialized housing, treatment, and/or counseling and who need such facilities because of: criminal rehabilitation, such as a criminal halfway house, criminal transitional living facility or a treatment/housing center for persons convicted of driving under the influence of alcohol; chronic abuse of or addiction to alcohol and/or a controlled substance; or a type of mental illness or other behavior that can reasonably be expected to cause a person to be a threat to the physical safety of others.
B. A Pre-Release Detention Facility is any use (other than a prison or state correctional institute) which involves the placement of persons under the jurisdiction or supervision of the Department of Corrections (hereafter "D.O.C.") the Board of Probation and Parole (hereafter "B.P.P.") or the Board of Pardons and/or any county probation department, without regard to any primary or secondary medical/psychological/social treatment purpose.

Tri-Vision Boards: Defined in Section 903.

Turbine Height: Defined in Section 1102 (A).

Use: The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Variance: Permission to depart from the literal requirements of a zoning ordinance.

Vehicle, Motor: A self-propelled device licensed as a motor vehicle and used for transportation of people or goods over roads.

Vehicle Sales, Rental and Service: A facility for the sales, rental, service (including oil and tire changes) and washing of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, recreational vehicles and other vehicles

Vehicular Sign: Defined in Section 903.

Vending Machine Sign: Defined in Section 903.

Veterinary Clinic: A facility used for the treatment of domestic animals for pay with health treatment provided by a licensed veterinarian.

Wall Sign: Defined in Section 903.

Warehouse: A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Water Course: A stream, river, brook, creek, or channel or ditch for water, whether natural or manmade.

Water Facility: Any waterworks, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

Wetlands: Those areas that are inundated or 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. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale Facility or Wholesale Trade: An establishment or place of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wind Energy Conversion System: Any device, such as a wind turbine, which converts wind to a form of usable electric energy.

Wind Energy Facility: Defined in Section 1102 (A).

Wind Turbine: Defined in Section 1102 (A).

Wind Turbine, Small: Defined in Section 1102 (A)

Window Sign: Defined in Section 903.

Wireless: Defined in Section 1101.01.

Wireless Communications Facility: Defined in Section 1101.01.

Wireless Communications Facility, Tower-Based: Defined in Section 1101.01.

Wireless Communications Facility, Non-Tower: Defined in Section 1101.01.

Wireless Support Structure: Defined in Section 1101.01.

Yard: An open space that lies between the principal building or buildings and the nearest lot line.

Yard, Buffer: See Buffer Yard.

Yard, Front: A space extending the full width of the lot between the principal building and the front lot line and measured perpendicular to the building to the closest point to the front lot line.

Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Required: The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as provided in the zoning ordinance.

Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Yard Depth: The shortest distance between a lot line and a yard line.

Yard Line: A line drawn parallel to a lot line at the distance therefrom equal to the depth of the required yard.

Yard Sale: See Garage Sale.

Zone: Same as District.

Zoning: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

Zoning Administrator: The administrative officer designated to administer the zoning ordinance and issue zoning permits, or his/her authorized representative.

Zoning District: A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Zoning Map: The map or maps that are a part of the zoning ordinance and delineate the boundaries of zoning districts.

Zoning Officer: See Zoning Administrator.

Zoning Permit: A document issued by a zoning administrator, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, that acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.

Article 3 Administration and Enforcement

301 Administration

301.01 Zoning Administrator

The duty and authority of administration and enforcement of the provisions of this Ordinance are hereby conferred upon the Zoning Administrator and his or her subordinates and/or designees, who may not hold an elective office in the municipality. The Zoning Administrator shall be appointed by the Board of Supervisors.

301.02 Powers and Duties of Zoning Administrator

The duties of the Zoning Administrator shall be:

A. Administer the zoning ordinance in accordance with its literal terms;
B. To receive, examine and process all applications and permits as provided by the terms of this Ordinance. The zoning administrator shall also issue zoning permits for special exception and conditional uses, or for variances after the same have been approved;
C. To record and file all applications for zoning permits or certificates of use and occupancy, and accompanying plans and documents, and keep them for public record;
D. To inspect properties to determine compliance with all provisions of this Ordinance as well as conditions attached to the approval of variances, special exceptions, conditional uses and curative amendments;
E. Determine the date before which steps for compliance must be commenced and the date before which the steps must be completed. The zoning administrator shall determine an appropriate duration of time for compliance of the specified activity, not to exceed 30 days. Extensions up to a total of 90 days from the date of receipt of the enforcement notice may be granted at the discretion of the zoning administrator if applied for in writing;
F. Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests, to assist such bodies in reaching their decisions;
G. To be responsible for keeping this Ordinance and the zoning map up to date, including any amendments thereto;
H. To revoke a permit or approval issued under the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in this Ordinance, or otherwise permitted by law;
I. To review proposed subdivisions and land developments for compliance with this Ordinance; and
J. To take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended.
K. The zoning administrator may be authorized by the municipality to institute civil enforcement proceedings as a means of enforcement when acting within his/her scope of employment.

302 Zoning Permits

A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the zoning administrator or his/her designee. No zoning permit or certificate of use and occupancy shall be granted by him/her for any purpose except in compliance with the literal provisions of this Ordinance.

302.01 Permit Requirement

A Zoning Permit is required to be issued prior to the start of any of the following activities, unless otherwise exempted under Section 302.02 of this Ordinance:

A. Erection, construction, placement, or alteration of any building or structure
B. Construction of an addition to a building or structure, including decks and porches
C. Demolition or moving of a building or structure
D. Making or effecting a change of use of vacant land or any building or structure
E. Making any change or extension to a nonconforming use
F. Construction or installation of swimming pools, spas or hot tubs with a holding capacity of over thirty-six inches (36") of water in depth.
G. Construction or alteration of signs except as exempted in this Ordinance (see Article 9, Signs).
H. Any temporary use and/or structure that requires a zoning permit under Section 302.03 of this Ordinance.

302.02 Permit Exemptions

No Zoning Permit shall be required for the following: *(Note, Even when a zoning permit is not required, certain activities may still require a permit(s) under the UCC (Uniform Construction Code) or other ordinances.)*

A. Ordinary repairs and maintenance of buildings or structures which do not structurally change the building or structure
B. Remodeling or improvement of existing buildings that does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building.
C. Steps not exceeding 32 square feet.
D. Stoops not exceeding 32 square feet.
E. Chimneys not exceeding 32 square feet.
F. Handicap ramps (not including decks or turning radii).
G. Overhangs, provided they do not extend more than twenty-four (24) inches beyond the outside wall.
H. Mailboxes.
I. Fences and walls less than two (2') feet high.
J. Accessory buildings not exceeding 100 square feet, not exceeding 10 feet in height, and not having a permanent foundation.
K. Temporary structures: those structures, consisting of materials of poles, fabric and vinyl, not exceeding three hundred twenty (320) square feet and that have no foundation or footing and which are removed when the designated time period, activity or use for which it was erected

has ceased, but in no event to exceed one hundred eighty (180) calendar days in a calendar year from when first erected. Provided, however, that a temporary structure of any size erected for less than one (1) calendar week in any calendar year shall not require any zoning permit. Examples of temporary structures are carports, picnic shelters and rollout portable awnings. Temporary structures shall still meet the setback requirements of this Ordinance for the district in which the temporary structure is located.

L. Signs exempted by this Ordinance (see Article 9, Signs).

M. Roof mounted cupolas, roof mounted wind turbines, roof mounted solar panels and roof mounted antennas.

N. The following temporary uses do not require a zoning permit:

1. Christmas tree sales conducted on properties located within the C-1, Commercial District between Thanksgiving Day and December 25th.
2. Mobile amusement and lighting equipment for promotion, advertisement and grand openings on properties located in the C-1, Commercial District for events not exceeding five (5) days in duration.
3. Temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway, subject to the requirements of Section 705.
4. The temporary occupancy of recreational vehicles or recreational equipment for a period not exceeding 30 consecutive days or 30 days within a calendar year. The use shall comply with all applicable requirements of Section 705.02 (Recreational Vehicles & Recreational Equipment).
5. Within a legally permitted campground or recreational vehicle park, the temporary occupancy of recreational vehicles or recreational equipment for a period not exceeding 9 consecutive months or 9 months within a calendar year.

Comment [JMM4]: List applicable zoning district(s), as desired by municipality.

Comment [JMM5]: List applicable zoning district(s), as desired by municipality.

302.03 Permits for Temporary Uses and Structures

A zoning permit for a temporary use or structure may be issued by the zoning administrator in accordance with the following:

Comment [JMM6]: Current Twp ordinance does not appear to include or require temporary permits.

Temporary permits are an option for the municipality to consider. If municipality does not desire to require permits for these uses, they should probably be listed in Section 302.02 B, Permit Exemptions.

A. A zoning permit for a temporary use or structure shall not be issued for any temporary use or structure where said use would violate any of the provisions of this Ordinance.

B. Unless otherwise specified by this Ordinance, zoning permits for a temporary use or structure are limited to a one week period renewable for a maximum of three additional weeks during any one calendar year.

C. A zoning permit is required for any of the following temporary uses or structures:

1. Mobile amusement and lighting equipment for promotion, advertisement and grand openings on properties located in the C-1 Commercial District for events exceeding five (5) days.
2. Temporary storage units, except as exempted in this Ordinance, subject to the requirements of Section 705.01.

Comment [JMM7]: List applicable zoning districts, as desired by municipality.

3. Temporary occupancy of recreational vehicles or recreational equipment for a period of time greater than 30 consecutive days or 30 days within a calendar year, but less than 180 consecutive days or 180 days within a calendar year. Unless specifically stated otherwise in this ordinance, the period of occupancy shall not exceed 180 consecutive days or 180 days within a calendar year. The use must comply with all applicable requirements of Section 705.02 (Recreational Vehicles & Recreational Equipment). Such permit shall not be renewable. *Note: In accordance with Section 302.02 (B, 14, d) no permit is required for the temporary occupancy of recreational vehicles or recreational equipment for a period not exceeding 30 consecutive days or 30 days within a calendar year.*
4. Temporary stands for the sale of produce and related incidental items. Such stands are subject to the following:
    a. Such stands shall be permitted only within the A-1, Agricultural and C-1, Commercial Districts.
    b. Such stands shall comply with all applicable requirements of this ordinance.
    c. Such stands shall be permitted for a period not exceeding 180 days in any one calendar year.
    d. Such stands must be removed upon expiration of the zoning permit for the temporary use or structure.
5. Special Events of a Temporary Nature, as defined in Article 2 of this Ordinance, and subject to the requirements set forth in Section 1002.54.

Comment [JMM8]: List applicable zoning district(s), as desired by municipality.

302.04 Application for Zoning Permits

A. Submittal: All applications for a zoning permit shall be made in writing on a form provided by the municipality, and shall be accompanied by any additional information that the municipality may require for administration of this Ordinance. Such completed application, with required fees, shall be submitted to a designated municipal employee.

Comment [JMM9]: If desired, municipality can include detailed/specific application requirements within this section.

B. Uniform Construction Code: Where the proposed use is regulated under the Uniform Construction Code, the applicant shall submit an application for a building permit concurrently with the zoning permit.
C. Areas Subject to Flooding: If the proposed development, excavation or construction is located within an area subject to regulation by the **[Insert Municipality]** Floodplain Ordinance, the following information is specifically required to accompany all applications, as prepared by a licensed professional:
    1. The accurate location and elevation of the floodplain and floodway;
    2. The elevation, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), of the lowest floor, including basements;
    3. The elevation, in relation to the NGVD, to which all structures and utilities will be flood-proofed or elevated;
    4. Where flood-proofing is proposed to be utilized for a particular structure, the zoning permit application shall be accompanied by a document certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania, or a licensed

professional architect registered by the Commonwealth of Pennsylvania certifying that the flood-proofing methods used meet all applicable codes and ordinances.

D. The only determination by the zoning administrator that shall be official shall be a written determination after the zoning administrator receives a duly submitted, written, official application.

E. In all instances in which the zoning administrator expresses a reasonable doubt as to the ability of a proposed use to meet all of the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of his/her application. If such evidence is not presented, the zoning permit will be denied.

F. By Whom Application is Made: Application for a zoning permit shall be made by the Owner or Lessee of any building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making the application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.

G. The zoning administrator may call upon other **[Insert Municipality]** staff and/or Township appointed consultants in the review of submitted materials for applications;

H. Reconsideration of Application: An applicant whose request for a permit has been denied by the zoning administrator may make a later application for a permit provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. Additional fees may apply as set by the Board of Supervisors.

I. Expiration of Zoning Permit: The permit shall expire after one (1) year from the date of issuance; provided, however, that the same may be extended one time for one (1) additional year, upon written request by the applicant on a form provided by the municipality.

Comment [JMM10]: Expiration times & renewal policy, if any can be revised to reflect municipal preferences.

J. Inspections: Inspections of the property in question by the zoning administrator or other duly appointed official may be required at various intervals during the construction process. By submitting an application for a zoning permit, the landowner authorizes the municipality to perform such inspections as required.

302.05 Issuance of Zoning Permits

A. Issuance of Permits: Upon receiving the application, the zoning administrator shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he/she shall reject such application in writing, stating the reasons therefore. He/she shall inform the applicant of his right to appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of this Ordinance and all other laws and ordinances applicable thereto, he/she shall issue a permit therefore as soon as practical but not later than ninety (90) days from receipt of the application.

B. Permitted By Right Uses: The zoning administrator shall issue a zoning permit under this Ordinance in response to an application for a use that is “permitted by right” if it meets all of the requirements of this Ordinance.

C. Special Exception Use: A zoning permit under this Ordinance for a use requiring a Special Exception Permit shall be issued by the zoning administrator only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board and any conditions required by this Ordinance.

D. Conditional Use: A zoning permit under this Ordinance for a use requiring a Conditional Use Permit shall be issued by the zoning administrator only in response to a written approval by the Board of Supervisors, following a hearing, and compliance with any conditions by the Board of Supervisors and any conditions required by this Ordinance.

E. Applications Requiring a Variance: A permit under this Ordinance for applications requiring a Variance shall be issued by the zoning administrator only in response to a written approval by the Zoning Hearing Board, following a hearing, and compliance with any conditions by the Zoning Hearing Board.

F. Stormwater Management: No zoning permit shall be issued until the applicant complies with all applicable requirements of the **[Insert Municipality]** Stormwater Management Ordinance. This may include, but is not limited to the following submissions, as applicable: small projects stormwater management application, stormwater management site plan, NPDES permit and/or soil erosion and sedimentation permit.

G. Highway Occupancy Permit: Where necessary for access onto a State road, no zoning permit shall be issued until the applicant is issued a Highway Occupancy Permit from the Pennsylvania Department of Transportation.

H. Sewage Facilities Approval: Where applicable, no zoning permit shall be issued until the applicant submits written confirmation that the Erie County Health Department and/or Pennsylvania Department of Environmental Protection (PADEP) has approved the sewage disposal system which is to serve the use. If the use is to be served by a public sewer system, no zoning permit shall be issued until the applicant submits a copy of the permit approving connection to the sewer system.

I. Water Facilities Approval: Where the use will be served by a public water system, no zoning permit shall be issued until the applicant submits a copy of the permit approving connection to the public water system.

J. Compliance with Subdivision and Land Development Ordinance: If an application under this Ordinance is also regulated by the **[Insert Municipality]** Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Ordinance shall automatically be conditioned upon compliance with the SALDO. For example, if an applicant applies for a permit for a single-family detached dwelling on a proposed new lot, the permit for such dwelling shall not be valid until after the lot is granted final subdivision and land development approval and the lot is officially recorded by the Erie County Recorder of Deeds.

K. Service Connections (Demolition): Before a building or structure is demolished or removed, the owner or owner's agent shall notify all utilities having service connections within the structure. A zoning permit authorizing the demolition or removal of a building or structure shall require that prior to issuance of a permit, the owner shall submit a certification that all service utilities and adjacent property owners have been notified of the proposed demolition and that service connections have been removed.

L. A copy of each zoning permit application and any other zoning approvals shall be retained in municipal files.

M. After the permit under this Ordinance has been issued, the applicant may undertake the action specified in the permit, in compliance with this Ordinance and any other applicable ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

Comment [JMM11]: MPC Section 914.1 places a 30 day time limitation (with some exceptions) on appeals to the ZHB regarding approvals by "an appropriate municipal officer, agency or body".

N. Compliance with Ordinance: The permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel, or set aside any of the provisions of this Ordinance, except as stipulated by the Zoning Hearing Board.

O. Compliance with Permit and Plot Plan: All work or uses shall conform to the approved application and plans for which the permit has been issued as well as the approved plot plan, if applicable.

P. Display of Zoning Permit: All approved zoning permits shall be prominently displayed on the subject property during construction, renovation, reconstruction, repair, remodeling or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance, or prior to the commencement of actual work on the site, whichever occurs first. Such permit display shall be continuous until the site receives its certificate of use and occupancy.

302.06 Revocation of Permits & Appeals

A. Revocation: The zoning administrator shall revoke, withhold or suspend a permit or approval issued under the provisions of this Ordinance in the case of one or more of the following:

1. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties).
2. Upon violation of any condition lawfully imposed by the Zoning Hearing Board for a Special Exception Use or a Variance.
3. Upon violation of any condition lawfully imposed by the Board of Supervisors for a Conditional Use.
4. Any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application.
5. Any other just cause set forth in this Ordinance.

B. Appeals: A party with legitimate standing, or as otherwise provided by State law, may appeal decisions made under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code (MPC). Such appeal shall occur within the time period established by the MPC.

302.07 Certificate of Use and Occupancy [Option 1: Zoning Issues cert. in all cases.]

A. It shall be unlawful to use and/or occupy any structure, sign, land area or portion thereof for which a zoning permit is required until a Certificate of Use and Occupancy for such activity has been issued by the zoning administrator.

Comment [JMM12]: Two options are presented for consideration and possible use/inclusion within the ordinance. The municipality should select one option, and remove the unused options from the ordinance draft.

Option 1 requires the zoning administrator to issue a certificate of use and occupancy as a follow-up to all zoning permits, regardless of whether or not the proposed use requires a building permit. If a building permit is required, the building occupancy permit would be approved first, as a condition of the Certificate of Use and Occupancy.

Option 1 provides the greatest level of confirmation that the use is in accordance with the zoning permit, and that it complies with the ordinance.

B. The zoning permit shall serve as the application for the Certificate of Use and Occupancy.

C. The Certificate of Use and Occupancy shall only be issued by the zoning administrator if the zoning administrator determines that the activity complies with the provisions of this Ordinance and all other laws and ordinances applicable thereto, to the best knowledge of the zoning administrator.

D. Where the use will be served by a public water system, no Certificate of Use and Occupancy shall be issued until the applicant submits a certification from the public water provider that all applicable work, approvals and/or final inspections have been satisfactorily completed.

E. Where the use will be served by a public sewer system, no Certificate of Use and Occupancy shall be issued until the applicant submits a certification from the public sewer provider that all applicable work, approvals and/or final inspections have been satisfactorily completed.

F. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection.

G. **[Optional]** Upon request of the applicant, the zoning administrator may issue a temporary Certificate of Use and Occupancy. Such temporary Certificate may permit an activity to occur in all or part of a structure before the entire work covered by the zoning permit has been completed.

   1. However, such temporary Certificate shall only be issued if the applicant proves to the zoning administrator that the activity or occupancy can occur safely without endangering public health or safety.
   2. The temporary Certificate shall establish in writing a maximum time period under which it is valid. A 6 month maximum time period shall apply if not otherwise specified.
   3. Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Ordinance.
   4. The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
   5. The applicant shall provide or guarantee financial security in an amount sufficient to cover 110% of the estimated cost of any remaining work or improvements required by this ordinance.

H. The zoning administrator shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under a zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he/she shall issue a Certificate of Use and Occupancy for the intended use listed in the original application. Where a building permit is required under the Uniform Construction Code, a Certificate of Use and Occupancy shall not be issued until a final inspection by the Building Code Official is complete, all work is found to be satisfactory, and proof of a satisfactory final inspection by the Building Code Official has been submitted to the zoning administrator.

302.07 Certificate of Use and Occupancy [Option 2: Zoning or Bldg. Inspector]

A. It shall be unlawful to use and/or occupy any structure, sign, land area or portion thereof for which a zoning permit is required until one of the following has been issued:

Comment [JMM13]: Unless the municipality prefers a separate application for the Certificate of Use and Occupancy, the zoning permit can serve as the application.

Comment [JMM14]: Temporary Certificates of Occupancy are optional. They provide additional flexibility to the ordinance.

However, the additional administrative burden on municipal staff may outweigh the advantages. Therefore, they may not be a good fit for all municipalities.

Comment [JMM15]: Option 2 requires the zoning administrator to issue a certificate of use and occupancy for all zoning permits that do not require a building permit.

However, when a building permit is required, an Occupancy Permit issued by the building inspector will be considered sufficient; and a certificate of use and occupancy, issued by the zoning administrator, would not be required.

This option reduces the administrative burden on municipal staff (zoning administrator), but offers less assurance that the use is in accordance with the zoning permit, and that it fully complies with the ordinance. For example, the building inspector may not check zoning compliance for parking, greenspace requirements, etc. which may be required by the zoning ordinance, but may be unrelated to building code requirements.

1. In cases where a building permit is required under the Uniform Construction Code (UCC), an Occupancy Permit has been issued by the Building Code Official.
2. In cases where no building permit is required under the UCC, a Certificate of Use and Occupancy has been issued by the zoning administrator.

B. In cases where a Certificate of Use and Occupancy is required, the following apply:
1. The zoning permit shall serve as the application for the Certificate of Use and Occupancy.
2. A Certificate of Use and Occupancy shall only be issued by the zoning administrator if the zoning administrator determines that the activity complies with this Ordinance, to the best knowledge of the zoning administrator.
3. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection.
4. The zoning administrator shall inspect any structure, building, or sign within ten (10) days upon notification that the proposed work that was listed under a zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he/she shall issue a Certificate of Use and Occupancy for the intended use listed in the original application.

303 Interpretation of Ordinance Text

A. The zoning administrator shall literally apply the wording of this Ordinance and the location of all zoning district boundaries to applications. In any case, the zoning administrator may also request an advisory opinion from the municipal solicitor or the Zoning Hearing Board solicitor to aid in the zoning administrator's determination.
B. If an applicant disagrees with the zoning administrator's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board.

304 Uses Not Specifically Regulated

If a use clearly is not permitted by right, conditional use or as a special exception use by this Ordinance within any zoning district, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions will be met:

A. Proposed use will be equal or less intensive in external impacts and nuisances than uses that are permitted in the zoning district.
B. Proposed use will be closely similar in impacts and character to uses permitted in that zoning district. (See Section 405 (B))
C. Use will meet all standards that apply under Section 1001 for a Special Exception use.
D. Use is not specifically prohibited in that zoning district.

305 Enforcement, Violations and Penalties

All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference.

A. Violations: Any person who shall commit or who shall permit any of the following actions violates this Ordinance:
   1. Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof.
   2. Placement of false statements on or omitting relevant information from an application for a zoning permit.
   3. Undertaking any action in a manner which does not comply with an approved zoning permit.
   4. Violation of any conditions imposed by a decision of the Zoning Hearing Board in granting a variance, special exception or other approval.
   5. Violation of any condition imposed by a decision of the Board of Supervisors in granting a conditional use.

B. Causes of Action; Enforcement; Remedies
   1. Enforcement: If it appears to the municipality that a violation of this Ordinance has occurred, the municipality shall initiate enforcement proceedings by sending an enforcement notice. Prior to sending an official enforcement notice, the zoning administrator may at his/her option informally request compliance.
   2. Enforcement Notice: 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. An enforcement notice shall state the following, at minimum:
      a. The name of the owner of record and any other person against whom the municipality intends to take action.
      b. The location of the property in violation.
      c. The specific violation with a description of the requirements which 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. That the recipient of the notice 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. 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.
   3. Evidence & Fees: In any appeal of an enforcement notice to the Zoning Hearing Board, the municipality shall have the responsibility of presenting its evidence first. Any filing fees paid by a party to an appeal to an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

Comment [JMM16]: MPC 616.1

Comment [JMM17]: MPC 616.1

4. Cause of Action: If the enforcement notice is not complied with, within the specified time period, the zoning administrator shall notify the Board of Supervisors. With the consent of the Board of Supervisors, the municipal solicitor or other officer of the municipality 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.
5. Jurisdiction: District justices shall have initial jurisdiction over proceedings brought under Section 305 (B, 6).
6. Violations and Penalties. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than five hundred dollars ($500) plus all court costs, including the reasonable attorney's fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the municipality.

Comment [JMM18]: MPC 617

Comment [JMM19]: MPC 617.1

Comment [JMM20]: MPC 617.2

306 Fees

Determination: The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fees schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.

307 Amendments

A. Power of Amendment: The Board of Supervisors may introduce and/or consider amendments to this Ordinance and to the zoning map as proposed by a member of the Board of Supervisors, the **[Insert Municipality]** Planning Commission, or by a petition of a person or persons residing or owning property within the Township.
B. Petitions: Petitions for amendment shall be filed with the zoning administrator or other designated municipal employee, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee, in accordance with a schedule affixed by resolution by the Board of

Supervisors. The zoning administrator or other designated municipal employee shall receive the petition on behalf of the Board of Supervisors.

C. Referral: Any proposed amendment presented to the Board of Supervisors without written findings and recommendations from the **[Insert Municipality]** Planning Commission and the Erie County Planning Commission shall be referred to these agencies for their review and recommendations prior to the public hearing by the Board of Supervisors. The Board shall not hold a public hearing upon such amendments until required reviews and recommendations are received or the expiration of thirty (30) days from the date that such proposed amendments were submitted to the **[Insert Municipality]** Planning Commission and the Erie County Planning Commission.

D. Action:

1. Before acting upon a proposed amendment, the Board of Supervisors shall, as required by law, hold a public hearing thereon. Public notice of such hearing is required and shall contain a brief summary of the proposed amendment and reference to the place where copies of the same can be examined, and shall be published in accordance with the provisions of the Pennsylvania Municipalities Planning Code. If the proposed amendment involves a change to the zoning map, notice of the public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
2. In addition to the requirement that notice be posted where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the municipality at least thirty (30) days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all property located within the area being rezoned, as evidenced by tax records within the possession of the municipality. Notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
3. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

E. Curative Amendments: A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his/her challenge and proposed amendment be heard and decided as provided in the Pennsylvania Municipalities Planning Code.

Comment [JMM21]: MPC 609 a & b

Comment [JMM22]: MPC 609 (2, I & ii)

Comment [JMM23]: MPC 609 (d)

Comment [JMM24]: MPC 609.1

Comment [JMM25]: •The curative amendment allows a land owner to challenge a municipality's zoning ordinance, on the basis that it does not provide for all uses or for a reasonable share or mix of a specific use or uses, and suggest a "cure" as an amendment to the zoning ordinance.
•The cure may be accepted, revised, or rejected.

308 Zoning Hearing Board

308.01 Creation of the Board

A Zoning Hearing Board shall be created for the purpose of reviewing applications for variances or exceptions to this Zoning Ordinance and deciding whether there is a legitimate reason for granting relief or exception to a specific provision or provisions of this Ordinance when requested. It shall be created and maintained in accordance with applicable provisions of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as amended, perform duties, and exercise all powers vested in it by the provisions of said Act.

Comment [JMM26]: Board creation, organization, etc. is covered in MPC Article IX. See Sections 901-907

308.02 Expenditures for Services

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

Comment [JMM27]: MPC 907

308.03 Legal Council

Where legal council is desired, an attorney, other than the municipal solicitor, shall be used.

Comment [JMM28]: See MPC 617.3 (c)

308.04 Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

Comment [JMM29]: MPC 909.1

A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Planning Code.
B. Appeals from the determination of the zoning administrator, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
C. Appeals from a determination by the municipal engineer or the zoning administrator with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
D. Applications for variances from the terms of this Ordinance or the flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the Planning Code and Section 308.06 of this Ordinance.
E. Applications for special exceptions under this Ordinance or the floodplain ordinance.
F. Appeals from the zoning administrator's determination under Section 916.2 of the Planning Code.
G. Appeals from the determination of the zoning administrator or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving Article V or VII applications of the Planning Code.

308.05 Hearings

The Board shall conduct hearings and make decisions in accordance with Article IX of the Planning Code and the following requirements.

Comment [JMM30]: MPC Section 908

A. Notice of hearings shall be given to the public by public notice as set forth in the Planning Code in a newspaper of general circulation in the County. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Written notice shall be given to the applicant, the zoning administrator, and to any person who has made timely request for the same. Written notices shall be prescribed by rules of the Board. In addition to the notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants or expert witness costs.

Comment [JMM31]: MPC Section 908 (1.1); Costs for expert witnesses & consultants are not allowed to be included.

C. The first hearing shall be held within sixty (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 shall be held within forty-five (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 one hundred (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 (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (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 municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
D. The hearings shall be conducted by the Board 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, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
E. The parties to the hearing shall be the municipality, 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 testimony or 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, except that advice from the Board's solicitor is exempt from this restriction; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings 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 application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance or the Planning Code, or any 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 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 Planning Code, where the Board fails to render the decision within the period required by this Ordinance or the Planning Code, or fails to commence, conduct, or complete the required hearing as required by Article IX of the Planning Code, 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 herein above provided, the Board shall give public notice of said decision within ten

(10) days in the same manner as provided in Section 308.05 (A) of this Ordinance. Nothing in this subsection shall prejudice the right of any party to appeal the decision to a court of competent jurisdiction.

L. 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 no later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

308.06 Variances

A. The Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. Subject to the provisions of the Pennsylvania Municipalities Planning Code, the Board may by rule prescribe the form of application and may require preliminary application to the zoning administrator. The Board may grant a variance provided the following findings are made where relevant in a given case.

Comment [JMM32]: MPC 910.2

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. Conditions: 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 Planning Code. These conditions shall be enforceable by the zoning administrator and failure to comply with such conditions shall constitute a violation of this Ordinance.

C. Site Plan Approval: Any site plan presented in support of a variance shall become an official part of the record for said variance. Approval of any variance will also bind the use in accordance with the submitted site plan.

308.07 Special Exceptions

A. The Board shall hear and decide requests for special exceptions in accordance with the standards and criteria of this Ordinance. The applicant must demonstrate compliance with all applicable provisions of this Ordinance, including the general requirements and standards listed in Section 1001 and any applicable specific requirements and standards identified in Section 1002 of this Ordinance.

B. Filing Requirements: In addition to the required zoning permit information, each Special Exception application shall include the following:
   1. Ground floor plans and elevations of proposed structures;
   2. Names and address of adjoining property owners including properties directly across a public right-of-way;
   3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
   4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;

C. Conditions: 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 the Planning Code and this Ordinance. These conditions shall be enforceable by the zoning administrator and failure to comply with such conditions shall constitute a violation of this Ordinance.

D. Site Plan Approval: Any site plan presented in support of the Special Exception pursuant to Section 308.07 (B)(3) shall become an official part of the record for said Special Exception. Approval of any Special Exception will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another Special Exception Approval.

E. Conditional Approvals: When this Ordinance requires certificates, licenses, permits or similar documents, and when, in the Board's opinion, such documents will be issued in a matter of time, the Board may issue a conditional approval based upon the final issuance of such documents.

308.08 Parties Appellant Before Board

Appeals under Section 308.04 and proceedings to challenge the Ordinance under Section 308.04 may be filed with the Board, in writing, by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Requests for a variance under Section 308.06 and for special exception under Section 308.07 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

Comment [JMM33]: MPC 913.3

308.09 Time Limitations for Appeal

A. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate

Comment [JMM34]: MPC 914.1

municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. See also Section 914.1 of the Planning Code.

B. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

Comment [JMM35]: MPC 914.1 B

308.10 Time Limitations of Board's Decision

A. If the variance or special exception is granted or the issuance of a permit is approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or special exception is finally granted, or the issuance of a permit is finally approved, or the other action by the appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Zoning Hearing Board may at any time, upon application in writing, extend either of these deadlines.

B. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit, should he/she fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his appeal or his application, and all provisions, variances and permits granted to him shall be deemed automatically rescinded by the Zoning Hearing Board.

C. Should the appellant or applicant commence construction or alteration within said two (2) year period, but should he/she fail to complete such construction or alteration within said three (3) year period, the Zoning Hearing Board may, upon ten (10) days' notice in writing, rescind or revoke the granted variance or special exception, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Zoning Hearing Board finds that no good cause appears for the failure to complete within such three (3) year period, and if the Zoning Hearing Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or rescission of the action is justified.

D. As an alternative to the preceding, an applicant can request, as part of the original application before the Zoning Hearing Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in this section. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Zoning Hearing Board must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

308.11 Stay of Proceedings

Upon filing of any proceeding referred to in Section 913.3 of the Pennsylvania Municipalities Planning Code and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the zoning administrator or of any agency or body, and all official action

Comment [JMM36]: MPC 915.1

thereunder shall be stayed unless the zoning administrator or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the zoning administrator or other appropriate agency or body. See also Section 915.1 of the Planning Code.

309 Conditional Uses

309.01 Filing for Conditional Use

A. For any use permitted by Conditional Use, a conditional use must be obtained from the Board of Supervisors. The Board of Supervisors shall hear and decide requests for conditional uses in accordance with the standards and criteria of this Ordinance. The applicant must demonstrate compliance with all applicable provisions of this Ordinance, including the general requirements and standards listed in Section 1001 and any applicable specific requirements and standards identified in Section 1002 of this Ordinance.

B. Filing Requirements: In addition to the required zoning permit information, each Conditional Use application shall include the following:
   1. Ground floor plans and elevations of proposed structures;
   2. Names and address of adjoining property owners including properties directly across a public right-of-way;
   3. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and,
   4. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance;

309.02 Procedures

A. Public Hearing: Before voting on the approval of a Conditional Use, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. The Board of Supervisors shall submit each such application to the **[Insert Municipality]** Planning Commission at least thirty (30) days prior to the hearing held upon an application to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.

B. Conditions: In granting a conditional use, the Board of Supervisors 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 the Planning Code and this Ordinance. These conditions shall be enforceable by the zoning administrator and failure to comply with such conditions shall constitute a violation of this Ordinance.

Comment [JMM37]: See MPC 913.2

C. Site Plan Approval: Any site plan presented in support of the Conditional Use shall become an official part of the record for said Conditional Use. Approval of any Conditional Use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the

issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another Conditional Use approval.

D. Conditional Approvals: When this Ordinance requires certificates, licenses, permits or similar documents, and when, in the Board of Supervisors' opinion, such documents will be issued in a matter of time, the Board of Supervisors may issue a conditional approval based upon the final issuance of such documents.

E. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the governing body, or such time as permitted by the Pennsylvania Municipalities Planning Code, as may be amended.

Comment [JMM38]: MPC 913.2 (b,1)

F. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this Ordinance or of any other 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.

Comment [JMM39]: MPC 913.2 (b,1)

G. Where the Board of Supervisors 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 Section 908 (1.2) of the Pennsylvania Municipalities Planning Code, 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 of Supervisors to meet or render a decision as herein above provided, the Board of Supervisors 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 the Pennsylvania Municipalities Planning Code. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.

Comment [JMM40]: MPC 913.2 (b,2)

H. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no later than the day following its date.

Comment [JMM41]: MPC 913.2 (b,3)

309.03 Time Limitations

A. If a Conditional Use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the Conditional Use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines.

B. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he/she fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.

C. Should the appellant commence construction or alternation within said two (2) year period, but should he/she fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days' notice in writing, rescind or revoke the granted Conditional Use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the Conditional Use that revocation or rescission of the action is justified.

D. As an alternative to the preceding, an applicant can request, as part of the original application before the Board of Supervisors the granting of a timetable associated with the request which would supersede the deadlines imposed in this section. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board of Supervisors must establish and bind a definite time frame for (1) issuance of a zoning permit, and (2) completion of construction of the project.

Article 4 Nonconforming Lots, Structures, and Uses

401 Continuation of Nonconforming Uses and Structures

All lawful uses of land, buildings, signs, or other structures existing on the effective date of this ordinance, or amendments that may later be adopted, may be continued, altered, restored, reconstructed, sold, or maintained in accordance with the provisions of this Ordinance. These uses of land, buildings, signs, or other structures shall be considered "nonconforming".

402 Registration

A. Nonconforming uses and structures may be reported to the zoning administrator by the owner, user, lessor, or lessee, and be registered by the zoning administrator within one (1) year of the effective date of this Ordinance.
B. The zoning administrator, upon proof of a legal nonconformity, is authorized to register the existence of the nonconforming uses and/or structures.
C. Should a nonconforming use or structure not be reported or identified within one (1) year, the owner, user, lessor, or lessee of the nonconforming use or structure shall have the burden of establishing that the use or structure was nonconforming upon the effective date of this ordinance. Sufficient proof of the following shall be provided, in a form acceptable to the zoning administrator:
    1. The date of construction of the building or structure, and the date the use was established.
    2. The continuous operation of the nonconforming use.
    3. Such other proof as may be deemed necessary by the zoning administrator.

403 Existing, Nonconforming Lots of Record

The following requirements shall apply to the development and use of a nonconforming lot:

A. Any lot of record existing at the effective date of this Ordinance, and held in separate ownership different from the ownership of adjoining lots, may be used for the erection of a structure conforming to the use regulations of the zoning district in which it is located even though its lot area and width are less than the minimum required by this Ordinance. However, such lot must comply with the yard, height, and coverage standards of the zoning district wherein it is located.
B. If two or more lots of record with continuous frontage are held in single ownership and if both, all or any of such lots do not meet the requirements in this Ordinance for lot area and width in the zoning district, the lands involved shall be considered to be an undivided parcel for purposes of this Ordinance. The zoning administrator, upon receipt of an application for a permit, shall refer the application to the Zoning Hearing Board. The Zoning Hearing Board may require the lots of record to be replotted to create fewer lots, which would comply with the minimum requirements of this Ordinance.
C. No provision of this Ordinance relating to side and rear yard requirements shall prevent the reasonable use of a lot of record. The Zoning Hearing Board, after providing notice to adjacent property owners and holding a public hearing, may grant a variance for a reduction in the

requirement for side yard and rear yards for non-conforming lots of record which lack required lot width.

404 Nonconforming Uses and Structures

A. Alterations and Reconstruction:
   1. Repairs and structural alterations not constituting extensions, expansions or enlargements may be made to a nonconforming building or to a building occupied by a nonconforming use.
   2. A nonconforming building which is damaged by fire, an explosion, or a natural disaster, etc, may be rebuilt and used for the same purposes, provided that:
      a. The reconstruction of the building is commenced within 18 months from the date of the destroying of the building and is carried to completion without undue delay, and
      b. The reconstructed building does not exceed the height, gross floor area, or volume of the building destroyed.

Comment [JMM42]: Many local ordinances use 12 months.

B. Extensions, Expansions, and Enlargements: Nonconforming uses or structure shall be allowed to expand, extend or enlarge. All extensions, expansions and enlargements of lawful nonconforming uses and structures shall be reviewed by the zoning administrator to determine compliance with the following standards:
   1. Any extension, expansion or enlargement of a nonconforming building shall not exceed 50% of the total gross floor area of the nonconforming building from the time it became nonconforming.
   2. Any extension, expansion or enlargement shall conform to the height, area, yard and coverage regulations of the district in which it is located.
   3. Extension along a Nonconforming Setback: If an existing structure has a lawfully nonconforming building setback, additions may occur to increase the height above such setback or to extend other portions of the structure out to the nonconforming side or rear setback line, provided that:
      a. The structure shall not be extended beyond the existing nonconforming setback line.
      b. No additional nonconformity shall be created.
      c. The new nonconforming extension shall not be greater than 25% of the existing gross floor area.
      d. All other requirements of this Section are met.
      e. Such addition shall not be permitted for a non-residential building or structure that abuts an existing residential use or residential district.
   4. All required loading and/or parking spaces for any expansion or enlargement shall comply with the requirements of this Ordinance.
   5. Any extension, expansion or enlargement of a nonconforming structure or use shall not be permitted to extend into vacant parcels of land adjacent to the parcel containing the nonconforming building or use.

6. Expansions, extensions or enlargements of a nonconforming sign shall be prohibited. See Section 922, Nonconforming Signs.
7. The intensity of a nonconforming use (resulting nuisances such as air pollution, noise, glare, vibrations, delivery traffic, hazards, etc) shall not be increased.

405 Change of Use

A. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
B. A nonconforming use may be changed to another nonconforming use only by the granting of a special exception by the Zoning Hearing Board in compliance with this Ordinance. Where a special exception approval is required, the Zoning Hearing Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
    1. Traffic safety and generation (especially truck traffic)
    2. Noise, dust, fumes, vapors, gases, odors, glare, vibration, fire, hazardous substances and explosive hazards
    3. Amount and character of outdoor storage
    4. Late night and early morning hours of operation if the new use would be close to dwellings
    5. Compatibility with the character of surrounding uses.

406 Abandonment and Discontinuance

A nonconforming use shall be presumed abandoned when operations associated with the nonconforming use have ceased by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within one (1) year from the date the activity stopped, and the use is not actively advertised for sale or lease. Such nonconforming use shall not thereafter be reinstated except in conformance with this Ordinance. A nonconforming structure or land, which is actively marketed, but has not been sold or leased, shall not be considered abandoned. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned

Article 5 Zoning Districts & Use Tables [Option 1, Separate Tables]

501 Designation of Districts

For the purpose of this Ordinance, **[Insert Municipality]** is hereby divided into zoning districts which shall be designated as follows:

Comment [JMM43]: The number, types and names of districts will vary depending on the needs of the municipality. The list shown is provided only as an example.

A-1 Agricultural District
R-1 Residential District
R-2 Residential District
V-1 Village District
C-1 Commercial District
I-1 Industrial District
REC Recreation District
F Floodplain (Overlay District)

502 Zoning Map

The locations and boundaries of the above districts are shown upon the map attached to and made a part hereof this Ordinance, which shall be designated the "**[Insert Municipality]** Zoning Map". This zoning map and all notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

503 Interpretation of Zoning Boundaries

The following rules shall apply in the interpretation of zoning district boundaries as shown on the zoning map:

A. Where a district boundary approximately follows the center line of a road, alley, or railroad line, the center line of such road, alley or railroad line shall be interpreted to be the zoning district boundary.
B. Where a district boundary approximately parallels a road right-of-way or alley, the boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the scale of the zoning map.
C. Where a district boundary approximately follows a lot line, the lot line shall be interpreted to be the zoning district boundary.
D. Where a district boundary approximately follows a municipal boundary, the municipal boundary shall be interpreted to be the zoning district boundary.
E. Where a district boundary is shown parallel to or as an extension of a lot line or other identifiable feature, it shall be construed as such.
F. Where a district boundary is shown as connecting identifiable physical features or points on the map, such as the intersection of lot lines, it shall be construed as such.
G. Where a stream, creek or other water body is bounded by two or more zoning districts the boundary line of these districts shall be extended to the center of the body of water.

H. All distances pertaining to the delineation of zoning districts as shown on the zoning map shall be measured from the existing road right-of-way line when such distance is measured from a public road.

I. Vacation of Public Ways: Whenever any road or alley is vacated, the location of the zoning district or districts adjoining such road or alley shall not be affected.

J. Where it is not possible or practical for the zoning administrator to determine the location of a zoning district boundary line, or if a petitioner contests the zoning administrator's determination of the boundary, the Zoning Hearing Board, upon appeal, shall determine and establish the location of said boundary line.

504 District Purposes and Use Tables

The types of uses permitted for each zoning district are listed in the following sections of this article and are considered principal uses unless clearly noted. Uses in each category shall be defined according to the common meaning of the term or according to definitions as set forth in Article 2. Uses that are not listed for a district are not permitted.

Uses permitted within each zoning district are identified as those Permitted by Right (zoning decision by Zoning Administrator); Permitted by Special Exception (zoning decision by Zoning Hearing Board) and Permitted by Conditional Use (zoning decision by Board of Supervisors).

Comment [JMM44]: The uses listed for each district should be tailored to the goals and policies of the municipality, and should support the stated purpose of the district. The uses shown in this model template are provided only as an example.

Note that a "Use Matrix" in Excel format is provided as a companion to this model template. The use matrix is intended to help your municipality stay organized during its decision making process regarding which uses to permit within its various zoning districts.

Many of the uses permitted must comply with certain criteria, which are set forth in Article 10, or in other areas of this Ordinance. The District Use Tables identify applicable sections (in parenthesis) that apply to each particular use. Note that these section numbers are provided for reference purposes only, and that all applicable regulations of this Ordinance apply, regardless of whether or not they are specifically referenced in the District Use Tables.

504.01 A-1 Agricultural District

The purpose of the A-1 Agricultural Zoning District is to permit, protect and encourage the continued use of land for agricultural uses. The intent is to conserve pieces of land large enough to allow for efficient farm operations and associated enterprises, protecting groundwater resources and providing for the conservation of environmentally sensitive areas. Those areas designated Agricultural Zoning are to be used primarily for agriculture purposes and limited residential, non-residential and accessory uses in general conformance with the current **[Insert Municipality]** Comprehensive Plan.

Comment [JMM45]: The stated purpose of the each zoning district should be customized based on the policies and goals of the municipality. The purpose should be consistent with the municipality's comprehensive plan. The text shown is provided only as an example.

The uses permitted within the district should be consistent with the stated purpose of the district.

A-1 Agricultural District Use Schedule

Permitted Uses

Single-Family Detached Dwellings
Agriculture (1002.02)
Agricultural Related Business (1002.03)
Animal Shelter (1002.06)
Child Day Care Home (Family) (1002.16)
Child Day Care Home (Group) (1002.16)
Essential Services, Class 1
Forestry
Golf Courses (1002.25)
Kennels (1002.06)
Municipal Buildings and Structures
Natural Areas or Wildlife Refuges
Parks and Playgrounds
Pet Grooming Establishment (1002.06)
Plant Nurseries and Greenhouses
Retail Sale of Agricultural, Nursery and Garden Material (1002.39)
Riding Academy or Boarding Stable (1002.40)
State Game Lands
Veterinary Clinics (1002.06)
Wireless Communications Facilities, Non-Tower (1101)

Special Exception Uses

Bed and Breakfast Inns (1002.09)
Cemeteries (1002.13)
Emergency Services Stations (1002.20)
Essential Services, Class 2 (1002.21)
Houses of Worship (1002.28)
Hunting, Fishing, Skiing, and Boating Clubs or Resorts (1002.29)
Mineral Extraction, Sand and Gravel Pits (1002.31)
Public Utility Buildings (1002.35; 106 C)
Self-Storage Facilities (1002.45)
Social Clubs and Fraternal Organizations (1002.46)
Target Range, Indoor (1002.48)
Wireless Communications Facilities, Tower-Based (1101)

Conditional Uses

Conservation Subdivision (1002.53)
Mobile Home Parks (1002.32)
Campgrounds and Recreational Vehicle Parks (1002.11)
Commercial Recreation, Outdoor (1002.14)
Natural Gas, Oil and Gas Development
Target Range, Outdoor (1002.48)
Ultralight Airports and Private Airstrips (1002.03)
Wind Energy Facilities (1102)

Permitted Accessory Uses

Accessory Structures and Uses Customarily Incidental to Principal Use
Child Care, in Home (less than 4 children)
Garage and Yard Sales (1002.24)
Home Based Business or Occupation (1002.26)
Home-Based Business (No-Impact) (1002.27)
In-Law Apartments (1002.30)
Kennel Accessory (1002.06)
Non-Commercial Keeping of Poultry, Livestock and Equine Animals (1002.34)
Roadside Stand for the Sale of Agricultural Products Grown on Site (1002.41)
Small Wind Turbines (see definition) (1002.52)
Swimming Pools (private residential) (703.03)

504.02 R-1 Residential District

The purpose of the R-1, Residential Zoning District is to accommodate low density, residential growth within **[Insert Municipality]** . Those areas designated R-1 Residential are to be used primarily for low density residential, and associated public, institutional and recreational uses, in general conformance with the **[Insert Municipality]** Comprehensive Plan.

Comment [JMM46]: The stated purpose of the each zoning district should be customized based on the policies and goals of the municipality. The purpose should be consistent with the municipality's comprehensive plan. The text shown is provided only as an example.

The uses permitted within the district should be consistent with the stated purpose of the district.

R-1, Low Density Residential District Use Schedule

Permitted Uses

Single-Family Detached Dwellings
Single-Family Attached Dwellings
Child Day Care Home (Family) (1002.16)
Child Day Care Home (Group) (1002.16)
Essential Services, Class 1
Forestry
Natural Areas or Wildlife Refuges
Parks and Playgrounds
Wireless Communications Facilities, Non-Tower (1101)

Special Exception Uses

Bed and Breakfast Inns (1002.09)
Golf Courses (1002.25)
Cemeteries (1002.13)
Emergency Services Stations (1002.20)
Houses of Worship (1002.28)
Essential Services, Class 2 (1002.21)

Conditional Uses

Conservation Subdivision (1002.53)
Mobile Home Parks (1002.32)
Schools (public or private; elementary or secondary) (1002.43)

Permitted Accessory Uses

Accessory Structures and Uses Customarily Incidental to Principal Use
Child Care, in Home (less than 4 children)
Garage and Yard Sales (1002.24)
Home Based Business or Occupation (1002.26)
Home-Based Business (No-Impact) (1002.27)
In-Law Apartments (1002.30)
Swimming Pools (private residential) (703.03)
Roadside Stand for the Sale of Agricultural Products Grown on Site (1002.41)

504.03 R-2 Residential District

The purpose of the R-2 Residential Zoning District is to accommodate all basic forms of housing including single family detached dwellings and housing structures for more than one family. It includes single family attached dwellings (such as duplexes, townhouses, and condominiums), apartment buildings, and similar uses.

Comment [JMM47]: The stated purpose of the each zoning district should be customized based on the policies and goals of the municipality. The purpose should be consistent with the municipality's comprehensive plan. The text shown is provided only as an example.

The uses permitted within the district should be consistent with the stated purpose of the district.

R-2, Medium Density Residential District Use Schedule

Permitted Uses

Single-Family Detached Dwellings
Single-Family Attached Dwellings
Two-Family Dwelling
Multiple-Family Dwelling (3 to 4 units)
Child Day Care Home (Family) (1002.16)
Child Day Care Home (Group) (1002.16)
Essential Services, Class 1
Forestry
Natural Areas or Wildlife Refuges
Parks and Playgrounds
Wireless Communications Facilities, Non-Tower (1101)

Special Exception Uses

Multiple-Family Dwelling (5 or more units) (1002.33)
Assisted Living Facility (1002.07)
Boarding Houses and Group Quarters (1002.10)
Child Day Care Center (1002.16)
Day Care Center for Adults (1002.16)
Emergency Services Stations (1002.20)
Essential Services, Class 2 (1002.21)
Houses of Worship (1002.28)

Conditional Uses

Mobile Home Parks (1002.32)
Schools (public or private; elementary or secondary) (1002.43)

Permitted Accessory Uses

Accessory Structures and Uses Customarily Incidental to Principal Use
Child Care, in Home (less than 4 children)
Garage and Yard Sales (1002.24)
Home Based Business or Occupation (1002.26)
Home-Based Business (No-Impact) (1002.27)
In-Law Apartments (1002.30)
Swimming Pools (private residential) (703.03)

504.04 V-1 Village District

The purpose of the V-1 Village District is to provide for a mixture of residential and compatible, non-residential uses in the style of a traditional village.

Comment [JMM48]: The stated purpose of the each zoning district should be customized based on the policies and goals of the municipality. The purpose should be consistent with the municipality's comprehensive plan. The text shown is provided only as an example.

The uses permitted within the district should be consistent with the stated purpose of the district.

V-1, Village District Use Schedule

Permitted Uses

Single-Family Detached Dwellings
Single-Family Attached Dwellings
Two-Family Dwelling
Multiple-Family Dwelling (3 to 4 units)
Banks/Financial Institutions
Business Services
Child Day Care Center (1002.16)
Child Day Care Home (Family) (1002.16)
Child Day Care Home (Group) (1002.16)
Day Care Center for Adults (1002.16)
Dry Cleaning, Laundry Services and Laundromats (1002.18)
Essential Services, Class 1
Farmer's Market (1002.22)
Forestry
Libraries, Museums and Art Galleries
Medical Laboratory and/or Clinic
Municipal Buildings and Structures
Offices (Medical, Dental, Business and Professional)

Parks and Playgrounds
Personal Services Establishments
Pet Grooming Establishment (1002.06)
Retail Business or Restaurant (less than 3,000 square feet)
Veterinary Clinics (1002.06)
Wireless Communications Facilities, Non-Tower (1101)

Special Exception Uses

Multiple-Family Dwelling (5 or more units) (1002.33)
Assisted Living Facility (1002.07)
Bed and Breakfast Inns (1002.09)
Boarding Houses and Group Quarters (1002.10)
Brew Pub
Emergency Medical Treatment Facility (1002.19)
Emergency Services Stations (1002.20)
Essential Services, Class 2 (1002.21)
Funeral Homes, Mortuaries and Crematoriums (1002.23)
Houses of Worship (1002.28)
Public Utility Buildings (1002.35; 106 C)
Social Clubs and Fraternal Organizations (1002.46)

Conditional Uses

Commercial Recreation, Indoor
Retail Business or Restaurant (3,000 square feet or larger) (1002.37)
Schools (public or private; elementary or secondary) (1002.43)
Taverns and Nightclubs (1002.49)

Permitted Accessory Uses

Accessory Structures and Uses Customarily Incidental to Principal Use
Child Care, in Home (less than 4 children)
Garage and Yard Sales (1002.24)
Home Based Business or Occupation (1002.26)
Home-Based Business (No-Impact) (1002.27)
In-Law Apartments (1002.30)
Kennel Accessory (1002.06)
Swimming Pools (private residential) (703.03)

504.05 C-1 Commercial District

The purpose of the C-1 Commercial District is to provide land for the purpose of supplying commodities or services to the general public. Included are uses relating to both retail and wholesale trade, professional and personal services, general office facilities, sales and service, entertainment, restaurants, motels or hotels, and similar uses.

Comment [JMM49]: The stated purpose of the each zoning district should be customized based on the policies and goals of the municipality. The purpose should be consistent with the municipality's comprehensive plan. The text shown is provided only as an example.

The uses permitted within the district should be consistent with the stated purpose of the district.

C-1 Commercial District Use Schedule

Permitted Uses

Animal Shelter (1002.06)
Auction House
Automobile/Vehicle Service and Repair Facilities (1002.08)
Banks/Financial Institutions
Brew Pub
Business Services
Car Wash Facilities (1002.12)
Child Day Care Center (1002.16)
Commercial Recreation, Indoor
Convenience Store/Automotive Fueling Station (1002.15)
Day Care Center for Adults (1002.16)
Dry Cleaning, Laundry Services and Laundromats (1002.18)
Emergency Medical Treatment Facility (1002.19)
Emergency Services Stations (1002.20)
Essential Services, Class 1
Farmer's Market (1002.22)
Flea Market (1002.22)
Forestry
Funeral Homes, Mortuaries and Crematoriums (1002.23)
Garden Center
Hotels and Motels
Kennels (1002.06)
Libraries, Museums and Art Galleries
Manufactured/Mobile Home Sales Lot
Medical Laboratory and/or Clinic
Offices (Medical, Dental, Business and Professional)
Personal Services Establishments
Pet Grooming Establishment (1002.06)
Rental Services
Restaurants
Retail Business (less than 20,000 square feet)
Self-Storage Facilities (1002.45)
Special Events of a Temporary Nature (1002.54)
Vehicle Sales, Rentals and Service (1002.51)

Veterinary Clinics (1002.06)
Wireless Communications Facilities, Non-Tower (1101)

Special Exception Uses

Essential Services, Class 2 (1002.21)
Houses of Worship (1002.28)
Public Utility Buildings (1002.35; 106 C)
Target Range, Indoor (1002.48)

Conditional Uses

Commercial Recreation, Outdoor (1002.14)
Hospitals (1002.43)
Nursing Homes (1002.43)
Retail Business (20,000 square feet or greater) (1002.38)
Taverns and Nightclubs (1002.49)

Permitted Accessory Uses

Accessory Structures and Uses Customarily Incidental to Principal Use
Drive Through Facilities for Commercial Uses (1002.17)
Kennel Accessory (1002.06)

504.06 I-1 Industrial District

The purpose of the I-1 Industrial District is to provide areas where various industrial, heavy commercial, and high impact land uses can be conducted or developed without creating undesirable or incompatible situations and/or conflicts with adjacent land uses and zoning districts and without causing increased traffic congestion and/or traffic circulation problems and conflicts.

Comment [JMM50]: The stated purpose of the each zoning district should be customized based on the policies and goals of the municipality. The purpose should be consistent with the municipality's comprehensive plan. The text shown is provided only as an example.

The uses permitted within the district should be consistent with the stated purpose of the district.

I-1 Industrial District Use Schedule

Permitted Uses

Automobile/Vehicle Service and Repair Facilities (1002.08)
Assembly or Finishing of Products
Contracting Operation
Corporate Offices or Offices Related to a Principal Use
Distribution Centers
Emergency Services Stations (1002.20)
Essential Services, Class 1
Forestry

Laundry and/or Dry Cleaning Establishment (Industrial)
Light Industry/Manufacturing
Manufactured/Mobile Home Sales Lot
Recycling Centers (1002.36)
Rental Services
Research Laboratory
Self-Storage Facilities (1002.45)
Transportation Terminal
Truck and Heavy Equipment Sales, Service and Repair Services
Wholesale, Warehouse and Storage Facilities
Wireless Communications Facilities, Non-Tower (1101)

Special Exception Uses

Target Range, Indoor (1002.48)
Essential Services, Class 2 (1002.21)
Mineral Extraction, Sand and Gravel Pits (1002.31)
Public Utility Buildings (1002.35; 106 C)
Sawmills (1002.42)
Scrap (Junk or Salvage) Yard (1002.44)
Wireless Communications Facilities, Tower-Based (1101)

Conditional Uses

Adult Related Uses (1002.01)
Airports, Heliports and Helistops (1002.04)
Alternate Fuel Production
Distilleries, Breweries
Heavy Industry/Manufacturing
Industrial Parks
Natural Gas Compressor Station
Natural Gas Processing Plant
Natural Gas, Oil and Gas Development
Sanitary Landfills
Slaughter House, Stockyard or Tannery
Solid Waste Processing and/or Disposal Facilities (1002.47)
Treatment Center/Pre-Release Detention Facility (1002.50)
Wind Energy Facilities (1102)

Permitted Accessory Uses

Accessory Structures and Uses Customarily Incidental to Principal Use

Small Wind Turbines (see definition) (1002.52)

504.07 REC Recreation District

The purpose of the REC Recreation District is to protect the natural beauty and environmentally sensitive features of Lake Pleasant, and to preserve the attractiveness of the surrounding area for tourism and recreational uses. Included are uses relating to recreation and tourism, as well as low-density residential development and compatible non-residential uses.

Comment [JMM51]: The stated purpose of the each zoning district should be customized based on the policies and goals of the municipality. The purpose should be consistent with the municipality's comprehensive plan. The text shown is provided only as an example.

The uses permitted within the district should be consistent with the stated purpose of the district.

REC Recreation District Use Schedule

Permitted Uses

Single-Family Detached Dwellings
Agriculture (1002.02)
Child Day Care Home (Family) (4-6 children, Title 55, ch3290) (1002.16)
Child Day Care Home (Group) (7-15 children; Title 55, ch 3280) (1002.16)
Essential Services, Class 1
Forestry (Must be permitted in all districts-MPC section 603 f)
Natural Areas or Wildlife Refuges
Parks and Playgrounds
Plant Nurseries and Greenhouses
Riding Academy or Boarding Stable (1002.40)
State Game Lands
Wireless Communications Facilities, Non-Tower (1101)

Special Exception Uses

Bed and Breakfast Inns (1002.09)
Emergency Services Stations (1002.20)
Essential Services, Class 2 (1002.21)
Houses of Worship (1002.28)
Hunting, Fishing, Skiing, and Boating Clubs or Resorts (1002.29)
Restaurants

Conditional Uses

Campgrounds and Recreational Vehicle Parks (1002.11)
Commercial Recreation, Outdoor (1002.14)

Permitted Accessory Uses

Accessory Structures and Uses Customarily Incidental to Principal Use
Child Care, in Home (less than 4 children)
Garage and Yard Sales (1002.24)
Home Based Business or Occupation (1002.26)
Home-Based Business (No-Impact) (1002.27)
In-Law Apartments (1002.30)
Swimming Pools (private residential) (703.03)
Roadside Stand for the Sale of Agricultural Products Grown on Site (1002.41)

504.08 Floodplain Overlay District

The purpose of the Floodplain Overlay District is to place restrictions upon development in areas where flooding poses a greater than average risk of bringing about damage to property or loss of life.

A. The Floodplain district is an overlay zone, consisting of all identified floodplain areas. The identified floodplain areas shall be any areas of The Township of **[Insert Municipality]**, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMS) dated February 19, 2014 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
B. The regulations set forth in the **[Insert Municipality]** Floodplain Ordinance shall apply to the use and development of all parcels and structures located within the Floodplain Overlay District.
C. Where this Ordinance and the **[Insert Municipality]** Floodplain Ordinance both control a particular matter the provisions of the **[Insert Municipality]** Floodplain Ordinance shall apply.

Article 5 Zoning Districts & Use Table [Option 2, Use Matrix]

501 Designation of Districts

For the purpose of this Ordinance, **[Insert Municipality]** is hereby divided into zoning districts which shall be designated as follows:

Comment [JMM52]: The number, types and names of districts will vary depending on the needs of the municipality. The list shown is provided only as an example.

A-1 Agricultural District
R-1 Rural Residential District
R-2 Suburban Residential District
B-1 Business District
B-2 Business District

502 Zoning Map

The locations and boundaries of the above districts are shown upon the map attached to and made a part hereof this Ordinance, which shall be designated the "**[Insert Municipality]** Zoning Map". This zoning map and all notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

503 Interpretation of Zoning Boundaries

The following rules shall apply in the interpretation of zoning district boundaries as shown on the zoning map:

A. Where a district boundary approximately follows the center line of a road, alley, or railroad line, the center line of such road, alley or railroad line shall be interpreted to be the zoning district boundary.
B. Where a district boundary approximately parallels a road right-of-way or alley, the boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the scale of the zoning map.
C. Where a district boundary approximately follows a lot line, the lot line shall be interpreted to be the zoning district boundary.
D. Where a district boundary approximately follows a municipal boundary, the municipal boundary shall be interpreted to be the zoning district boundary.
E. Where a district boundary is shown parallel to or as an extension of a lot line or other identifiable feature, it shall be construed as such.
F. Where a district boundary is shown as connecting identifiable physical features or points on the map, such as the intersection of lot lines, it shall be construed as such.
G. Where a stream, creek or other water body is bounded by two or more zoning districts the boundary line of these districts shall be extended to the center of the body of water.
H. All distances pertaining to the delineation of zoning districts as shown on the zoning map shall be measured from the existing road right-of-way line when such distance is measured from a public road.

I. Vacation of Public Ways: Whenever any road or alley is vacated, the location of the zoning district or districts adjoining such road or alley shall not be affected.

J. Where it is not possible or practical for the zoning administrator to determine the location of a zoning district boundary line, or if a petitioner contests the zoning administrator's determination of the boundary, the Zoning Hearing Board, upon appeal, shall determine and establish the location of said boundary line.

504 District Purposes

504.01 A-1 Agricultural District

The purpose of the A-1 Agricultural Zoning District is to permit, protect and encourage the continued use of land for agricultural uses. The intent is to conserve pieces of land large enough to allow for efficient farm operations and associated enterprises, protect groundwater resources and provide for the conservation of environmentally sensitive areas. Those areas designated Agricultural Zoning are to be used primarily for agriculture purposes and limited residential, non-residential and accessory uses in general conformance with the current "**[Insert Municipality]** Comprehensive Plan.

Comment [JMM53]: The stated purpose of each zoning district should be customized based on the policies and goals of the municipality. The purpose should be consistent with the municipality's comprehensive plan. The text shown is provided only as an example.

The uses permitted within the district should be consistent with the stated purpose of the district.

504.02 R-1 Rural Residential District

The purpose of the R-1, Rural Residential Zoning District is to accommodate low density, residential growth within "**[Insert Municipality]**. Those areas designated R-1 Rural Residential are to be used primarily for low density residential, and associated public, institutional and recreational uses, in general conformance with the "**[Insert Municipality]** Comprehensive Plan.

504.03 R-2 Suburban Residential District

The purpose of the R-2 Suburban Residential Zoning District is to accommodate all basic forms of housing including single family detached dwellings and housing structures for more than one family. It includes single family attached dwellings (such as duplexes, townhouses, and condominiums), apartment buildings, and similar uses.

504.04 B-1 Business District

The purpose of the B-1 Business District is to provide land for a variety of commercial, institutional, and light industrial uses within "**[Insert Municipality]**. Heavy commercial, heavy industrial and other high impact uses are excluded in order to limit undesirable or incompatible situations and/or conflicts between land uses within this district.

504.05 B-2 Business District

The purpose of the B-2 Business District is to provide land for commercial, institutional, and industrial uses, including heavy commercial, heavy industrial and other high impact uses.

504.06 Floodplain Overlay District

The purpose of the Floodplain Overlay District is to place restrictions upon development in areas where flooding poses a greater than average risk of bringing about damage to property or loss of life.

A. The Floodplain district is an overlay zone, consisting of all identified floodplain areas. The identified floodplain areas shall be any areas of The Township of **[Insert Municipality]**, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMS) dated February 19, 2014 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
B. The regulations set forth in the **[Insert Municipality]** Floodplain Ordinance shall apply to the use and development of all parcels and structures located within the Floodplain Overlay District.
C. Where this Ordinance and the **[Insert Municipality]** Floodplain Ordinance both control a particular matter the provisions of the **[Insert Municipality]** Floodplain Ordinance shall apply.

505 District Use Table

The types of uses permitted for each zoning district are listed in the following table and are considered principal uses unless they are listed in the accessory use section. Uses shall be defined according to the common meaning of the term or according to definitions as set forth in Article 2. Uses that are not listed for a district are not permitted.

Uses permitted within each zoning district are identified as those Permitted by Right (zoning decision by Zoning Administrator); Permitted by Special Exception (zoning decision by Zoning Hearing Board) and Permitted by Conditional Use (zoning decision by Board of Supervisors).

Comment [JMM54]: The uses listed for each district should be tailored to the goals and policies of the municipality, and should support the stated purpose of the district. The uses shown in this model template are provided only as an example.

Some of the uses permitted must comply with certain criteria, which are set forth in Article 10, or in other areas of this Ordinance. The District Use Table identifies applicable sections (in parenthesis) that apply to each particular use. Note that these section numbers are provided for reference purposes only, and that all applicable regulations of this Ordinance apply, regardless of whether or not they are specifically referenced in the District Use Table.

Comment [JMM55]: The Use Matrix below is presented only as an example. The types of districts and uses permitted within each district should be revised, as desired by the municipality.

Remove uses that aren't desired or applicable for the Municipality. For example, conservation subdivisions and planned residential developments may not be desired or appropriate, depending on the characteristics of your municipality.

Key:	**P = Permitted Use (approved by zoning administrator)** **SE = Special Exception (approved by Zoning Hearing Board)** **C = Conditional Use (approved by Governing Body)**	**A-1**	**R-1**	**R-2**	**B-1**	**B-2**
Residential Uses						
Single-Family Detached Dwellings		P	P	P		
Single-Family Attached Dwellings			P	P		
Two-Family Dwelling		P	P	P		
Multiple-Family Dwelling (3 to 4 units)			P	P	SE	
Multiple-Family Dwelling (5 or more units) (1002.33)				SE	SE	
Mobile Home Parks (1002.32)			SE	SE	SE	
Assisted Living Facility (1002.07)				SE	SE	
Bed and Breakfast Inns (1002.09)		P	P	P		
Boarding Houses and Group Quarters (1002.10)				SE		
Conservation Subdivisions (1002.32)		P				
Planned Residential Developments				C		
Accessory Uses						
Accessory Structures and Uses Customarily Incidental to Principal Use		P	P	P	P	P
Child Care, in Home (less than 4 children)		P	P	P	P	P
Garage and Yard Sales (1002.24)		P	P	P	P	P
Home Based Business or Occupation (1002.26)		P	P	P	P	P
Home-Based Business (No-Impact) (1002.27)		P	P	P	P	P
In-Law Apartments (1002.30)		P	P	P	P	P
Swimming Pools (private residential) (701.03)		P	P	P	P	P

Key:	P = Permitted Use (approved by zoning officer) SE = Special Exception (approved by Zoning Hearing Board) C = Conditional Use (approved by Governing Body)	A-1	R-1	R-2	B-1	B-2
Non-Commercial Keeping of Poultry, Livestock and Equine Animals (1002.34)		P	P			
Roadside Stand for the Sale of Agricultural Products Grown on Site (1002.41)		P	P			
Small Wind Turbines (see definition) (1002.52)		P	P		P	P
Drive Through Facilities for Commercial Uses (1002.17)					P	P
Kennel Accessory (1002.06)		P			P	P
Non-Residential Uses						
Agriculture (1002.02)		P	P			
Agricultural Related Business (1002.03)		SE				
Adult Related Uses (1002.01)						C
Airports, Heliports and Helistops (1002.04)					C	C
Ultralight Airports and Private Airstrips (1002.05)		SE				
Alternate Fuel Production						C
Animal Shelter (1002.06)		P			P	P
Assembly or Finishing of Products					P	P
Auction House					P	P
Automobile/Vehicle Service and Repair Facilities (1002.08)					P	P
Banks/Financial Institutions					P	P
Brew Pub					P	P
Business Services					P	P
Campgrounds and Recreational Vehicle Parks (1002.11)		SE	SE		P	P
Car Wash Facilities (1002.12)					P	P
Cemeteries (1002.13)		C				
Child Day Care Center (1002.16)				SE	P	P
Child Day Care Home (Family) (1002.16)		P	P	P	P	P
Child Day Care Home (Group) (1002.16)		P	P	P	P	P
Commercial Recreation, Indoor					P	P
Commercial Recreation, Outdoor (1002.14)		SE			P	P
Contracting Operation					P	P
Convenience Store/Automotive Fueling Station (1002.15)					P	P
Day Care Center for Adults (1002.16)					P	P
Distilleries, Breweries					C	C
Distribution Centers						P
Dry Cleaning, Laundry Services and Laundromats (1002.18)					P	P
Emergency Medical Treatment Facility (1002.19)					P	P
Emergency Services Stations (1002.20)		SE	SE	SE	P	P
Essential Services, Class 1		P	P	P	P	P
Essential Services, Class 2 (1002.21)		SE	SE	SE	SE	SE

Key:	P = Permitted Use (approved by zoning officer) SE = Special Exception (approved by Zoning Hearing Board) C = Conditional Use (approved by Governing Body)	A-1	R-1	R-2	B-1	B-2
Farmer's Market (1002.22)					P	P
Flea Market (1002.22)					P	P
Forestry		P	P	P	P	P
Funeral Homes, Mortuaries and Crematoriums (1002.23)					P	P
Garden Center					P	P
Golf Courses (1002.25)		P	SE	SE	P	P
Heavy Industry/Manufacturing						C
Hospitals (1002.43)					P	P
Hotels and Motels					P	P
Houses of Worship (1002.28)		SE	SE	SE	P	P
Hunting, Fishing, Skiing, and Boating Clubs or Resorts (1002.29)		SE	SE			
Industrial Parks						C
Kennels (1002.06)		P			P	P
Laundry and/or Dry Cleaning Establishment (Industrial)						P
Libraries, Museums and Art Galleries		SE	SE	SE	P	P
Light Industry/Manufacturing					P	P
Manufactured/Mobile Home Sales Lot					P	P
Medical Laboratory and/or Clinic					P	P
Mineral Extraction, Sand and Gravel Pits (1002.31)		SE				SE
Municipal Buildings and Structures		P	P	P	P	P
Natural Areas or Wildlife Refuges		P	P	P	P	P
Natural Gas Compressor Station		SE				SE
Natural Gas Processing Plant		SE				SE
Natural Gas, Oil and Gas Development		SE	SE		SE	SE
Nursing Homes (1002.43)				SE	P	P
Offices (Medical, Dental, Business and Professional)					P	P
Parks and Playgrounds		P	P	P	P	P
Personal Services Establishments					P	P
Pet Grooming Establishment (1002.06)		SE			P	P
Plant Nurseries and Greenhouses		P			P	P
Public Utility Buildings (1002.35;106 C)		SE			P	P
Recycling Centers (1002.36)					P	P
Rental Services					P	P
Research Laboratory					P	P
Restaurants					P	P
Retail Business (20,000 square feet or greater) (1002.16)					C	C
Retail Business (less than 20,000 square feet)					P	P
Retail Business or Restaurant (3,000 square feet or larger) (1002.37)						
Retail Business or Restaurant (less than 3,000 square feet)						

Comment [JMM56]: Note, forestry must be permitted in all districts, per MPC Section 603 f.

Comment [JMM57]: Remove any unneeded categories for retail business. Square footages can be revised/tailored to the specific needs of the municipality.

Key:	P = Permitted Use (approved by zoning officer) SE = Special Exception (approved by Zoning Hearing Board) C = Conditional Use (approved by Governing Body)	A-1	R-1	R-2	B-1	B-2
Retail Sale of Agricultural, Nursery and Garden Material (1002.39)		SE			P	P
Riding Academy or Boarding Stable (1002.40)		P	SE			
Sanitary Landfills						C
Sawmills (1002.42)		SE				SE
Schools (public or private; elementary or secondary) (1002.43)			SE	SE	SE	SE
Scrap (Junk or Salvage) Yard (1002.44)						C
Self-Storage Facilities (1002.45)					P	P
Slaughter House, Stockyard or Tannery						C
Social Clubs and Fraternal Organizations (1002.46)		SE			P	P
Solid Waste Processing and/or Disposal Facilities (1002.47)						C
Special Events of a Temporary Nature (1002.54)		P			P	P
State Game Lands		P	P			
Target Range, Indoor (1002.48)		SE			SE	SE
Target Range, Outdoor (1002.48)		SE				
Taverns and Nightclubs (1002.49)					SE	SE
Transportation Terminal						P
Treatment Center/Pre-Release Detention Facility (1002.50)						SE
Truck and Heavy Equipment Sales, Service and Repair Services					SE	P
Vehicle Sales, Rentals and Service (1002.51)					P	P
Veterinary Clinics (1002.06)		P			P	P
Wholesale, Warehouse and Storage Facilities					P	P
Wind Energy Facilities (1102)		C				C
Wireless Communications Facilities, Non-Tower (1101)		P	P	P	P	P
Wireless Communications Facilities, Tower-Based (1101)		SE	SE	SE	SE	SE

Article 6 Lot Area, Yard and Height Regulations

601 General Requirements

A. No yard or lot existing upon adoption of this Ordinance shall be reduced in size or area below the minimum requirements of the zoning district within which it is located. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance.

B. Yards shall be provided in accordance with the provisions of this Ordinance and shall be planted with grass, seed, sod, ground cover, mulch or other pervious decorative or vegetative cover excepting in cases where walks, access drives, off-street parking lots, patios and other types of surfaces are permitted by this Ordinance.

C. The preservation of existing vegetation and natural wooded areas is permitted within the required yard areas.

602 Summary Chart of Lot Area, Yard and Height Regulations

The Lot Area, Yard and Height Regulations for each zoning district shall be as follows, unless specifically stated otherwise in this Ordinance.

Comment [JMM58]: Note: The lot area, yard and height regulations should be customized based on the municipality's policies and goals within each district. The chart is provided only as an example.

Zoning District	Minimum Lot Area (1)	Minimum Lot Frontage (2) (3)	Minimum Front Yard Setback (4)	Minimum Rear Yard Setback (5)	Minimum Side Yard Setback (5) (6)	Maximum Building Coverage (7)	Maximum Height
A-1, Agricultural	2 acres	200 feet	50 feet	20 feet	20 feet	10%	45 feet
R-1, Low Density Residential	1 acre	150 feet	50 feet	20 feet	20 feet	10%	45 feet
R-2, Medium Density Residential	1 acre	150 feet	50 feet	20 feet	20 feet	20%	45 feet
V-1, Village	1 acre	150 feet	50 feet	20 feet	20 feet	20%	45 feet
C-1, Commercial	1 acre	150 feet	50 feet	20 feet	20 feet	50%	45 feet
I-1, Industrial	1 acre	150 feet	50 feet	20 feet	20 feet	50%	45 feet
REC, Recreation	1/2 acre	95 feet	30 feet	40 feet	10 feet	20%	30 feet

Notes

(1) The minimum lot area shall be calculated exclusive of the public right-of-way.

(2) Frontage distance along a public right-of-way.

(3) The minimum frontage requirement for a lot fronting on a cul-de-sac shall be 50 feet, measured at the right-of-way line. See Section 607 for minimum lot frontage requirement for a flag lot.

(4) Measured from the street right-of-way.

(5) The minimum side yard requirement for an accessory building or structure is 1/2 of the minimum side yard required for a principal building or 1/2 the height of the accessory building or structure, whichever is greater.

(6) The minimum rear yard requirement for an accessory building or structure is 1/2 of the minimum rear yard required for a principal building or 1/2 the height of the accessory building or structure, whichever is greater.

(7) The maximum building coverage shall include total of all structures, both principal and accessory.

603 Emergency Access

All principal buildings shall have adequate provisions for access by emergency vehicles and fire ladders in order to reach all sides of a building.

604 Frontage onto Public Right-of-Way

Frontage required onto public right-of-way shall comply with the following:

A. Each proposed new lot shall directly abut one of the following: a) a public street, not including an "alley," b) a street proposed to be dedicated to the municipality by the subdivision plan which created such lot, or (c) an existing (at date of adoption of this Ordinance) private street which meets all of the requirements of a public street.
B. Access to lots containing single-family dwellings and multiple family dwellings of less than 5 units shall be via driveways and access to lots containing other uses shall be via access drives.
C. The erection of a principal building on any lot which existed at the time of the enactment of this Ordinance and does not have frontage on a public right-of-way shall be permitted if the applicant provides proof of access to the property in the form of a legal document recorded at the Erie County Recorder of Deeds. If the existing document does not address access rights and maintenance responsibilities between the landowner and effected parties, or if no such document exists, a new document shall be recorded that does address these issues. In addition, the landowner shall enter into a binding legal agreement with the municipality prepared by the municipality's solicitor outlining the responsibility of each party as it pertains to the private right-of-way.

605 Clear Sight Triangle

A. In a clear sight triangle no walk, fence, sign or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be maintained or permitted between 3' and 8' above the street grade which may cause danger to traffic or a street or public road by obscuring the view.
B. The clear sight triangle shall be a triangular area of unobstructed vision on corner lots formed by a sight line of one hundred fifty (150) feet along the centerline of an arterial street, one hundred twenty (120) feet along the centerline of a collector street and eighty (80) feet along the centerline of a local street from the centerline intersections. When an arterial or collector and a local street intersect, each shall retain its respective footage requirements along the centerline to form the sight triangle.

606 Maximum Impervious Lot Coverage

Within the C-1, Commercial and I-1, Industrial districts, the maximum permitted lot coverage by an impervious surface(s) shall be eighty percent (80%).

Comment [JMM59]: List applicable zoning districts, as desired by municipality.

607 Flag Lots

Flag lots shall be allowed in all districts, subject to the following:

A. Flag lots shall meet all requirements of the **[Insert Municipality]** Subdivision and Land Development Ordinance.

B. Flag lots shall only be permitted for lots of one (1) acre or more in areas with public water and sewer availability; two (2) acres or more in areas with either water or sewer availability; and five (5) acres or more in areas without public water and sewer availability. However, in no case shall the lot area be less than the minimum lot area required by the underlying zoning district.

C. For residential developments, flag lots shall have a minimum lot frontage of fifty (50') feet measured at the street right-of-way line.

D. For non-residential developments, flag lots shall have a minimum lot frontage of sixty (60') feet measured at the street right-of-way line.

E. Flag lots shall not abut another flag lot, and "stacked" flag lots shall not be permitted, i.e. one lot behind a proposed or current (existing) flag lot.

F. The lot line where the narrow access corridor widens shall be considered the front lot line for applying setback requirements.

G. The lot minimum area, width and depth-to-width ratio requirements shall be based on the main portion of the lot and shall not include the access corridor.

Comment [JMM60]: Remove this requirement if municipal SALDO does not regulate flag lots.

608 Yard Adjustment Regulations

608.01 Front Yards

A. Each lot shall have a front yard setback as required in the district in which the lot is located.

B. The minimum front yard setback required for lots fronting on an arterial road shall be in accordance with the underlying zoning district or fifty (50') feet, whichever is greater.

C. On corner or double frontage lots each side of a lot having a street frontage shall meet the required front yard setback and shall be subject to all front yard requirements of this Ordinance.

D. [Option 1] Front Yard Setback Exception: In any district within a block containing a lot proposed for construction or expansion of a building, where 50 percent or more of the improved lots on such block frontage on one side of a street currently have front yards of less depth than is currently required for that district, and where the clear majority of such lots are already developed, the average of such existing front setbacks shall establish the minimum front yard depth for the remainder of the frontage.

E. [Option 2] Front Yard Setback Exception: Where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of either or both sidelines of a lot, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.

Comment [JMM61]: Option 1 of 2. This may be the best option for municipalities which have developed with a clearly defined, block pattern. Municipality should choose best option & delete unused option.

Comment [JMM62]: Option 2 of 2. This may be the best option for rural municipalities which often lack development in a clearly defined, block pattern. Municipality should choose best option & delete unused option.

608.02 Interior Yards

In cases where more than one principal building is located on a lot in single ownership, open space between the principal buildings shall be provided as follows, unless otherwise stipulated in this Ordinance.

A. In cases where one story buildings are parallel to each other or obliquely aligned, there shall be a minimum distance of fifty (50') feet between the front or rear faces. For buildings greater than one story in height, the distance shall be increased five (5') feet for each additional story.
B. There shall be a minimum distance of twenty-five (25') feet between end (side) walls of adjacent, one story buildings. For buildings greater than one story in height, the distance shall be increased five (5') feet for each additional story.
C. There shall be a minimum distance of thirty (30') feet between end (side) wall of a one story building and the front or rear face of an adjacent one story building,. For buildings greater than one story in height, the distance shall be increased five (5') feet for each additional story.
D. In cases where two (2) adjacent buildings differ in the number of stories, the minimum distance between the buildings shall be one-half of the sum of the distance that would be required between two (2) buildings of the lower height, plus the distance that would be required between two buildings of the greater height.
E. The minimum distance separating multiple family buildings from non-residential uses shall be not less than seventy-five (75') feet between buildings.

608.03 Accessory Buildings and Structures

A. Unless otherwise specified by this Ordinance, when an accessory building or structure is erected, constructed or placed on a corner lot, the accessory building or structure shall be not less than the required front yard depth from the corner lot line.
B. Accessory buildings attached to the principal building by a breezeway or similar structure shall meet all yard requirements for a principal building.
C. Unless otherwise specified by this Ordinance, the minimum side yard requirement for an accessory building or structure is 1/2 of the minimum side yard required for a principal building or 1/2 the height of the accessory building or structure, whichever is greater.
D. Unless otherwise specified by this Ordinance, the minimum rear yard requirement for an accessory building or structure is 1/2 of the minimum rear yard required for a principal building or 1/2 the height of the accessory building or structure, whichever is greater.

608.04 Projection in Yards

A. Patios, terraces or decks constructed at grade level and with no roof or walls may extend into any required yard space; provided, that at no time may a roof be constructed over or any walls constructed upon or around any portion of the patio, terrace or deck that is located beyond the required building setback lines.
B. Cornices, eaves, sills or other similar architectural features, gutters, bay windows, chimneys, or similar structures, may project into the front, rear or side yard of a lot, not more than eighteen (18) inches.

C. Exterior stairways, fire escapes or other required means of egress, ground-mounted doors for basement access, window awnings, chase for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard.
D. Covered porches and patios, whether enclosed or unenclosed, shall be considered as part of the principal building and shall meet all yard requirements for a principal building.
E. Walks, and window wells, and such other structures customarily incidental to the principal building may project into the front, side or rear yards of a lot providing the structure elevation shall be not more than twelve (12') inches above the yard grade.
F. Handicapped ramps and landings necessary to provide entrance to a building may be located within a required setback area. Handicapped ramps serving an existing building may extend into a street right-of-way where necessary, if granted written approval by the Zoning Administrator.
G. Fences and walls may be erected, altered and maintained within the required yard setbacks provided that they comply with Section 701.02 this Ordinance.

609 Height Regulation Exceptions

A. The height of any building or structure may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard (front, side and rear yards) exceeds the minimum yard regulation for the district in which the building or structure is located. However, such increase shall be limited to no more than ten (10) additional feet in the R-1, Residential and REC, Recreation districts.

Comment [JMM63]: List applicable zoning districts, as desired by municipality.

B. Height regulations shall not apply to barns or silos intended for farming operations, skylights, steeples of houses of worship, antennas, spires, belfries, cupolas, or domes not used for human occupancy, nor to chimneys, ventilators, water tanks, bulkheads, utility poles or towers, clock or bell towers, elevator shafts, mechanical equipment or other appurtenances usually required to be and customarily placed above roof level and not intended for human occupancy.
C. No building shall be hereafter erected less than one (1) story in height
D. See Section 1101 for height limitations applicable to wireless communications facilities.
E. See Section 1102 for height limitations applicable to wind energy facilities.
F. See Article 9 for height limitations applicable to signs.
G. All buildings and structures shall conform to applicable regulations of the Airport Zoning Ordinance and/or regulations relative to objects affecting navigable air space.

610 Number of Principal Uses and Principal Buildings per Lot

A. A lot within a non-residential district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that every requirement is met for each use and each building. The following criteria also apply:
    1. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a 2 acre lot area, then the lot shall have a minimum lot area of 2 acres.
    2. In districts that permit both residential and non-residential uses, no more than one (1) single family detached dwelling shall be permitted on any lot, except that, where permitted, a manufactured/mobile home park or residential condominium development may include more than one principal building per lot, provided all other requirements of this Ordinance are met.
    3. The lot may include a condominium form of ownership of individual buildings, with a legally binding property-owner's association, if the applicant proves to the satisfaction of the Zoning Administrator, based upon review by the Municipal Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

B. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
    1. A manufactured/mobile home park or residential condominium development may include more than one principal building per lot, provided all other requirements of this Ordinance are met.
    2. A multi-family residential development with three (3) or more units may include more than one principal building per lot, provided all other requirements of this Ordinance are met, except that no more than one (1) single family detached dwelling shall be permitted.
    3. A condominium form of ownership of individual dwelling units, with a legally binding homeowners or other association, may be established if the applicant proves to the satisfaction of the Zoning Administrator, based upon review by the Municipal Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

Article 7 General Regulations

701 Accessory Buildings or Structures

701.01 General Requirements

A. All accessory buildings and structures shall comply with all applicable lot, yard and height regulations in this Ordinance.

B. An accessory building or structure shall not be erected, set, or placed in the required front yard setback of any zoning district, with the exception of security guard stations, outdoor lighting fixtures or as otherwise permitted by this Ordinance.

C. An accessory building or structure shall not be erected, set, or placed in a front yard, unless specifically permitted by this Ordinance. Within the A-1, Agricultural District, an accessory building or structure may be erected, set, or placed within a front yard, but may not be erected, set, or placed within the required front yard setback area.

Comment [JMM64]: List applicable zoning districts, as desired by municipality. Delete if not desired within any zoning district.

D. Mailboxes, newspaper boxes, fences, walls, birdhouses, flagpoles, and pump covers may be placed in any required front, side or rear yard.

E. Signs shall be erected, set, or placed in accordance with Article 9, Signs.

F. Notwithstanding any provisions of this Ordinance to the contrary, doghouses and dog related structures shall be placed in rear yards only.

G. No accessory building or structure shall be constructed upon a lot until construction of the principal building has been actually commenced and, except as provided elsewhere in this Ordinance, no accessory building or structure shall be used for living space.

H. All accessory buildings and structures shall be erected, set or placed in accordance with adopted building codes

I. No more than two accessory buildings having an area of 100 square feet of gross floor area or less shall be authorized on any residential lot located within the R-1 Residential, R-2 Residential, V-1 Village or REC Recreation Districts.

Comment [JMM65]: List applicable zoning districts, as desired by municipality.

J. No accessory building or structure (including in-ground swimming pools, patios and decks) shall be located or erected within 10 feet of the boundary of any public utility easement or easement interest that has been granted to the Township or to a municipal authority or of the boundary of any stormwater detention or retention facility or like facility.

K. In no case shall a detached private garage or accessory building be located closer than 10 feet to a dwelling located on an adjoining lot.

L. Within the R-1 Residential, R-2 Residential, REC Recreation, and V-1 Village districts, the total gross floor area of all accessory buildings shall not exceed 50% of the gross floor area of the principal structure.

701.02 Fences and Walls

A. Fences and walls shall be permitted as an accessory use in all zoning districts. Any fence or wall shall be durably constructed and well-maintained. Fences or walls that have deteriorated shall be replaced or removed.

B. No fence, wall or hedge shall obstruct the clear-sight triangle requirements of this Ordinance.

C. No fence, wall, or structure shall be permitted or erected in a public or private drainage, utility or access easement, unless otherwise required by this Ordinance or other **[Insert Municipality]** ordinance. Any such fence erected in violation of this section shall be removed or relocated at the owner's expense.

D. Fences shall comply with the following:

1. Any fence located within a front yard in a residential district shall:
    a. be an open-style fence (such as picket, metal post, wrought iron or split rail) with a minimum ration of 1:1 of open structural areas.
    b. not exceed thirty-eight inches (38") in height.
    c. not be constructed of chain link metal. Fences are encouraged to be constructed using weather resistant wood, vinyl materials that resemble wood, or vinyl materials that resemble historic style metal post fences.
2. Within a residential district, on a corner lot at the intersection of two (2) streets, the maximum height of a fence shall be thirty-eight inches (38") along the street from which the residence takes its address. The maximum height in other yards shall be six and a half feet (6.5'), all subject to Section 701.02 (B) above.
3. Brick may be used for posts or as a base for a fence, provided the maximum fence height is not exceeded.
4. A fence shall not be required to comply with minimum setbacks for accessory structures.
5. With the exception of fences located within the C-1 Commercial or I-1 Industrial districts, all fences shall have a maximum height of six and a half feet (6.5') unless specified otherwise by this ordinance.
6. Fences within the C-1 Commercial and I-1 Industrial districts shall have a maximum height of eight and a half feet (8.5'), unless specified otherwise by this ordinance.
7. A maximum height of twelve feet (12') shall be permitted where the applicant proves to the zoning administrator that such height is necessary to protect public safety around a specific hazard, such as around an electric substation.
8. A maximum fence height of twelve feet (12') shall be permitted around the perimeter of a tennis court, basketball court or similar recreational facility.
9. Structural posts of a fence may extend above the height of the fence.
10. All fence heights shall be measured from the average surrounding ground level.
11. No fence shall be built within an existing street right-of-way.
12. A fence may be built without a setback from a lot line, however a small setback is recommended to provide future maintenance of the fence.
13. Barbed wire shall not be used as part of fences around dwellings.
14. If one side of a fence includes posts or supports, those posts or supports shall be placed on the interior of the fence, as opposed to facing onto a street or another lot.

Comment [JMM66]: List applicable zoning districts, as desired by municipality.

Comment [JMM67]: List applicable zoning districts, as desired by municipality.

Comment [JMM68]: Current UC Section 504 exempts fences around tennis courts, basketball courts, backstops and similar recreational facilities from height limitation.

Tennis fencing is typically 10-12 feet in height. Basketball is typically 10 feet. Baseball backstops are commonly 15-20 feet, but could probably be considered a structure other than a fence. They would be subject to the height limitations of the zoning district.

15. If a fence is finished only on one side, the finished side shall face outward away from the lot or parcel upon which it is located.

E. Walls shall comply with the following:
   1. Engineered retaining walls necessary to hold back slopes are exempted from the regulations of this Section and are permitted by right as needed in all zoning districts.
   2. Walls, except a retaining wall, within a front yard in a residential district shall have a maximum height of thirty-eight inches (38”). Within a residential district, on a corner lot at the intersection of two (2) streets, the maximum height of a wall shall be thirty-eight inches (38”) along the street from which the residence takes its address; the maximum in other yards shall be six feet (6’), all subject to Section 701.02 (B) above.
   3. Walls that are structurally part of a building shall be regulated as part of that building.
   4. All wall heights shall be measured from the average surrounding ground level.

701.03 Swimming Pools (private residential)

Where permitted, private swimming pools, including above-ground and in-ground pools, shall comply with the following conditions and requirements:

A. The pool shall be intended and used solely for the enjoyment of the occupants of the property on which it is located.
B. The pool may be located only in the rear yard or side yard of the property on which it is an accessory use.
C. The pool, including any above-ground decking, shall not be located closer than 7 feet from any property line of the property and/or not closer than 10 feet from the boundary of any public easement affecting the property.
D. The pool area or the entire property on which the pool is located shall meet the barrier requirements as established in the Pennsylvania Construction Code.

702 Buffer and Screening Requirements [Option 1]

Comment [JMM69]: Two options are presented for buffer and screening. Option 1 is offers greater protection. Option 2 provides a less regulatory, scaled back version.

One option should be selected. The other option should be deleted.

702.01 General Requirements

A. Any commercial, industrial and institutional land development that commences after the effective date of this Ordinance and that abuts a residential zoning district, pre-existing residential development or platted residential lots shall comply with the buffer and screening requirements of this Section.
B. All multiple family residential dwellings or land developments consisting of 10 or more dwelling units that abut pre-existing residential development or platted residential lots shall comply with the buffer and screening requirements of this Section.
C. No building or other structure shall be constructed or placed on or within a buffer yard unless specifically permitted by this Ordinance.

702.02 Types of Screening

When required by this Ordinance, a development shall comply with the appropriate screening type, based on its size and/or characteristics, as follows:

A. **Type I Screening:** Land developments with up to 40,000 square feet of gross floor area shall employ one of the following screening options:
   1. A screening and buffer strip, a minimum of ten (10) feet in width, shall be located within the required side and rear yards and parallel to the property lines. This strip shall contain a screen of plantings consisting of trees or shrubs at least six (6) feet in height and planted in such a manner as to form an opaque screen. At least fifty (50) percent of the trees or shrubs shall consist of evergreens. Initial plantings shall have a height of three (3) to six (6) feet. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer.
   2. As an alternative to the ten (10) foot planting strip, the developer shall maintain a twenty (20) foot buffer yard of natural vegetation sufficient for screening to a height of at least six (6) feet. This buffer yard should maintain the existing, natural vegetation unless such vegetation is considered insufficient for screening. In such a case, supplemental plantings consisting of trees or shrubs shall be added, as necessary, in order to achieve the required opaque screening to a height of six (6) feet.

B. **Type 2 Screening:** Land developments with 40,000 to 100,000 square feet of gross floor area shall employ one of the following screening options:
   1. A screening and buffer strip, a minimum of twenty (20) feet in width, shall be located within the required side and rear yards and parallel to the property lines. This strip shall contain a screen of plantings consisting of trees or shrubs planted in a least two (2) staggered rows and six (6) feet in height (from the "top of the ball') at the time of occupancy. At least fifty (50) percent of the trees or shrubs shall consist of evergreens. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer.
   2. As an alternative to the twenty (20) foot planting strip, the developer shall maintain a fifty (50) foot buffer yard of natural vegetation sufficient for screening to a height of at least six (6) feet. This buffer yard should maintain the existing, natural vegetation unless such vegetation is considered insufficient for screening. In such a case, supplemental plantings consisting of trees or shrubs shall be added, as necessary, in order to achieve the required opaque screening to a height of six (6) feet.

C. **Type 3 Screening:** Land developments with greater than 100,000 square feet of gross floor area shall employ one of the following screening options:
   1. A screening and buffer strip, a minimum of thirty (30) feet in width, shall be located within the required side and rear yards and parallel to the property lines. This strip shall contain a screen of plantings consisting of evergreen trees or shrubs planted in at least three (3) staggered rows and six (6) feet in height (from the "top of the ball') at the time of occupancy. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer.
   2. As an alternative to the thirty (30) foot planting strip, the developer shall maintain a fifty (50) foot buffer yard of natural vegetation sufficient for screening to a height of at least six (6) feet. This buffer yard should maintain the existing, natural vegetation unless such vegetation is considered insufficient for screening. In such a case, supplemental plantings

consisting of trees or shrubs shall be added, as necessary, in order to achieve the required opaque screening to a height of six (6) feet.

702.03 General Design Standards

A. Landscaped buffers, where required, shall be designed to assure the protection of adjoining land uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the character of the area.

B. Buffer yards shall be located along the outer perimeter of a lot or parcel and shall extend to the lot or parcel boundary line.

C. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way nor any access drive serving a lot or parcel.

D. Buffer yards may be used for controlled passive recreational purposes, but all other uses, including off-street parking, are prohibited. If necessary, driveways or walkways may cross a buffer yard.

E. Existing Vegetation: Protection of existing vegetation is encouraged. Existing healthy vegetation may be used toward buffer landscape requirements, to the extent that it provides the required level of density. If gaps occur in the natural setting of vegetation, as determined by the zoning administrator, new plant materials shall be required to achieve the necessary density levels.

F. Where woodlands, floodplains and drainage ways, and wetlands are in the buffer yard, the following rules shall apply:
   1. Developers are encouraged to leave woodland areas undisturbed and incorporate them into any required buffer areas.
   2. Floodplain and drainage ways shall be treated as any other buffer yard except that all plant material shall be tolerant of very wet conditions.
   3. Wetland areas in buffer yards shall be protected in accordance with PA DEP requirements. Plantings shall be selected that meet the intent of the size and types required but are tolerant of the wetland conditions.

G. Walls or Fences Used for Screening: Any wall shall be constructed in a durable fashion with a finish surface of brick, stone or other decorative masonry material approved by the municipality. Fences shall be constructed of weather resistant wood or vinyl materials that resemble wood. No wall or fence used for screening purposes shall be less than six (6) feet or greater than eight and one-half (8.5) feet in height above grade unless approved by the municipality. All walls and fences used for screening purposes shall be opaque.

H. Security Fences: Land developments of a hazardous nature including quarries, junk yards, outside storage, towers, fuel storage, or similar industrial activities may choose to incorporate a security fence in the required buffer area. If chain link or similar fencing materials are used, the exterior side of the fence shall be landscaped with evergreen shrubs a minimum of three (3) feet in height and six (6) feet on center at installation.

702.04 Planting Requirements

A. All landscaping and buffer yards shall be installed on the subject tract at the time of its development.
B. All landscape plantings shall be selected, considering the proper species and growth characteristics, to ensure adequate health and character with the existing and proposed conditions, such as overhead utilities, light, moisture, tolerance of road salts, leaf and fruit litter and confinements.
C. Where possible, a hardy mix of native tree, shrub, and grass species shall be utilized for landscaping, and in no case shall plants identified as invasive species be used.
D. All materials planted shall be free from disease, installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth, properly guyed or staked and planted in a manner that is not intrusive to utilities and/or pavement.
E. Ground Cover: A form of ground cover shall be placed on all portions of buffer area surfaces not occupied by plant material. This may include: neatly mowed grass, low-lying plant material that does not exceed 12 inches in height at maturity, organic mulch materials, pine straw and crushed stone. Ground cover shall be spaced to allow for complete fill-in within one (1) year.

702.05 Landscaping and Buffer Yard Maintenance

A. It shall be the responsibility of the property owner or an association of property owners to permanently maintain required landscaping and buffer yards.
B. Any plant material that does not live shall be replaced within one (1) year.
C. In the event the property owner, or an association of property owners, or their heirs, successors, and assigns fail to maintain the required landscaping and buffer yards, the municipality may enter the property and take necessary and prudent action to maintain said landscaping and buffer yards, and to charge the costs of maintenance and/or repairs to the property owner, or association of property owners. However, the municipality is under no obligation to conduct said maintenance.

702.06 Relief from Buffer Requirements

A. In the event that the unusual topography or elevation of a development site or the location or size of the parcel to be developed would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and/or maintain the required buffer, the Zoning Hearing Board may alter the requirements of this Section provided the spirit and intent of the buffer requirements as outlined in this Section are maintained. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the municipality showing existing site features that would screen the proposed use and any additional screen materials the property owner will plant or construct to screen the proposed use. The Zoning Hearing Board shall not approve any relief from buffer and/or screening requirements unless the property owner demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required screen.

B. Waiver for Additions: Additions to existing structures that are under ten (10) percent of the gross floor area of the building or 2,500 square feet, whichever is less, are exempt from buffer requirements.

702 Buffer Yard and Screening Requirements [Option 2]

702.01 General Requirements

The buffer and screening requirements of this Section shall apply to the following types of land developments commencing after the effective date of this Ordinance:

A. Any new commercial, industrial or institutional land development that abuts a residential zoning district.
B. Any expansion of an existing commercial, industrial or institutional land development that abuts a residential zoning district, and that increases gross floor area by fifty percent (50%) or greater.
C. Any new multiple family residential development that consists of 10 or more dwelling units, and that abuts pre-existing residential development or platted residential lots.
D. Any expansion of an existing multiple family residential development that results in a total of 10 or more dwelling units, and that abuts pre-existing residential development or platted residential lots.

702.02 General Design Standards

When required by this Ordinance, buffer yards shall comply with the following criteria:

A. Buffer yards shall be designed to assure the protection of adjoining land uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the character of the area.
B. Buffer yards shall be a minimum of six (6) feet in width, unless a wider width is specified by another section of this Ordinance, or unless a wider width is required by the Zoning Hearing Board as a condition of approval of a variance or special exception.
C. Areas of the buffer yard not covered with a fence, wall, screening plantings, mulch or other pervious decorative cover shall be planted with grass or other attractive vegetative ground cover.
D. Buffer yards shall be located along the side and rear lot lines that are not abutting a street and that are adjacent to a residential development or residential zoning district.
E. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way nor any access drive serving a lot or parcel.
F. Buffer yards may be used for controlled passive recreational purposes, but all other uses, including off-street parking and outdoor storage of materials or equipment, are prohibited. If necessary, driveways or walkways may cross a buffer yard.
G. No building or other structure shall be constructed or placed on or within a buffer yard unless specifically permitted by this Ordinance.

H. Screening: Buffer yards shall contain suitable, sight-obscuring screening, defined as one or more of the following:
   a. A sight-obscuring planting of shrubs and/or bushes of a variety that keep green leaves year round and will maintain full, dense growth from the ground to a height of between four (4) and six (6)feet. Plants shall be a minimum of three (3) feet in height at the time of planting, and shall be spaced to provide full, dense coverage without interruption.
   b. Upon approval of the Zoning Hearing Board, a wall, fence (finished side out), or earthen berm may be substituted for planting materials. The Zoning Hearing Board shall establish conditions on the location, height, and design of same.
   c. As a condition of approval of a variance or special exception, the Zoning Hearing Board may require a wall, fence (finished side out), or earthen berm in conjunction with planting materials. The Zoning Hearing Board shall establish conditions on the location, height, and design of same.

I. Existing Vegetation: Protection of existing vegetation is encouraged. Existing healthy vegetation may be used toward buffer and screening landscape requirements, to the extent that it provides the required level of density. If gaps occur in the natural setting of vegetation, as determined by the zoning administrator, new plant materials shall be required to achieve the necessary density levels.

J. Security Fences: Land developments of a hazardous nature including quarries, junk yards, outside storage, towers, fuel storage, or similar industrial activities may choose to incorporate a security fence in the required buffer area. If chain link or similar fencing materials are used, the exterior side of the fence shall be landscaped with evergreen shrubs a minimum of three (3) feet in height and six (6) feet on center at installation.

702.03 Installation and Maintenance

A. It shall be the responsibility of the property owner or an association of property owners to install and permanently maintain the buffer yard and screening and/or landscaping required by this Ordinance.
B. Fences and walls shall be maintained in a safe and structurally sound condition.
C. Dead or diseased plants shall be removed and replaced within one (1) year.

702.04 Modifications of Requirements

A. In the event that the location, topography, lot size, existing vegetation, or other characteristics of the development site warrant exceptions to the strict application of the buffer yard and screening requirements of this Ordinance, the Zoning Hearing Board may waive or modify such requirements.
B. The Zoning Hearing Board may modify the buffer and/or screening requirements of this Ordinance as a condition of approval for a variance or special exception. Modifications may include, but are not limited to, increasing the width of the required buffer yard; additional landscaping requirements; and increasing the height requirements of plantings, fences, or other types of screening.

703 Dumpster Screening and Location

A. Solid waste dumpsters shall be screened on all sides. Such screening shall consist of decorative masonry walls, solid weather-resistant wood fencing or fencing of a similar appearance (such as white vinyl vertical planks). Evergreen plantings are also encouraged in addition to the fence or wall. The fence or wall shall include a self-latching door or gate.
B. Setback from Dwellings: An outdoor solid waste container with a capacity of over 25 cubic feet shall be kept the maximum distance that is feasible from any abutting dwelling, provided that the container is not in the minimum front yard setback area. In any case, an outdoor solid waste container shall be kept a minimum of 15 feet from an abutting dwelling. A solid waste dumpster shall not be located in a required front, side or rear yard setback or a required buffer yard.
C. All waste containers shall be completely enclosed, and the lid shall be kept in place. The locations of all dumpsters shall be shown on all site plans and land development plans submitted to the municipality.
D. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises, or for recycling containers that do not involve garbage.

704 Exterior Lighting

Where light fixtures are installed to provide exterior illumination, excluding overhead street lighting and warning, emergency, or traffic signals, the following restrictions shall apply.

A. All outdoor lighting, whether or not required 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.
B. All future amendments to the recommended practices of the IESNA shall be made a part of the Ordinance without further action by the municipality.
C. Street lighting fixtures, when required for safety considerations, may be controlled by photocells for dusk to dawn operation.
D. The lighting from any luminary shall be shaded, shielded, or directed to prevent direct light from being distributed onto adjacent properties and/or surrounding areas. Unshielded lighting is not permitted, except for temporary holiday lighting. Lighting shall be designed so that glare or direct illumination does not exceed two tenths (0.2) foot candle beyond the property line on which the lighting originates.
E. Lighting on private 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 (disabling glare).
F. Pole-mounted lamps shall be placed directly above the area to be illuminated and shielded at the top and sides; or positioned near the perimeter of a property and aimed toward the area requiring illumination, subject to applicable yard setback provisions.
G. 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 mounting height, wattage, aiming angle, fixture placement, etc.

H. The installation or erection of any lighting, which may be confused with warning signals, emergency signals, or traffic signals, shall not be permitted.
I. Lighting of parking lots shall be in accordance with this Ordinance.
J. Maintenance: Lighting fixtures shall be maintained so as to always meet the requirements of this Ordinance.
K. Nonconforming Lighting: Any lighting fixture existing on the effective date of this Ordinance which does not conform with the requirements of this Ordinance shall be considered a lawful, nonconforming lighting fixture. A nonconforming lighting fixture shall be made to comply with the requirements of this Ordinance when such fixture is replaced or relocated.

705 Storage

705.01 Temporary Storage Units

The use of temporary storage units, including those commercially known as "pods" or enclosed "containers" of a box trailer with or without wheels, shall be permitted on a temporary basis subject to the following:

A. Units shall be permitted for a maximum period of 60 consecutive days in any one calendar year. This period may be extended upon written request to the zoning administrator for a period not exceeding 180 days, except as provided for in Section 705.01 (B).
B. Notwithstanding Section 705.01 (A), units used for temporary construction storage may be used for the period for which a valid building permit has been issued.
C. Any enclosed "container" of a box trailer with wheels that is used for temporary storage shall be licensed, and shall be located in conformance with all applicable yard setback requirements for an accessory structure within the zoning district in which the property is located.
D. The "container" of a box trailer, with or without wheels, shall not be used for permanent storage in any zoning district.
E. The use of former mobile homes, former semi-rigs, former buses or similar vehicles for temporary or permanent storage is not permitted in any zoning district.

705.02 Recreational Vehicles & Recreational Equipment

The parking, storage and/or occupancy of recreational vehicles and recreational equipment, as defined in Article 2, and including travel trailers, pickup coaches, motorized homes and boat trailers, shall be subject to the following criteria:

A. The occupancy of recreational vehicles and recreational equipment for living, sleeping and/or housekeeping purposes shall be prohibited, except for as follows:
    1. The temporary occupancy of recreational vehicles and/or recreational equipment shall be permitted in conjunction with a legally permitted campground or recreational vehicle park for a period of time not exceeding 9 consecutive months or 9 months within a calendar year. The requirements of Section 705.02 (A, 2) do not apply to recreational vehicles and recreational equipment located within a legally permitted campground or recreational vehicle park.

2. The temporary occupancy of recreational vehicles and/or recreational equipment shall be permitted, subject to the following conditions:
    a. The temporary occupancy shall be for visitors and house guests only, and shall not be for commercial purposes.
    b. The temporary occupancy period shall not exceed 30 consecutive days or 30 days within a calendar year unless a zoning permit is obtained, in accordance with Section 302.03 (C, 3), Zoning Permits for Temporary Uses and Structures.
    c. Such vehicles and/or equipment shall have adequate off-street parking areas.

B. Permanent parking and/or storage of recreational vehicles and recreational equipment shall be permitted in any zoning district subject to the following requirements. For purposes of this Section, permanent is defined as a period of time exceeding 90 consecutive days or 90 days within a calendar year.
1. Except as provided for in Section 705.02 A, above, parked and/or stored recreational vehicles and recreational equipment shall not be occupied or used for living or housekeeping purposes.
2. Parking or storage of recreational vehicles and recreational equipment shall be limited to the interior of garages or other available on-lot accessory buildings, driveways, or that portion of the property located behind the principal building.
3. Parking or storage of recreational vehicles and recreational equipment shall conform to all applicable yard setback requirements for an accessory structure within the zoning district in which the property is located.

C. Derelicts: No recreational vehicles or recreational equipment shall be stored outdoors on a residential premise unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it is intended.

705.03 Commercial Vehicles & Equipment Storage

A. Commercial equipment including trucks (greater than one ton capacity) tandems, tractor-trailers, school buses, tractors or other commercial construction, earth moving, or cargo-moving vehicles and/or equipment shall not be parked overnight in the R-1 Residential, R-2 Residential, REC Recreation or V-1 Village Districts, except as provided for in Sections 705.03 (B) and 705.03 (C). In the A-1 Agricultural, C-1 Commercial, and I-1 Industrial Districts, such vehicles and/or equipment shall not be parked overnight on any public thoroughfare or right-of-way.

B. Farm tractors and other farm equipment are excluded from Section 705.03 (A) requirements for the R-1 Residential, R-2 Residential, REC Recreation or V-1 Village Districts. However, such vehicles and/or equipment shall not be parked overnight on any public thoroughfare or right-of-way.

Comment [JMM70]: List applicable zoning districts, as desired by municipality.

Comment [JMM71]: List applicable zoning districts, as desired by municipality.

C. The only overnight parking of commercial trucks and buses that shall be allowed in the R-1 Residential, R-2 Residential, REC Recreation or V-1 Village Districts shall be for a maximum of two (2) vehicles, each up to 14,000 pounds aggregate gross vehicle weight, and which shall only be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work.

Comment [JMM72]: List applicable zoning districts, as desired by municipality.

705.04 Parking & Storage of Unlicensed or Uninspected Motor Vehicles

A. Motor vehicles without current, valid license plates or inspection stickers which are more than sixty (60) days beyond their expiration dates shall not be parked or stored in any zoning district, unless completely covered or unless stored within an enclosed building.
B. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of conveyance on public streets.
C. Nothing in this section shall be interpreted to prevent the unenclosed storage of motor vehicles without current, valid license plates and current valid inspection stickers if such storage is performed in conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or a junkyard.

705.05 Outside Storage and Display

A. Outside storage and/or display shall not occupy a street right-of-way, required parking area, buffer yard, sidewalk or other area intended or designed for pedestrian use.
B. No outdoor stockpiling of any material shall be permitted in the required front yard setback area.
C. No outside storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodway.
D. Outside storage of any materials on property which abuts any public right-of-way and/or any residential zoning district must be screened from view at all times.
E. Outdoor storage of loose and/or bulk materials, such as sawdust, straw, leaves, or similar items shall be covered or shielded from the weather to ensure confinement to the site during periods of wind, and to prevent runoff onto adjacent properties during storm events.
F. Any outside storage of more than fifty (50) used tires shall only be permitted as part of a municipality approved junkyard. Any outside storage of tires shall involve stacks with a maximum height of 15 feet and shall cover a maximum area of 400 square feet. Each stack of tires shall be located a minimum of seventy five feet (75') from all lot lines.

706 Performance Standards

A. No use of land or structure in any district shall involve, or cause, any condition or material that may be dangerous, injurious, or toxic to any other property or person. Please note that some agricultural activities are protected by the Commonwealths "Right to Farm" Laws.

B. All industrial or commercial uses in any district must observe the following performance requirements.

1. **Fire Protection:** Fire protection and fighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive material is carried on.
2. **Electric Disturbance:** No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the neighboring area.
3. **Air Pollution/Smoke:** All air-borne emissions shall comply with the regulations of the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency (US).
4. **Glare:** All exterior lighting shall comply with Section 704, Exterior Lighting.
5. **Water Pollution:** No permit shall be issued until all applicable wastewater, stormwater and erosion/sedimentation control permits have been obtained.
6. **Vibration:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property, except that a temporary vibration as a result of construction activity shall be permitted.
7. **Noise:** The sound pressure level shall not exceed the decibel limits in the octave bands designated in the following table:

Octave Frequency (Cycles Per Second)	Decibel Limits Along or in Residential District Boundaries	Decibel Limits along or in Non-Residential District Boundaries
0-75	72	79
76-150	67	74
151-300	59	66
301-600	52	59
601-1200	46	53
1201-2400	40	47
2401-4800	34	41
Over 4800	32	39

Sounds of short duration, as from forge hammers, punch presses, and metal shears, which cannot be measured accurately with the sound-level meter, shall be measured with the impact filter as manufactured by the General Radio Company or its equivalent in order to determine the peak value of the impact. For sounds so measured, the sound pressure level set forth in this table may be increased by six (6) decibels.

707 Prohibited Uses

The following uses are prohibited in all districts within the municipality.

A. The incineration, reduction or storage of offal, animals, fish, or refuse, unless by the authority of or under the supervision of the municipality.
B. The incineration or reduction of garbage and grass clippings.
C. Dumps and dumping of any kind, other than solid waste landfill and composting, unless by the authority of or under the supervision of the municipality.

Comment [JMM73]: Remove if municipality permits burning.

Comment [JMM74]: Remove if municipality permits burning.

708 Encroachments into Rights-of-Way and Easement Areas

Generally, no encroachment into the right of way of a public street or highway or into an easement area granted to the municipality or to the public is authorized absent the prior approval of the municipality or PennDOT, as is applicable.

A. No sign, display, fence, hedge, enclosure wall or other obstruction shall be placed within a public right-of-way or maintained so as to interfere with the free passage of pedestrians, motorists and others using the street, highway, sidewalk or other part of the right of way.
B. Except for street trees as authorized by the **[Insert Municipality]** Subdivision and Land Development Ordinance, no tree, shrub, hedge, fence, wall or other item shall be placed within the limits of any public right-of-way, street, highway or easement.
C. Street trees may be placed within a public street right of way subject to the standards set forth in by the **[Insert Municipality]** Subdivision and Land Development Ordinance, as may be amended in the future; provided that:
   1. They shall be located so as not to obstruct any part of a street, sidewalk or path.
   2. No such tree shall be located so as to obstruct or pose risk of obstruction to vehicles (including municipal vehicles) using the street.
   3. The owner of the abutting property shall be responsible for the proper location and maintenance of said tree.

Comment [JMM75]: If municipality desires to allow street trees, and they are not regulated by the municipality's SALDO or other municipal ordinance, then the municipality may desire to include additional regulations in the zoning ordinance.

See Section 506.6 of the Erie County SALDO for additional street tree regulations, if desired.

709 Individual Mobile Homes

Individual mobile homes shall be permitted on individual lots only if they meet the following conditions:

A. The proposed lot shall meet all area and yard requirements of the district.
B. The installation of the mobile home shall comply with the Commonwealth of Pennsylvania Uniform Construction Code.
C. The unit shall be permanently installed on piers or a foundation in a manner that complies with the manufacturer's recommendations. In cases where the unit is installed on piers, skirting shall be provided.

710 Pets, Keeping Of

A. Keeping of pets is permitted by right, as an accessory use in all zoning districts.

B. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or order), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets.

C. The keeping of "Exotic wildlife" as defined by the Pennsylvania State Law shall be permitted only within the A-1, Agricultural District. Any required permits must be maintained.

Comment [JMM76]: "Exotic wildlife." The phrase includes, but is not limited to, all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals were bred or reared in captivity or imported from another state or nation.

Comment [JMM77]: If municipality desires to permit exotic wildlife, it is recommended that it specify a specific zoning district or districts.

Comment [JMM78]: List applicable zoning districts, as desired by municipality.

Article 8 Off-Street Parking and Loading

801 General Regulations

A. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off or beyond the public right-of-way.

B. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements.

802 Off-Street Parking Requirements

A. The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically mentioned, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Fractional numbers of parking spaces shall be increased to the next whole number. Where more than one (1) use exists on a lot, parking requirements for each use must be met, except as provided for in Section 802 B.

Land Use	Parking Required
RESIDENTIAL	
Single family dwellings	2 spaces per dwelling unit
Multiple family dwellings	2 spaces per dwelling unit plus 1 space per five dwelling units for guest parking.
Multiple family dwellings limited to persons over the age of 55, or limited to 1 bedroom units.	1.25 spaces per dwelling unit
Assisted Living Facilities	Combination of the following by service area: Personal care or nursing care centers: 1 space for each 4 beds plus 1 space per employee on largest shift. Apartment units: 1 space per dwelling unit plus 1 space per 5 units for guest parking. Single family units: 1.25 spaces per dwelling unit.

Boarding Houses	1 space per resident based on maximum occupancy, plus 1 space for guest parking for each four (4) residents based on maximum occupancy.
Group Quarters	1 space per resident based on maximum occupancy, plus 1 space for guest parking for each four (4) residents based on maximum occupancy.
Home Based Business or Occupation	2 per dwelling unit, plus one per non-resident employee, plus one additional space
Mobile Home Parks	2 spaces per dwelling unit
AGRICULTURE	
Farmer's Market	(1) space per 200 square feet of retail sales area; minimum 3 spaces
Landscape Nurseries and Greenhouses	(1) space per 250 square feet of gross floor area of indoor display, plus (1) space per 2,500 sq. ft. of greenhouse or outdoor display open to the public
Market or Auction House	(1) space per 100 sq. ft. of gross floor area, and (2) spaces per vendor
Retail sale of agricultural products produced on the premises; roadside stands	(1) space per 200 square feet of retail sales area; minimum 3 spaces
Riding Academy or Boarding Stable	1 space per 2 stalls, plus 1 space per 4 seats of spectator seating, plus 1 space for each non-resident employee.
COMMERCIAL	
Amusement, Entertainment, and Recreation:	
Amusement Arcade	1 space per 80 sq. ft. of gross floor area
Bowling Alley	(2) spaces per lane, plus 1 space per employee on largest shift.
Billiard Room	2 spaces per table
Campgrounds	2 spaces per campsite

Commercial Recreation (not otherwise covered)	(1) space per 2 persons permitted in maximum occupancy
Dance halls	(1) space per 100 sq. ft. of gross floor area, plus 1 per employee on largest shift.
Fairgrounds, amusement parks, carnivals, circuses, transient shows	(1) space per 3 persons permitted in maximum occupancy
Golf Courses	(4) spaces per hole, plus added spaces for restaurant uses if applicable
Golf Driving Ranges	(1) space per tee
Gyms, Indoor Athletic or Exercise Facilities	(1) space per 200 sq. ft. of gross floor area
Marina	(2) spaces per 3 boat slips, plus (10) spaces per launch
Miniature Golf	(1) space per hole
Skating and Roller Rinks	(1) space per 250 sq. ft. of gross floor area
Sports Arenas and Stadiums	(1) space per 3 seats, plus 1 space per employee on largest shift
Swimming pools (other than one accessory to a residential development, private residence or hotel/motel)	(1) space per 100 sq. ft. of water surface area
Tennis Courts	(3) spaces per court
Theaters and Auditoriums	(1) space per 3 seats, plus 1 space per employee on largest shift
Offices/Professional Uses:	
Banks and Financial Institutions	(1) space per 250 sq. ft. of gross floor area
Offices, General	(1) space per 250 sq. ft. of gross floor area
Medical and Dental Offices, including outpatient clinics	(5) spaces per doctor, plus (1) space per employee on largest shift
Veterinary Clinics	(4) spaces per doctor, plus (1) space per employee on largest shift

Comment [JMM79]: Remove if not applicable for municipality

Retail Sales and Services:	
Pet grooming	1 per each 5 kennels; minimum of 3 spaces, plus 1 per employee on largest shift
Auto Sales	(1) per each 250 sq. ft. gross floor area indoor display, plus (1) per 5,000 sq. ft. outdoor display
Automotive/ Vehicle Rentals	1 space per 700 sq. ft. of gross floor area, plus 1 space per 300 sq. ft. of office, sales and other spaces to be used by customers or employees.
Automotive/Vehicle Service and Repair Facilities	2 spaces for each service bay area plus one space per employee on the largest shift, but in no case less than 1 space for each 400 sq. ft. of gross floor area.
Beauty or Barber Shop	(1) space for each customer seat, plus 1 space per employee on largest shift
Bed and Breakfast Inns and Homes	(1) space per guest room, plus (1) space per employee on largest shift
Car Wash Facilities	(3) spaces per wash line
Convenience Stores / Automotive Fueling Stations	(1) space per 150 sq. ft. of gross floor area open to the public, and 1 space per employee on largest shift
Day Care Centers	(1) space per employee on largest shift, plus (1) space per (6) visitors or students
Emergency Services	(1) space per employee on largest shift, plus (1) space per 250 sq. ft. of gross floor area open to the public
Flea Markets	(1) space per 200 square feet of retail sales area
Funeral Homes and Mortuaries	(25) spaces for the first parlor, plus (10) spaces for each additional parlor
Food markets and grocery stores	(1) space per 150 sq. ft. of gross floor area open to the public, and 1 space per employee

	on largest shift
Hotel or Motel	1 space per guest room, plus 1 space for each employee on the largest shift, plus spaces associated with meeting rooms (1 space for 400 square feet of public meeting area). Spaces for restaurants and related facilities shall be in addition to these requirements.
Kennels and Animal Boarding Facilities	(1) space for every 15 animals of capacity, plus 1 space per employee on largest shift
Laundry or Dry Cleaners	(1) space per 400 sq. ft. of gross floor area
Laundromat, self-service	1 space per 3 washing machines, plus 1 space per employee on largest shift
Manufactured Home Sales; Recreational Vehicle Sales; and Monument Sales	(1) space per 250 sq. ft. gross floor area indoor display, plus (1) space per 5,000 sq. ft. outdoor display
Personal Services	(1) space per 250 sq. ft. of gross floor area
Repair Services	(1) space per 300 sq. ft. of gross floor area open to the public, plus (1) space per employee on largest shift
Restaurant, Fast-Food w/ Drive-thru	(1) space per 2 seats, plus (1) space per employee on largest shift
Restaurant, other than fast food w/drive-thru	(1) space per 3 seats, plus (1) space per employee on largest shift
Retail Stores or shops (except those otherwise listed)	(1) space per 200 sq. ft. of gross floor area open to the public, plus 1 per employee on largest shift
Retail Stores (Furniture, lumber or floor coverings sales)	(1) space per 500 sq. ft. of gross floor area open to the public, plus 1 space per employee on largest shift.
Tavern, Night Club, Lounge	Greater of (1) space per 50 sq. ft. of gross floor area open to the public or (1) per 2 seats; plus (1) space per employee on largest shift

INDUSTRIAL	
Contracting Operation (construction, electrical, heating, plumbing, etc.)	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Distribution Centers/Beverage Bottling	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Industrial Uses (not otherwise covered)	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Manufacturing	(1) space per 1,000 sq. ft. of gross floor area, or (1) space per employee on largest shift, whichever is greater
Mini or self-storage facilities	1 space per 25 storage units, plus 1 space per employee on largest shift
Research and Technical Laboratories	(1) space per 1,000 SF, or (1) space per employee on largest shift, whichever is greater
Scrap (Junk or Salvage) Yards	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Transportation Terminal	1 space for every 100 sq. ft. of waiting room space, plus 1 space for each employee on the largest shift.
Warehouses	(1) space per employee on the largest shift, plus (1) space per 500 sq. ft. of gross floor area open to the public
Wholesale Establishments	(1) space per 1,000 sq. ft. of gross floor area, or (1) space per employee on largest shift, whichever is greater
INSTITUTIONAL, EDUCATIONAL, SOCIAL AND RELIGIOUS	
Athletic/ Sports Fields	(5) spaces per acre; plus (1) space per 3 seats for spectators, or if there are no seats, (1) space for every 40 sq. ft. of spectator seating area.

Cemetery	(1) space per employee on largest shift, plus (1) space per 4 seats of chapel or assembly room capacity.
House of Worship	(1) space per 4 seats used for services
Municipal Buildings; Community Buildings	(1) space per 100 sq. ft. of gross floor area open to the public
Nursery Schools	(1) space per employee on largest shift, plus (1) space per (6) visitors or students
Hospitals	(1) space for each 1.5 beds, plus (1) space per employee on largest shift
Libraries and Museums	(1) space per 300 sq. ft. of gross floor area open to public, plus (1) space for each employee on largest shift
Monasteries or Convents	(1) space per 6 residents, (1) space per employee on largest shift, and (1) space per 5 chapel seats
Nursing Home	(1) space per 6 beds, plus (1) space per employee on largest shift
Park (10 acres or less)	(5) spaces for the first two acres and (1) space for each additional acre; plus additional spaces for facilities such as playgrounds, athletic fields, pavilions, swimming pools and tennis courts
Parks (greater than 10 acres)	(5) spaces for the first acre, plus 1 space for each additional 10 acres; plus additional spaces for facilities such as playgrounds, athletic fields, pavilions, swimming pools and tennis courts
Park Pavilion	1 space for each picnic table
Playgrounds	(4) spaces per 1,000 sq. ft. of playing area
Post Office	(1) space per 100 sq. ft. of gross floor area open to the public.
Prisons	(1) space per employee on largest shift, plus 1 space per every (4) seats in visitation room

Social Clubs, Fraternal Clubs, Lodges and Similar Uses	(1) space per 100 sq. ft. of gross floor area open to the public.
Treatment Center/Pre-Release Detention Facility/Halfway House	1 space per 2 beds, plus 1 space for each employee on largest shift
Schools:	
Colleges or Universities	1 space for every three employees plus 1 space for every 10 students residing on campus and 1 space for every 5 students not residing on campus.
Elementary School	1.5 spaces per 30 person classroom.
Junior High School	3.5 spaces per 30 person classroom.
Senior High School	9.5 spaces per 30 person classroom
Vocational training and adult education facilities	(1) space per 1.5 students enrolled
College/University – Off-Campus Housing	(1) space per employee, plus (1) per 2 students
College/University – Campus Housing	(1) space per employee, plus (1) per 4 students

B. Shared Parking Spaces: When more than one (1) use exists on a lot, parking requirements for each use must be met. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Zoning Hearing Board may reduce the total number of parking spaces required for the use that requires the least number of spaces.

C. Parking Oversupply: The Zoning Hearing Board may authorize the reduction of the number of required off-street parking spaces as a special exception in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land.

   1. The applicant may be required to provide a parking analysis conducted by a licensed professional engineer experienced in the construction and design of parking facilities. Such analysis shall justify the reduction and document an adequate number of parking spaces needed to adequately support the proposed use(s) of the property.
   2. In cases where a reduction in the number of required parking spaces is permitted, the Zoning Hearing Board may require the balance of parking spaces to be set aside in a natural state and a parking easement for future expansion if at some point additional parking becomes necessary.

3. As an alternative, the applicant may request that a percentage of the parking area be delineated as peak or overflow parking, permitted to be constructed with a grass paver, reinforced turf grass, or other pervious construction methods approved by the municipality.

803 ADA Parking Requirements

A. All non-residential and multi-family off-street parking areas shall provide accessible parking spaces for use by motor vehicles that transport physically disabled persons in accordance with ADA standards.

B. Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

C. All spaces shall be clearly identified with pavement markings and a sign that includes the international symbol for barrier free environments. The sign shall include a statement informing the public that the parking space is reserved for use by physically disabled persons and the dollar amount of the fine for illegally parking in spaces reserved for physically disabled persons.

D. Parking spaces reserved for use by the physically disabled shall be designed and constructed in accordance with ADA requirements.

E. The number of parking spaces reserved for use by the physically disabled shall be in accordance with ADA requirements.

804 Parking Space Dimensions

A. Individual off-street parking spaces shall be a minimum of nine feet by eighteen feet (9'x18') with the following exceptions:

1. Angled off street parking spaces shall be a minimum of nine (9) feet wide and a minimum of nineteen (19) feet long (9' x 19').

2. Parallel parking spaces shall be a minimum of eight (8) feet wide and a minimum of twenty-three (23) feet long (8' x 23').

3. Parking spaces for the physically handicapped shall be in accordance with ADA standards.

805 Location of Parking Spaces

A. Parking and loading areas shall be located entirely on the lot being served except where shared (Joint) parking facilities are developed to serve multiple adjacent lots.

B. To the maximum extent practical parking and loading areas shall be located at the side or rear of buildings in order to reduce or eliminate the visual impact of vast areas of pavement.

C. Parking facilities shall be located within the distances specified herein for the intended land use as measured from the furthest parking space, but in no case shall the distance exceed any requirements set forth by the Americans with Disabilities Act (ADA) or by the Pennsylvania Department of Labor and Industry.

1. Commercial and Industrial Development - a maximum of one thousand (1,000) feet for employee parking and five hundred (500) feet for customer parking.

2. Single Family or Two-Family Structures - off-street parking shall be provided entirely on the lot being served, and shall not encroach on the street right-of-way. The required parking may take the form of attached or separate garage(s), carport(s), or driveway(s).

3. Multi-Family structures - off-street parking shall be located within one hundred (100) feet of the structure.

806 Joint Parking Facilities

A. Joint parking facilities shall be allowed in the V-1, Village District, C-1, Commercial District, and the I-1, Industrial District.

Comment [JMM80]: List applicable zoning districts, as desired by municipality.

B. Joint parking facilities shall be allowed subject to the following requirements:
   a. Parking facilities shall be located within the distances specified in Section 805 C for the intended land use as measured from the furthest parking space.
   b. The required number of parking spaces shall be not less than the total required separately for each use with the following exception:
      1) Where it shall be demonstrated that the uses jointly utilizing the parking facility are utilizing the parking facility at different periods of the day or different days of the week, the Zoning Hearing Board may grant a reduction for the total number of parking spaces needed, requiring only the number of spaces needed based on the one use of the facility requiring the most spaces.
   c. An agreement for the joint use of a parking facility shall be recorded as a deed restriction, irrevocable license, easement or other recordable document in a form satisfactory to the municipality's solicitor filed at the Erie County Recorder of Deeds in the chain of title of the land to be burdened in perpetuity or for a period to extend throughout the life of the use requiring the maintenance of the required number of spaces.

807 Drainage, Surfacing, and Maintenance Standards

A. Any new or enlarged commercial, institutional, industrial, or multi-family residential off-street parking and/or loading areas shall be graded for proper drainage, and shall comply with the **[Insert Municipality]** Stormwater Management Ordinance.
B. All parking and loading areas and access drives shall have a mud and dust-free surface.
C. Parking and loading areas shall be kept clean and free from rubbish and debris.

808 Lighting

A. All public parking shall be lit during evening operating hours.
B. All standards shall be located on raised parking islands and not on the parking surface.
C. Lighting shall comply with the requirements set forth in Section 704, Exterior Lighting.

809 Screening, Landscaping and Setbacks

A. Off-street parking areas for more than thirty-five (35) vehicles and all off street loading areas shall be effectively screened on any side that adjoins a dwelling, residential district, or platted residential lots. In addition, there shall be a planting strip of at least five (5) feet between the front lot line and the parking lot. Such planting strips shall be suitably landscaped and maintained.

B. No off-street parking area for more than thirty-five (35) vehicles shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, or platted residential lots.

C. No off-street loading area shall be closer than ten (10) feet to any adjoining property line containing a dwelling, residential district, or platted residential lots.

D. Large parking areas containing more than forty (40) spaces shall be broken down into sections, where possible. Landscaped dividing strips, berms, and similar elements shall separate large parking areas.

810 Driveway Regulations

Driveways for single-family dwellings and multiple family dwellings with less than 5 units shall meet the following standards:

A. Where a residential lot fronts on both a local street and a collector or arterial street, driveway access shall be from the local street.
B. The number of driveways may not exceed two (2) per lot on a street frontage.
C. Driveways may not exceed a width of 24 feet at the right-of-way line, excluding driveway radii.
D. Setbacks: All driveways shall be setback at least:
    a. Forty (40’) feet from any street intersection.
    b. Five (5’) feet from any fire hydrant
    c. Five (5’) feet from any side and/or rear property lines. However, this setback shall be waived along the property line when a shared driveway is proposed.
E. Any driveway intersecting with a State-owned road shall require a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
F. Driveways shall not interfere with normal traffic movement nor be constructed in a manner to be inconsistent with the design, maintenance and drainage of the street.

G. Where a new driveway is proposed to cross a drainage swale adjacent to a public or privately maintained street, the property owner shall install a drainage pipe of adequate size and length underneath the driveway to handle the runoff. Where such intersections are to be created along a municipal road or privately maintained road, officials from the municipality shall determine the appropriate pipe size and length. However, in no case shall a pipe less than fifteen inches (15') in diameter be installed. Where a state-owned street is involved, PennDot shall make the necessary determinations.
H. A driveway location shall be delineated on all plans / permits, as applicable.
I. Driveways shall be located so as to provide adequate sight distance at intersections with streets. Such sight distances shall be no less than a minimum of 100 feet along the centerline of a collector or arterial road, or a minimum of 75 feet along the centerline of a local street.

811 Access Drive Regulations

Access drives for non-residential properties and multiple family dwellings of 5 or more units shall meet the following criteria:

A. Access to off-street parking areas shall be limited to a minimal number of well-defined entrance and exit lanes that are separated by dividers, planting islands, or in the case of low volume facilities, pavement markings. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted.
B. Except as specified elsewhere, the number of access drives intersecting with a street shall not exceed two (2) per lot. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.
C. Setbacks: All access drives shall be setback at least:
    a. Fifty (50') feet from any other access drive or driveway located upon the same lot.
    b. Fifty (50' feet from any street intersection.
    c. Ten (10') feet from any side and/or rear property lines. However, this setback shall be waived along the property line when a joint parking lot is shared by adjoining uses.
D. Clear-Sight Triangle: Access drives shall be located and constructed so that a clear-sight triangle meeting the requirements of Section 605 is maintained.
E. Any access drive intersecting with a State-owned road shall require a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
F. Access Drive Width: Access drives for commercial, institutional and industrial properties shall have a minimum width of twelve (12') feet for each lane of travel. However, an access drive shall be no less than eighteen (18') feet wide in cases where the access is to off-street loading or unloading areas required by this Ordinance.

812 Stacking Requirements for Drive-in, Drive-Through Facilities

This section provides vehicle stacking standards for drive-in and/or drive-through facilities. These may include such uses as banks, fast-food restaurants and car washes. The purpose of these standards is to provide minimum stacking capacity for various uses so vehicles will not use public streets while queuing in line for service. All references to stacking capacity relate to typical automobiles. A length of twenty (20) feet per auto will be used to accommodate one (1) vehicle and minimal head space. Minimum stacking lane width is nine (9) feet. Stacking capacity is to be measured from the lot line to the service window and is not to include any area of the public right-of-way. For uses not listed on the table below, guidelines for the Institute of Traffic Engineers or the written recommendations of a professional engineer may be used.

Use	**Minimum Stacking Capacity**
Restaurant	8 per drive-through window[1]
Bank	5 per drive-through window
Car Wash	4 per wash bay

[1] If there are separate order and pickup windows, four (4) for each shall be accepted.

813 Loading Area Requirements

A. An off-street loading area shall be an area of land, open or enclosed, other than a street or public way, used principally for the standing, loading or unloading of motor trucks, tractors and trailers so as to avoid undue interference with the public use of streets and alleys.

B. An off-street loading area shall be in addition to and not considered as meeting a part of the requirements for off-street parking space.

C. All non-residential uses shall provide adequate off-street loading areas to accommodate the intended needs of the proposed land use either inside or outside of a building.

D. To the maximum extent practical, off-street loading areas shall be located at the side or rear of buildings in order to reduce the visual impact of vast areas of pavement.

E. In all districts, adequate off-street loading areas shall be provided so that all vehicle loading, maneuvering or unloading is completely off the public road right-of-way, and all vehicles need not back out onto any public road right-of-way.

Comment [JMM81]: If this regulation isn't a good fit for all districts, the text can be revised to specify applicable districts, as desired by the municipality.

F. The applicant shall provide details on the type of vehicles operating in connection with the proposed use to justify the loading and unloading areas proposed. Each required space shall meet the following minimum dimensions. Overhead clearance shall not be less than fourteen (14) feet.

Largest Type of Truck Service	**Minimum Width (feet)**	**Minimum Length (feet)**
Tractor trailer	12	70
Trucks (other than tractor trailers, pick-ups or vans)	10	35
Pick-up truck or van	10	20

F. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining residential uses or districts.

G. Off-street loading areas shall be designed to accommodate easy ingress and egress of all delivery vehicles and shall be designed to prevent interference with the flow and safety of traffic and pedestrians.

H. No off-street loading area shall be located within any building setback area and/or buffer area.

I. The following off-street loading area/space requirements for specific uses shall be provided as listed below:

Off-Street Loading Requirements		
Type of Use	**Number of Spaces Per**	**Gross Floor Area**
Hospital or other Institution	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Hotel, motel, and similar lodging facilities	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Industry or Manufacturing	None 1 +1	First 2,000 square feet 2,000 to 25,000 square feet Each additional 40,000 square feet (or fraction)
Multi-Family Dwellings	None	N/A
Office Building, including banks	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Retail sales and services, per store, and restaurants	None 1 2 +1	First 2,000 square feet 2,000 to 10,000 square feet 10,000 to 40,000 square feet Each additional 100,000 square feet (or fraction)
Theater, auditorium, bowling alley, or other recreational establishment	None 1 +1	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Funeral homes	None 1 +1	First 3,000 square feet 3,000 to 5,000 square feet Each additional 10,000 square feet (or fraction)
Wholesale or warehousing (except mini-warehousing)	None 1 +1	First 1,500 square feet 1,500 to 10,000 square feet Each additional 40,000 square feet (or fraction)

Article 9 Signs

901 Applicability

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

Comment [JMM82]: Article 9 Sign Regulations was "borrowed" from a Montgomery County model sign ordinance, with only a minimal number of modifications. Montgomery County provides a guidebook which provides the reasoning and legal basis for this model. It is available online at the following link: http://www.tcrpc-pa.org/Documents/Model%20Sign%20Ordinance%20-%20Montgomery%20County%20Planning%20Commission.pdf

902 Purpose & Intent

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Article is to regulate all signs within the municipality to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

A. Setting standards and providing uniform controls that permit reasonable use of signs and preserve the character of the municipality.
B. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.
C. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
D. Establishing a process for the review and approval of sign permit applications.

903 Definitions Specific to Signs

Abandoned Sign: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of off-premises signs, or at least 360 days in the case of on-premises signs.

Address Sign: A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service. (Also known as: **nameplate sign**)

Animated Sign: A sign depicting action, motion, or light or color changes through electrical or mechanical means.

Awning: A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning Sign: Any sign painted on, or applied to, an awning.

Balloon Sign: A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

Banner: Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

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

Building Frontage: The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

Canopy: A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

Canopy Sign: Any sign that is part of, or attached to a canopy.

Changeable Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include: message center signs, digital displays, and Tri-Vision Boards.

Channel Letter Sign: A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

Clearance: The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

Digital Display: The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Directional Sign: Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

Festoon Lighting: A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

Flag: Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

Flashing Sign: A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.

Foot-candle: A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter. One (1) footcandle is equal to one (1) lumen per square foot

Foot-lambert: A unit of emitted light (from a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter. One (1) foot-lambert is equal to one (1) lumen per square foot.

Freestanding Sign: A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of **freestanding signs**:

> **Ground Sign:** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as ***monument sign***)
>
> **Pole Sign:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

Gas Station Canopy: A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

Gas Station Canopy Sign: Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

Government/Regulatory Sign: Any sign for the control of traffic or for identification purposes, 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 official duties.

Historic District: A district or zone designated by a local, state, or federal government, within which buildings, structures, and/or appurtenances are deemed important because of their association with history, or because of their unique architectural style and scale.

Holiday Decorations: Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons. (Also known as ***seasonal decorations***)

Illumination: A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

> **External Illumination:** Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.
>
> **Internal Illumination:** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and

signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

Halo Illumination: A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as ***back-lit illumination***)

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

Incidental Sign: A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

Incidental Window Sign: Signs displayed in the window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.

Inflatable Sign: A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

Interactive Sign: An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

Legibility: The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

Light Trespass: Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

Limited Duration Sign: A non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period.

Luminance: An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft2).

Manual Changeable Copy Sign: A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

Marquee: A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

Marquee Sign: Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

Mechanical Movement Sign: A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

Memorial Sign: A memorial plaque or tablet, including grave markers or other remembrances of persons or events, which is not used for a commercial message.

Menu Sign: A permanent sign for displaying the bill of fare available at a restaurant, or other use serving food, or beverages.

Message Center Sign: A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

Message Sequencing: The spreading of one message across more than one sign structure.

Multi-Tenant Sign: A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

Mural (or **mural sign**)**:** A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.

Neon Sign: A sign illuminated by a neon tube, or other visible light-emanating gas tube, that is bent to form letters, symbols, or other graphics.

Nonconforming Sign: A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

Off-Premises Sign: An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a ***third-party sign***, ***billboard***, or ***outdoor advertising***)

Official Traffic Sign: Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

On-Premises Sign: A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Pennant: a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent Sign: A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Personal Expression Sign: An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Portable Sign: A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

> **Sandwich Board Sign:** A type of freestanding, portable sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as ***A-frame sign***)
>
> **Vehicular Sign:** A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

Private Drive Sign: A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

Projecting Sign: A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as ***blade sign***)

Public Sign: A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

Real Estate Sign: A sign relating to the property upon which it is located, offering such property for sale or lease.

Reflective Sign: A sign containing any material or device which has the effect of intensifying reflected light.

Revolving Sign: A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

Roof Sign: A building-mounted sign erected upon, against, or over the roof of a building.

Scoreboard: A sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.

Security Sign: An on-premises sign regulating the use of the premises, such as a "no trespassing," "no hunting," or "no soliciting" sign. (Also known as ***warning sign***)

Shielded: The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

Sign: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

Sign Area: The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See Section 906 C for standards for measuring sign area.

Sign Face: The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

Sign Height: The vertical dimension of a sign as measured using the standards in Section 906 D.

Sign Supporting Structure: Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Snipe Sign: A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as ***bandit sign***)

Storefront: The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment..

Streamers: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

Street Frontage: The side or sides of a lot abutting on a public street or right-of-way.

Street Pole Banner: A banner suspended above a public sidewalk and attached to a single street pole. These signs do not contain any commercial advertising.

Temporary Sign: A type of non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

Tri-Vision Boards: An outdoor unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.

Vending Machine Sign: A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

Wall Sign: A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: ***fascia sign***, ***parallel wall sign***, or ***band sign***)

Window Sign: Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

904 Prohibited Signs

The following signs are unlawful and prohibited:

A. Abandoned signs.
B. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Ordinance.
C. Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business and/or personal transportation.
D. Mechanical movement signs, including revolving signs.
E. Pennant strings and streamers.
F. Animated signs, flashing signs, or signs that scroll or flash text or graphics.
G. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations.
H. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.
I. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
J. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
K. Reflective signs or signs containing mirrors.
L. Interactive signs.
M. Signs incorporating beacon or festoon lighting.
N. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.
O. Roof signs.
P. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.
Q. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.
R. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the municipality.
S. Any sign that promotes illegal activity.

905 Signs Exempt from Permit Requirements

The following signs are permitted in all districts and do not require a permit, provided that the applicable conditions have been met:

A. Official traffic signs.
B. Government/regulatory signs.
C. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside.
D. Holiday and seasonal decorations.
E. Personal expression signs of any type, including flags, provided that they do not exceed three (3) sq. ft. in area per side, are non-commercial in nature, and not illuminated.
F. Address signs - Up to two (2) signs stating address, number and/or name of occupants of the premises and that do not include any commercial advertising or other identification.
    1. *Residential districts. Signs not to exceed two (2) sq. ft. in area.*
    2. *Non-residential districts.* Signs not to exceed five (5) sq. ft. in area.
G. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
H. Signs or emblems of a religious, civil, philanthropic, historical or educational organization that do not to exceed four (4) sq. ft. in area.
I. Private drive signs - One (1) sign per driveway entrance, not to exceed two (2) sq. ft. in area.
J. Security and warning signs - These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.
    1. *Residential districts*. Signs not to exceed two (2) sq. ft. in area.
    2. *Non-residential districts*. Maximum of one (1) large sign per property, not to exceed five (5) sq. ft. in area. All other posted security and warning signs may not exceed two (2) sq. ft. in area.
K. Flags, provided such flags do not contain any commercial messaging:
    1. *Location.* Flags and flagpoles shall not be located within any right-of-way.
    2. *Height.* Flags shall have a maximum height of 30 ft.
    3. *Number.* No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.
    4. *Size.* Maximum flag size is 24 sq. ft. in residential districts, and 35 sq. ft. in all other districts.
    5. Flags containing commercial messages may be used as permitted freestanding or projecting signs, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.
    6. Flags up to three (3) sq. ft.in area containing noncommercial messages are considered personal expression signs and are regulated in accordance with Section 905 E.
L. Legal notices.
M. Vending machine signs.
N. Memorial signs, public monument or historical identification sign, including plaque signs up to three (3) sq. ft. in area.

Comment [JMM83]: *The First Amendment of the U.S. Constitution provides that "Congress shall make no law […] abridging the freedom of speech." Courts have interpreted this to mean that local governments may establish reasonable limits on the time, place, and manner of sign display.*

Exempting personal expression signs from permit requirements ensures that the First Amendment is not violated. This regulation is content-neutral and applies to all noncommercial signs and flags under 3 square feet, regardless of whether they contain a political, religious, or any other noncommercial message.

There is no restriction on the number of personal expression signs permitted per property.

As defined, this would include political signs indicating support for specific political candidates.

Comment [JMM84]: Note – any number of smaller flags (3 sq.ft. or less) would be allowed under "personal expression signs" in "E" above.

Comment [JMM85]: *To ensure content-neutrality, flags are restricted in terms of their number, size, and height regardless of the type of flag being displayed (commercial vs. non-commercial).*

To ensure commercial signage is limited to the extent permitted in this ordinance, flags containing commercial messages are counted towards the total allowable area for signs on the property.

Comment [JMM86]: Note – any number of smaller flags (3 sq.ft. or less) are allowed under "personal expression signs" in "E" above.

O. Signs which are a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved into or embossed on a building, provided the letters are not made of a reflective material nor contrast in color with the building.
P. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.
Q. Incidental signs, including incidental window signs.
R. Directional signs, provided they do not contain any commercial messaging.
    1. *Area*. No single directional sign shall exceed four (4) sq. ft. in area.
    2. *Height.* Directional signs shall have a maximum height of five (5) ft.
    3. *Illumination.* Directional signs shall be non-illuminated.
S. Art and murals, provided such signs do not contain any commercial messaging.
T. Temporary signs in accordance with Section 910, Temporary Signs.
U. Real Estate Signs advertising the availability of property on which the sign is located for sale, rent or lease, provided the sign complies to Section 909, Limited Duration Signs

Comment [JMM87]: Montgomery County model requires permits for all limited duration signs, including real estate signs. However, real estate signs are often exempted in other model ordinances and in many Erie County municipal ordinances.

Note that this model ordinance exempts real estate signs only from the permit requirement. They would still be subject to the regulations of the ordinance which address limited duration signs. All limited duration signs, including real estate signs, are subject to the same size, location & other requirements.

906 General Regulations

A. Sign location.
    1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
    2. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
B. Sign Materials & Construction: Every sign shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the PA Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.
C. Sign Area.
    1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
    2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
    3. Signs may be double-sided.
        a. On-premises signs.
            1) Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.
            2) Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than 18

inches apart, the larger sign face shall be used as the basis for calculating sign area.

3) When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.

b. Off-premises signs.

1) Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than five (5) feet apart.

2) Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than five (5) feet apart, the larger sign face shall be used as the basis for calculating sign area.

3) When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than five (5) feet apart, all sides of such sign shall be considered in calculating the sign area. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.

4. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.

5. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

6. The permitted maximum area for all signs is determined by the sign type and the zoning district in which the sign is located (see Sections 913 - 918). For the permitted maximum for all signs for institutional use properties see Section 915.

Comment [JMM88]: Remove this sentence if municipality has an Institutional Zoning District, and Revise Section 915 accordingly.

D. Sign Height.

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.

2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

3. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located (see Sections 913 - 918). For the permitted maximum height for signs located on institutional use properties see Section 915.

Comment [JMM89]: Remove this sentence if municipality has an Institutional Zoning District, and Revise Section 915 accordingly.

E. Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.

F. Sign Illumination.

1. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
    a. *Location.* The summary table below (Section 906 F, 7) provides detailed information about what types of illumination are permitted in each zoning district.
    b. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
    c. No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.
    d. Hours of Operation:
        1) Signs on non-residential properties may be illuminated from 5 am until 11 pm, or ½ hour past the close of business of the facility being identified or advertised, whichever is later.
        2) Signs shall provide an automatic timer to comply with the intent of this Section.
    e. *Brightness:* Message center signs and digital displays are subject to the following brightness limits:
        1) During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
        2) At all other times, luminance shall be no greater than two hundred fifty (250) nits.
        3) Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
    f. *Message Duration:* The length of time each message shall be displayed on a message center sign, digital display, or Tri-Vision Board sign shall be no less than eight (8) seconds.
2. Types of Illumination: Where permitted, illumination may be:
    a. *External:* Externally illuminated signs, where permitted, are subject to the following regulations:
        1) The source of the light must be concealed by translucent covers.
        2) External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
    b. *Internal:* Internally illuminated signs, where permitted, are subject to the following regulations:
        1) Internal illumination, including neon lighting, must be static in intensity and color. Message center signs are permitted in accordance with the regulations contained in Section 906 F, 3.
        2) Digital displays are permitted in accordance with the regulations contained in Section 906 F, 4.

Comment [JMM90]: Businesses open 24 hours are not required to turn off lighting.

Comment [JMM91]: *Brightness of signs is typically measured in terms of illuminance (the amount of light falling on a surface) or luminance (the perceived brightness emanating from a surface). Since digital and message center signs are illuminated from within and project light, this model measures brightness in terms of luminance, which is expressed in nits.*

The luminance values of 5,000 nits (daytime limit) and 250 nits (nighttime limit) were chosen to help ensure that digital displays and message center signs are not significantly brighter than signs illuminated by other means. A luminance of 5,000 nits will result in surface brightness similar to non-digital signs that are illuminated during daylight hours by the sun.

3. Message center signs are subject to the following regulations, in addition to all other illumination requirements established in this Section.
    a. *Sign Type*: Message center signs are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in Sections 907 and 908.
    b. *Height:* A message center sign shall have the same height limits as other permitted signs of the same type and location.
    c. *Area*:
        1) When used as an on-premises sign, message center signs shall not exceed 50% of the sign area for any one sign, and shall not exceed more than 30% of the total area for all signs permitted on a property.
        2) When used as an off-premises sign, message center signs may be used for the full permitted sign area.
    d. *Maximum Number*: Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.
    e. Message Display:
        1) No message center sign may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
        2) The content of a message center sign must transition by changing instantly (*e.g.*, no fade-out or fade-in).
        3) *Default Design:* The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
    f. Conversion of a permitted non-message center sign to a message center sign requires the issuance of a permit pursuant to the requirements of this Ordinance.
    g. The addition of any message center sign to a nonconforming sign is prohibited.
    h. *Public Service Announcements:* The owner of every message center sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
4. Digital display signs are subject to the following regulations in addition to all other requirements established in this Section.
    a. *Sign Type*: Digital displays are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in Sections 907 and 908.
    b. *Height:* A digital display shall have the same height limits as for other permitted signs of the same type and location.
    c. *Area*:

1) When used as an on-premises sign, digital displays shall not exceed more than 30% of the total sign area permitted on the site.
2) When used as an off-premises sign, digital displays may be used for the full permitted sign area.

d. *Maximum Number per Property:* Where permitted, one (1) digital display sign is permitted per property

e. *Message Display*:
1) Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
2) One message/display may be brighter than another, but each individual message/display must be static in intensity.
3) The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
4) Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.

f. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to the requirements of this Ordinance.

g. The addition of any digital display to a nonconforming sign is prohibited.

h. *Public Service Announcements:* The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

5. Electrical Standards.
a. All work shall be completed in full compliance with the PA Uniform Construction Code.
b. 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.
c. The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the municipality as a condition precedent to the issuance of a sign permit.

6. Glare Control: 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. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

7. Illumination Standards by District. *(see next page)*

Comment [JMM92]: For purposes of this model ordinance, the "District or Type" column on the following chart is populated with generic district types. For clarification, it is recommended that municipalities revise the chart to include the specific district names used by the municipality. For example "Ag/Rural Districts" might be revised to A-1, Agriculture and A-2 Conservation", etc.

Illumination Standards for Signs									
District or Type	Illumination Types Permitted				Brightness Limitation	Hours of Illumination	Motion Limitation	Size Limitation	
	Internal	Message Center	External	Digital Display	Digital Displays & Message Center Signs		Digital Displays & Message Center Signs	Digital Display Signs as a Max. % of Total Sign Area on Site	Message Center Signs as a Max. % of Sign Area
Ag/Rural Districts	No	No[1]	No[2]	No	N/A	N/A	N/A	N/A	N/A
Residential Districts	No	No	Yes	No	N/A	N/A	Minimum 8 Seconds	N/A	50%
Institutional Uses	Yes	Yes	Yes	No	Daytime: 5,000 Nits Nighttime: 250 Nits	5 am to 11 pm or ½ hour past close of business	Minimum 8 Seconds	N/A	50%
Main Street District	Yes	No[3]	Yes	No	N/A	5 am to 11 pm or ½ hour past close of business	Minimum 8 Seconds	N/A	50%
Village Commercial District	No	No	Yes	No	N/A	5 am to 11 pm or ½ hour past close of business	N/A	N/A	N/A
General Commercial & Industrial Districts	Yes	Yes	Yes	Yes	Daytime: 5,000 Nits Nighttime: 250 Nits	5 am to 11 pm or ½ hour past close of business	Minimum 8 Seconds	30%	50%
Off-Premises[4]	Yes	Yes	Yes	Yes	Daytime: 5,000 Nits Nighttime: 250 Nits	5 am to 11 pm or ½ hour past close of business	Minimum 8 Seconds	100%	100%
Temporary and Limited Duration Signs[4]	No	No	No	No	N/A	N/A	N/A	N/A	N/A
Portable Signs[4]	No	No	No	No	N/A	N/A	N/A	N/A	N/A

[1] Excludes scoreboards located in Parks or Recreational Facilities
[2] Excludes signs located in Parks or Recreational Facilities
[3] Excludes marquee signs
[4] Off-Premises, temporary, limited duration, and portable signs are subject to the illumination regulations governing off-premises, temporary, limited duration, and portable signs, rather than illumination standards governing the specific district where the sign is located.

907 Regulations by Sign Type: On-Premises Signs

A. Wall Signs.
   1. No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend out more than twelve (12) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the eight-foot height requirement need not be met.

B. Canopy or Awning Signs.
   1. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
   2. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
   3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
   4. Sign Placement.
      a. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
      b. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
   5. Sign Height.
      a. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
   6. Any ground-floor awning projecting into a street right-of-way must be retractable.
   7. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
   8. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

C. Projecting Signs.
   1. No portion of a projecting signs shall project more than four (4) feet from the face of the building.
   2. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curb line or shoulder of a public street.
   3. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

D. Window Signs.
   1. Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.

E. Marquee Signs.

1. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.
2. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side thereof.
3. No marquee shall extend closer to the curb than three (3) feet.
4. Sign Height.
    a. No portion of a marquee sign shall extend vertically above the eave line.
    b. The lowest edge of the marquee sign shall be at least ten (10) feet above the finished grade.

F. Freestanding Signs.
1. The lowest edge of any freestanding pole sign shall be either less than four (4) feet or greater than seven (7) feet above the ground.
2. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
3. Sign Placement.
    a. All freestanding signs shall be set back a minimum of five (5) feet from the right-of-way, except for official traffic signs and government/regulatory signs.
    b. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.

G. Manual Changeable Copy Signs: Manual changeable copy signs are permitted only when integrated into a freestanding, marquee, wall, or portable sign.

908 Regulations by Sign Type: Off-Premises Signs (Including Billboards)

A. District Permitted.
1. Off-premises signs are permitted only in the I-Industrial District.

B. [Option 1]Sign Size: The maximum sign area of an off-premises sign is 200 square feet, unless a special exception is approved by the Zoning Hearing Board.

Comment [JMM93]: Municipality should choose option 1 (200 sq. ft. max) or option 2 (sliding scale), and delete the other option.

C. [Option 2]Sign Size: An off-premises sign is subject to the following size restrictions according to the posted speed limit of the road which the off-premises sign faces.

Posted Speed Limit (MPH)					
	≤ 35	36-45	46-55	56-65	Limited Access
Maximum Sign Area (Square Feet)	60	100	150	200	300

D. Height and Location of Sign.
1. The lowest edge of an off-premises sign shall be at least seven (7) ft. above the finished grade.
2. Off-premises signs shall have a maximum height of 30 ft.

E. Spacing: Off-premises signs shall be:
    1. Located no closer to the right-of-way than a distance equal to the height of the off-premises sign or 15 feet, whichever is greater.
    2. Located no closer than 25 feet from any property line
    3. Located no closer than 50 feet from any building, structure, or on-premises sign located on the same property.
    4. Located no closer than 1,500 ft. from another off-premises sign on either side of the road measured linearly.
    5. Located no closer than 500 ft. from any intersection, or interchange (on/off-ramp).
    6. Located no closer than 1,000 ft. from any property line abutting a public park, playground, religious institution, cemetery, school, or residential district.
    7. Not attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.
    8. Not located on sewer rights-of-way, or water, electric, or petroleum pipelines.
    9. Not located on a bridge.

F. Number of Signs per Lot: There shall be no more than one off-premises sign per lot. Vertically or horizontally stacked signs shall not be permitted.

G. Content: Off-premises signs shall not display any message or graphic of an obscene or pornographic nature as determined by the municipality.

H. Double-Sided Off-Premises Signs: Signs may be single or double-sided, in accordance with Section 906 C, Sign Area.

I. Message Sequencing: Message sequencing is prohibited.

J. Construction and Maintenance.
    1. All plans for off-premises signs shall be certified by a licensed engineer registered in Pennsylvania.
    2. All off-premises signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All off-premises signs shall be structurally sound and maintained in good condition and in compliance with the Pennsylvania Uniform Construction Code.
    3. The rear face of a single-face, off-premises sign shall be painted and maintained with a single neutral color as approved by the municipality.
    4. Every three years, the owner of an off-premises sign having a sign area that is greater than or equal to 150 square feet shall have a structural inspection made of the off-premises sign by a licensed engineer registered in Pennsylvania and shall provide to the municipality a certificate certifying that the off-premises signs is structurally sound.

K. Identification of Sign Owner: All off-premises signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.

L. Landscaping.
    1. Landscaping shall be provided at the base of all off-premises signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the purpose of this Section.
    2. Trees greater than four (4) inches in diameter removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree using native species no less than three (3) inches in diameter.

M. Additional Regulations. All off-premises signs shall comply with any and all applicable zoning regulations, and any and all municipal, state and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this Section, the more strict regulation shall apply.

N. Application/Plan Requirements. Plans submitted for off-premises signs shall show the following:
    1. The location of the proposed sign on the lot with the required sign setbacks from the property line and right-of-way.
    2. The location and species of existing trees.
    3. The distance to the nearest existing off-premises sign.
    4. The distance to the nearest right-of-way, property line, building, structure, on-premises sign, off-premises sign, intersection, interchange, safety rest area, bridge, residential district, or institutional use, sewer rights-of-way, and water, electric or petroleum pipelines.
    5. Site plan containing all of the applicable requirements set forth in Section 302.05 (B).
    6. Certification under the seal by a licensed engineer that the off-premises sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.

O. Illumination and Changeable Copy of Off-Premises Signs.
    1. Off-premises signs may incorporate manual changeable copy signs.
    2. Off-premises signs may be illuminated, provided that:
        a. All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the off-premises sign and away from adjoining properties.
        b. Light sources are not visible from any street or adjoining properties.
    3. The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
        a. Message center sign
        b. Digital display
        c. External illumination
        d. Internal illumination
    4. Off-premises signs may incorporate Tri-Vision Boards.

P. Safety. In applying for special exception relief, the applicant bears the burden of proof to establish that the proposed off-premises sign will not create a public health or safety hazard in the manner and location that it is proposed and in the manner by which it is to be operated.

909 Regulations by Sign Type: Limited Duration Signs

A. Limited duration signs, as defined in this ordinance, located on private property, are subject to the regulations set forth below. Limited Duration signs that comply with the requirements in this subsection shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise stated below, the requirements listed below shall apply to both commercial and non-commercial signs.

B. Size and Number.

1. Non-Residential Districts:

a. Large Limited Durations Signs: One (1) large limited duration sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage, or if the property has more than 10,000 square feet of gross floor area, one (1) additional large limited duration sign may be permitted so long as there is a minimum spacing of 200 feet between the two (2) large limited duration signs.

1) Types Permitted:

a) Freestanding sign

b) Window sign

c) Wall sign

2) Area: Each large limited duration sign shall have a maximum area of 16 sq. ft.

3) Height: Large limited duration signs that are freestanding shall have a maximum height of eight (8) feet.

b. Small Limited Duration Signs: In addition to the large limited duration sign(s) outlined above, one (1) small limited duration sign is permitted per property in all nonresidential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage, or if the property has more than 10,000 square feet of gross floor area, one (1) additional small sign may be permitted.

1) Types Permitted:

a) Freestanding sign

b) Window sign

c) Wall sign

2) Area: Each small limited duration sign shall have a maximum area of six (6) sq. ft.

3) Height: Small limited duration signs that are freestanding shall have a maximum height of six (6) feet.

Comment [JMM94]: *Limited duration signs are a type of nonpermanent sign intended to cover the types of non-permanent signs that typically require longer display times than other types of non-permanent signs.*

These may include signs relating to real estate sales, construction or other similar types of signs. Rather than regulating these types of signs based on their content, nonpermanent signs have been classified into limited duration signs (permit valid for 1 year) and temporary signs (30 day display limit).

Limited duration signs are not included in the total allowable sign area for a property.

2. Residential Districts:
    a. Large Limited Duration Sign: One (1) large limited duration sign is permitted per property so long as the property is greater than five (5) acres in size and has at least 400 feet of street frontage, or has more than 10,000 square feet of gross floor area.
        1) Types Permitted:
            a) Freestanding sign
            b) Window sign
            c) Wall sign
        2) Area: Each large limited duration sign shall have a maximum area of 16 sq. ft.
        3) Height: Large limited duration signs that are freestanding shall have a maximum height of eight (8) feet.
    b. Small Limited Duration Sign: One (1) small limited duration sign is permitted per property.
        1) Types Permitted:
            a) Freestanding sign
            b) Window sign
            c) Wall sign
        2) Area: Each small limited duration sign shall have a maximum area of six (6) sq. ft.
        3) Height: Small limited duration signs that are freestanding shall have a maximum height of six (6) feet.

C. Permit Requirements – Refer to Section 921 for permit requirements.

Comment [JMM95]: *Limited duration signs are restricted by their size, height, and number permitted per property. Unlike temporary signs, limited duration signs do require a permit. The permit is valid for up to one year, and is renewable upon expiration.*

D. Installation and Maintenance.
    1. All limited duration signs must be installed such that in the opinion of the Zoning Administrator, they do not create a safety hazard.
    2. All limited duration signs must be made of durable materials and shall be well-maintained.
    3. Limited duration signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

E. Illumination: Illumination of any limited duration sign is prohibited.

F. Summary Table for Limited Duration Signs.

Limited Duration Signs		
Sign Size	Non-Residential Districts	Residential Districts
Large Limited Duration Signs (maximum area 16 square feet)	Number: 1 per property; 2 if property is 5 or more acres and has a minimum of 400 feet of street frontage, or if the property has greater than 10,000 square feet of gross floor area. Height: Maximum 8 feet	Number: 1 per property if property is 5 or more acres and has a minimum of 400 feet of street frontage, or if the property has greater than 10,000 square feet of gross floor area. Height: Maximum 8 feet
Small Limited Duration Signs (maximum area 6 square feet)	Number: 1 per property; 2 if property is 5 or more acres and has a minimum of 400 feet of street frontage, or if the property has greater than 10,000 square feet of gross floor area. Height: Maximum 6 feet	Number: 1 per property Height: Maximum 6 feet

910 Regulations by Sign Type: Temporary Signs

A. Temporary signs, as defined in this ordinance, located on private property, are subject to the regulations set forth below. Temporary signs that comply with the requirements in this subsection shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise stated below, the requirements listed below shall apply to both commercial and non-commercial signs.

B. Size and Number.

1. Non-Residential Districts:

a. Large Temporary Signs: One (1) large temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage, or has more than 10,000 square feet of gross floor area, one (1) additional large temporary sign may be permitted so long as there is a minimum spacing of 200 feet between the two (2) large temporary signs.

1) Types Permitted:

a) Freestanding sign

b) Window sign

c) Wall sign

d) Banner

Comment [JMM96]: *Temporary signs are a type of nonpermanent sign that are typically displayed for short periods of time, once or twice a year. These may include signs relating to special events such a festival, or yard sale.*

Temporary signs are permitted to be displayed for up to 30 consecutive days, twice per calendar year. Unlike limited duration signs, temporary signs do NOT require a sign permit.

Temporary signs are not included in the total allowable sign area for permanent signs of a property

Comment [JMM97]: *Banners, as defined in this ordinance, are only permitted as temporary signs and can therefore only be displayed for up to 30 consecutive days, twice per calendar year.*

2) Area:
    a) Each large temporary freestanding, window, or wall sign shall have a maximum area of 16 sq. ft.
    b) Each large temporary banner shall have a maximum area of 32 sq. ft.
3) Height:
    a) Large temporary signs that are freestanding shall have a maximum height of eight (8) feet.
    b) Banners shall hang at a height no greater than 24 feet.

b. Small Temporary Signs: In addition to the large temporary sign(s) outlined above, one (1) small temporary sign is permitted per property in all nonresidential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage, or if the property has more than 10,000 square feet of gross floor area, one (1) additional small sign may be permitted so long as there is a minimum spacing of 200 feet between both small temporary signs..
    1) Types Permitted:
        a) Freestanding sign
        b) Window sign
        c) Wall sign
    2) Area: Each small temporary sign shall have a maximum area of six (6) sq. ft.
    3) Height: Small temporary signs shall have a maximum height of six (6) feet.

2. Residential Districts:
    a. Large Temporary Sign: One (1) large temporary sign is permitted per residential property so long as the property is greater than five (5) acres in size and has at least 400 feet of street frontage, or if the property has more than 10,000 square feet of gross floor area.
        1) Types Permitted:
            a) Freestanding sign
            b) Window sign
            c) Wall sign
            d) Banner sign
        2) Area:
            a) Each large temporary freestanding, window, or wall sign shall have a maximum area of 16 sq. ft.
            b) Each large temporary banner shall have a maximum area of 32 square feet.
        3) Height:
            a) Large temporary signs that are freestanding shall have a maximum height of eight (8) feet.
            b) Banners shall hang at a height of no greater than 24 feet.

b. Small Temporary Signs: One (1) small temporary sign is permitted per residential property.
    1) Types Permitted:
        a) Freestanding sign
        b) Window sign
        c) Wall sign
    2) Area: Each small temporary sign shall have a maximum area of six (6) sq. ft.
    3) Height: Small temporary sign shall have a maximum height of six (6) feet

C. Duration and Removal
    1. Temporary signs may be displayed up to a maximum of 30 consecutive days, two (2) times per year.
    2. The municipality or the property owner may confiscate signs installed in violation of this Ordinance. Neither the municipality nor the property owner is responsible for notifying sign owners of confiscation of an illegal sign.

D. Permission: The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting the temporary sign.

E. Installation and Maintenance.
    1. All temporary signs must be installed such that in the opinion of the zoning administrator, they do not create a safety hazard.
    2. All temporary signs must be made of durable materials and shall be well-maintained.
    3. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

F. Illumination: Illumination of any temporary sign is prohibited.

G. Summary Table for Temporary Signs.

Temporary Signs		
Sign Size	Non-Residential Districts	Residential Districts
Large Temporary Signs (maximum area: 32 square feet for banner, 16 square feet for all other signs)	Number: 1 per property; 2 if property is 5 or more acres and has a minimum of 400 feet of street frontage, or if the property has greater than 10,000 square feet of gross floor area. Height: Ground: Maximum 8 feet Banner: Maximum 24 feet	Number: 1 per property if property is 5 or more acres and has a minimum of 400 feet of street frontage, or if the property has greater than 10,000 square feet of gross floor area. Height: Ground: Maximum 8 feet Banner: Maximum 24 feet
Small Temporary Signs (maximum area 6 square feet)	Number: 1 per property; 2 if property is 5 or more acres and has a minimum of 400 feet of street frontage, or if the property has greater than 10,000 square feet of gross floor area. Height: Maximum 6 feet	Number: 1 per property Height: Maximum 6 feet

911 Regulations by Sign Type: Portable Signs

A. General Provisions.
   1. Illumination: Illumination of any portable sign is prohibited.
   2. Hours of Display: Portable signs may only be displayed during the hours of operation of the business being advertised. All portable signs must be taken in during hours of non-operation.

B. Sandwich Board or A-frame Signs. Sandwich board signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.
   1. Number: One (1) sandwich board sign is permitted per establishment. For the purposes of this subsection, a parking garage or parking lot shall be considered an establishment.
   2. Area: Each sign shall have a maximum area of seven (7) sq. ft. per sign face.
   3. Height: Signs shall have a maximum height of three and one-half (3.5) feet.
   4. Sign Placement.
      a. If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.

Comment [JMM98]: *Portable signs differ from temporary and limited duration signs in that they are meant to be displayed indefinitely, but can be easily transported. Portable signs are limited in terms of their hours of display within any single day, rather than the total number of days permitted per year.*

Portable signs can be displayed year-round and are subject to the same permit requirements as other permanent signs.

Additionally, unlike temporary and limited duration signs, portable sign area counts towards the total allowable area of signage permitted on a property.

b. The sign must be located on the premises, and within 12 feet of the primary public entrance, of the establishment it advertises. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking garage or parking lot.
c. Portable signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.

5. Manual Changeable Copy.
   a. Manual changeable copy signs are permitted when integrated into a sandwich board sign.
   b. Commercial messages must advertise only goods and services available on the premises.

912 Regulations by Sign Type: Street Pole Banners

A. General Provisions. Street pole banner signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.
   1. Illumination: Illumination of any street pole banner is prohibited.
   2. Area: Each street pole banner shall have a maximum area of 12.5 square feet and a maximum width of three (3) feet. Up to two (2) street pole banners are permitted per street pole.
   3. Height.
      a. When the street pole banner's edge is less than 18 inches from the curb, the lowest edge of the Street Pole Banner shall be at least 14 feet above the finished grade.
      b. When the street pole banner's edge is greater than 18 inches from the curb, the lowest edge of the street pole banner shall be at least eight (8) feet above the finished grade.
   4. Location.
      a. No street pole banner shall extend beyond the curb line.
      b. Street pole banners shall maintain a minimum of three (3) foot vertical clearance below any luminaries located on the pole measured from where the ballasts connect to the poles.
      c. Street pole banners shall not interfere with the visibility of traffic signals or signs.
      d. No street pole banner shall be located on a pole that has traffic or pedestrian control signals.
   5. Installation and Maintenance.
      a. All street pole banners must be made of lightweight and durable fabrics with wind slits.
      b. Street pole banners that are frayed, torn, or faded so that they are no longer legible will be deemed unmaintained and will be required to be removed.

B. Permit Requirements
   1. A permit for a street pole banner is issued for one (1) year and may be renewed annually.

Comment [JMM99]: *If the municipality desires to allow street pole banners, it may wish to add a purpose statement to clarify that the street pole banner program is meant to contribute to the municipality's streetscape, identify unique business districts, or advertise special events or cultural activities..*
.

2. An application for a street pole banner permit must include the following:
    a. A diagram or map of the specific poles to be used for street pole banner installation and the streets on which the poles are located.
    b. A proof of the street pole banner design, including the banner's dimensions.
    c. If brackets are to be installed, submit specifications for the bracket installation system.

913 Signs in Agricultural, Rural, and Open Space Districts

In addition to the exempt signs described in Section 905, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected in the A-1, Agricultural District, subject to the conditions specified here and in Sections 907 – 910.

Comment [JMM100]: List applicable zoning districts, as desired by municipality.

A. Any limited duration sign as defined and regulated in Section 909, Regulations by Sign Type (Limited Duration signs).
B. Any temporary sign as defined and regulated in Section 910, Regulations by Sign Type (Temporary Signs).
C. Signs associated with a residential use or parcel within the A-1, Agricultural District shall comply with Section 914, Signs in Residential Districts.

Comment [JMM101]: List applicable zoning districts, as desired by municipality.

D. Parks and Open Space.
    1. Freestanding signs shall be permitted subject to the following regulations.
        a. Number: One (1) sign per street access to a park or open space facility.
        b. Area: Each sign shall have a maximum area of 24 sq. ft. per sign face.
        c. Height: Signs shall have a maximum height of ten (10) feet.
        d. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
            1) External illumination
    2. Signs located on the interior of the site used to identify various use areas, facility boundaries, on-site traffic direction, trail use information, the hours and rules for the use of the grounds, etc. are exempt from permit requirements subject to the following:
        a. Area: Each sign shall have a maximum area of ten (10) sq. ft.
        b. Height: Signs shall have a maximum height of eight (8) feet.
        c. Illumination: These signs shall be non-illuminated.
    3. Signs for recreation and sporting facilities shall be allowed provided that the following criteria is met:
        a. Signs on the interior walls or fence of an open stadium or field shall be no greater than 24 sq. ft. in size and shall be designed to be viewed from the inside of the stadium only, and non-illuminated.

b. One (1) freestanding scoreboard, not to exceed 200 sq. ft. in area and 20 ft. in height, is permitted per playing field.
   1) Commercial messages shall not exceed 30% of the front face of the scoreboard.
   2) The face of all scoreboards, including any attached commercial signs and panels, shall be permanently oriented toward the recreation and spectator area.
   3) Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
      a) Internal illumination
      b) External illumination
      c) Message center sign
      d) Digital display (not to exceed 30% of the total scoreboard area)

E. Freestanding signs for non-residential uses shall be permitted subject to the following regulations.
   1. Number: One (1) sign at each street access, up to a maximum of two (2) signs per lot.
   2. Area: Each sign shall have a maximum area of 24 sq. ft. per sign face.
   3. Height: Signs shall have a maximum height of six (6) ft.
   4. Illumination: These signs shall be non-illuminated.

F. Wall and projecting signs for non-residential uses shall be permitted subject to the following regulations.
   1. Number: One (1) sign per tenant per building frontage up to a maximum of two (2) signs per tenant.
   2. Area: Each sign shall have a maximum area of 20 sq. ft. per sign face.
   3. Height: Signs shall have a maximum height equal to the eave line or the bottom of the second story window sill, whichever is lower.
   4. Illumination: These signs shall be non-illuminated.

G. Window signs for non-residential uses shall be permitted subject to the following regulations.
   1. Area: A maximum of 15% of the total window area of any single building frontage may be used for signs.
   2. Illumination: These signs shall be non-illuminated.

H. Off-premises signs [where/if permitted], are subject to the regulations found in Section 908, Regulations by Sign Type (Off-Premises).

Comment [JMM102]: Remove this statement if off-premises signs (billboards) are not permitted in any agricultural, rural or open space zoning district covered in this section.

I. Summary Table for Signs in Agricultural, Rural, and Open Space Districts.

Agricultural, Rural, and Open Space Districts			
	Wall and Projecting	Window	Freestanding
Maximum Number	Non-Residential Uses: 1 per tenant per building frontage, up to a maximum of 2 signs per tenant.	N/A	Parks and Open Space: 1 per street access plus 1 freestanding scoreboard per playing field Non-Residential Uses: 1 per street access up to a maximum of 2 signs per lot.
Maximum Area (square feet)	Parks and Open Space: Signs on the interior walls or fence of an open stadium: 24 Non-Residential Uses: 20	Non-Residential Uses: 15% of total window area	Parks and Open Space: 24 (entrance), 200 (scoreboard), 10 (signs interior to the site) Non-Residential Uses: 24
Maximum Height	Non-Residential Uses: The eaveline or the bottom of the second story window sill, whichever is lower.	N/A	Parks and Open Space: 10 ft. (entrance), 20 ft. (scoreboard), 8 ft. (signs interior to the site) Non-Residential Uses: 6 ft.

914 Signs in Residential Districts

In addition to the exempt signs described in Section 905, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected in the R-1, Residential and R-2 Residential Districts, subject to the conditions specified here and in Sections 907 – 912.

Comment [JMM103]: List applicable zoning districts, as desired by municipality.

A. Any limited duration sign as defined and regulated in Section 909, Regulations by Sign Type (Limited Duration Signs).
B. Any temporary sign as defined and regulated in Section 910, Regulations by Sign Type (Temporary Signs).
C. Signs associated with a park or open space use shall comply with Section 913, D.
D. Home Occupations.
    1. One (1) freestanding sign shall be permitted subject to the following regulations.
        a. Area: The sign shall have a maximum area of six (6) sq. ft. per sign face.
        b. Height: The sign shall have a maximum height of six (6) feet.
        c. Illumination: These signs shall be non-illuminated.
    2. One (1) wall or projecting sign shall be permitted, with a maximum area of two (2) sq. ft.
    3. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.

4. Illumination: These signs shall be non-illuminated.

E. Freestanding signs for residential developments containing more than ten units or apartment buildings containing more than ten units shall be permitted subject to the following regulations.
   1. Number: One (1) sign per street frontage.
   2. Area: Each sign shall have a maximum area of 15 sq. ft. per sign face.
   3. Height: Signs shall have a maximum height of eight (8) feet.
   4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
      a. External illumination

F. Summary Table for Signs in Residential Districts.

Residential Districts		
	Wall and Projecting	Freestanding
Maximum Number	Home Occupations: 1 per lot	Home Occupations: 1 per lot Residential Developments: 1 per development of 10 or more units.
Maximum Area (square feet)	Home Occupations: 2 sq. ft.	Home Occupations: 6 sq. ft. Residential Developments: 15 sq. ft.
Maximum Height	The eaveline or the bottom of the second story window sill, whichever is lower.	Home Occupations: 6 feet Residential Developments: 8 feet

915 Signs for Institutional Use Properties

In addition to the exempt signs described in Section 905, Exempt Signs, the following numbers and types of signs may be erected for Institutional use properties, including schools, religious institutions, municipal buildings, hospitals, or permitted uses of a similar nature, subject to the conditions specified here and in Sections 907 – 912.

A. Any limited duration sign as defined and regulated in Section 909, Regulations by Sign Type (Limited Duration signs)
B. Any temporary sign as defined and regulated in Section 910, Regulations by Sign Type (Temporary Signs).
C. Any portable sign as defined and regulated in Section 911, Regulations by Sign Type (Portable Signs).
D. Street pole banners as defined and regulated in Section 912, Regulations by Sign Type (Street Pole Banners).
E. Signs associated with a park or open space use associated with the institutional use shall comply with Section 913, D.
F. Signs associated with a residential use or parcel within an institutional district shall comply with Section 914, Signs in Residential Districts.

Comment [JMM104]: This section of the original, Montgomery County model sign ordinance was designed to apply to institutional zoning districts. However, since institutional zoning districts are limited in number in Erie County, this ordinance has been modified to apply to Institutional use properties regardless of which zoning district they may be located in.

Comment [JMM105]: Remove if Street pole signs are not desired by municipality.

Comment [JMM106]: Remove if municipality does not have an institutional zoning district.

G. Freestanding signs for institutional uses, other than parks and open space, shall be permitted subject to the following regulations.
   1. Number: One (1) sign per street access, up to two (2) signs per property held in single and separate ownership.
   2. Area: Each sign shall have a maximum area based on the lot size of the property as follows:
      a. On lots less than two (2) acres: 24 sq. ft.
      b. On lots of two (2) acres or more but less than five (5) acres: 40 sq. ft.
      c. On lots of five (5) acres or more: 60 sq. ft.
   3. Height: Signs shall have a maximum height of ten (10) ft.
   4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
      a. Internal illumination
      b. External Illumination
      c. Message center sign

Comment [JMM107]: *The maximum area for freestanding signs for institutional properties varies based on the size of the property. This distinction is meant to allow for adequate signage for a wide range of types and scales of institutional uses in the county.*

H. Freestanding signs located on the interior of the site used to identify facilities, on-site traffic direction, hours of operation, and other information are exempt from permit requirements, subject to the following:
   1. Area: Each sign shall have a maximum area of ten (10) sq. ft.
   2. Height: Each sign shall have a maximum height of eight (8) ft.
   3. Illumination: These signs shall be non-illuminated.

I. Building signs, including wall signs, awning or canopy signs, projecting signs, and window signs, are permitted for institutional uses. The total maximum sign area of all building signs shall be based on the lot size of the property and wall area of the building as follows:
   1. Area:
      a. On lots less than two (2) acres:
         1)Total sign area of all building signs shall not exceed five (5) percent of the total wall area for all walls that directly face a public street or parking lot.
         2)No single building sign shall exceed 24 square feet.
      b. On lots of two (2) acres or more but less than five (5) acres:
         1)Total sign area of all building signs shall not exceed six (6) percent of the total wall area for all walls that directly face a public street or parking lot.
         2)No single building sign shall exceed 36 square feet.
      c. On lots of five (5) acres or more:
         1)Total sign area of all building signs shall not exceed seven (7) percent of the total wall area for all walls that directly face a public street or parking lot.
         2)No single building sign shall exceed 60 square feet.
   2. Height: Signs shall have a maximum height equal to the eaveline.
   3. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
      a. Internal illumination
      b. External illumination, lit from above
      c. Halo illumination or back-lit letters

Comment [JMM108]: *The total allowable sign area for building signs in institutional districts is relative to both the size of the parcel on which the building is located, and the total wall area of the building it is attached to. This language is meant to reflect the signage needs of institutions that may have multiple buildings on a single parcel or may have internal walkways rather than frontage onto public roadways.*

Institutional uses can vary significantly in their size and design. Municipalities may need to work with individual institutional uses to determine a level of signage that works for both the community and the specific use

J. **[OPTIONAL]** Upper-level building identification signs shall be permitted subject to the following regulations.

1. Number: Two (2) signs per building.
2. Area: Each sign shall have a maximum area of 200 sq. ft.
3. Height: Signs shall have a maximum height of ten (10) feet and shall not extend vertically beyond the eaveline.
4. Location: Signs shall be limited to buildings at least three (3) stories in height and shall be located only on the top floor of such buildings.
5. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
    a. Internal illumination

Comment [JMM109]: This is optional and would apply only to buildings that are 3 stories or greater in height.

K. Summary Table for Signs for Institutional Use Properties.

Institutional Use Properties				
		Wall, Awning/Canopy, Projecting, and Window	Freestanding	Upper-Level Building Identification
Maximum Number		N/A	1 per street access, up to 2 per lot	2 per building
Maximum Area	Lots less than 2 acres	5% of the total wall face area of walls that directly face a public street or parking lot. No single building sign shall exceed 24 square feet.	24 square feet	200 square feet
	Lots at least 2 acres, but less than 5 acres.	6% of the total wall face area of walls that directly face a public street or parking lot. No single building sign shall exceed 36 square feet.	40 square feet	
	Lots greater than 5 acres.	7% of the total wall face area of walls that directly face a public street or parking lot. No single building sign shall exceed 60 square feet.	60 square feet	
Maximum Height		The eaveline	10 feet	The eaveline

916 Signs in Main Street Districts [This Section Optional]

In addition to the exempt signs described in Section905, Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected in the **[insert names of applicable Main Street districts]**, subject to the conditions specified here and in Sections 907 - 912.

A. Any sign permitted in residential districts, for the appropriate uses, as defined and regulated in Section 914, Signs in Residential Districts.
B. Any portable sign as defined and regulated in Section 911, Regulations by Sign Type (Portable Signs).
C. Any street pole banner as defined and regulated in Section 912, Regulations by Sign Type (Street Pole Banners).
D. The total area of all wall, awning/canopy, and projecting signs shall be limited to two (2) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
E. Wall signs for non-residential uses shall be permitted subject to the following regulations.
    1. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a property has entrances facing both a street and a parking lot, an additional sign is permitted to face the parking lot.
    2. Area: No single wall sign shall exceed 24 sq. ft. in area.
    3. Height: Signs shall have a maximum height equal to the eave line or the bottom of the second story window sill, whichever is lower.
    4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
        a. External illumination, lit from above
        b. Halo illumination or back-lit letters
        c. Neon lighting
F. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations.
    1. Height: Signs shall have a maximum height equal to the eave line or the bottom of the second story window sill, whichever is lower.
    2. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
        a. External illumination, lit from above.
G. Projecting signs for non-residential uses shall be permitted subject to the following regulations.
    1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
    2. Area: Each sign shall have a maximum area of twelve (12) sq. ft. per sign face.
    3. Height: Signs shall have a maximum height equal to the eave line or the bottom of the second story window sill, whichever is lower.
    4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
        a. External illumination, lit from above

Comment [JMM110]: Not all municipalities have main streets. This is an optional section, and will not be needed/appropriate for all municipalities.

Comment [JMM111]: *Main Street districts are typically walkable districts where store frontages are smaller, commonly built in row-style, and are built up to the sidewalk. Signage in this type of commercial district should reflect the pedestrian-scale and orientation found in these type of districts.*

The total area of all sign types for nonresidential uses in main street districts is limited to 2 square feet of sign area per 1 linear foot of building frontage that faces a public street or parking lot.

This total sign area can then be distributed by sign type to adequately and creatively identify the business using wall, window, projecting, awning/canopy, and marquee signs, as appropriate, subject to a maximum area for each sign type

Comment [JMM112]: List applicable zoning districts, as desired by municipality.

b. Neon lighting

H. Window signs for non-residential uses shall be permitted subject to the following regulations.

1. Area: A maximum of 15% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or otherwise permanently affixed to the window. A maximum of 25% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
2. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
   a. Neon lighting

I. Marquee signs for non-residential uses shall be permitted subject to the following regulations.

1. Number: One (1) marquee structure per building.
2. Area: The total area of all signs on a single marquee structure shall not exceed 150 sq. ft. in area.
3. Height: Signs shall have a maximum height equal to the eaveline.
4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
   a. Internal illumination
   b. Message center sign

J. Summary Table for Signs in Main Street Districts.

Main Street Districts				
	Wall and Awning/Canopy	Projecting	Window	Marquee
Maximum Number	Wall: 1 per tenant per street frontage (up to 2 per tenant) Awning/Canopy: N/A (See Section 907)	1 per ground floor establishment, plus 1 per building entrance serving tenants without a ground floor entrance.	N/A	1 per building
Maximum Area (Total)	2 sq. ft. per linear ft. of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type.		15% of total window area (permanent signs); 25% total window area (all signs)	150 sq. ft.
Maximum Area (Individual)	Wall: 24 sq. ft. Awning/Canopy: N/A (See Section 907)	12 sq. ft.	N/A	N/A
Maximum Height	The eave line or the bottom of the second story window sill, whichever is lower.		N/A	The eaveline

917 Signs in Village Commercial Districts [This Section Optional]

In addition to the exempt signs described in Section 905. Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected in the V-1, Village District, subject to the conditions specified here and in Sections 907 - 912.

A. Any sign permitted in residential districts, for appropriate uses, as defined and regulated in Section 914, Signs in Residential Districts.
B. Any portable sign as defined and regulated in Section 911. Regulations by Sign Type (Portable Signs).
C. Any street pole banner as defined and regulated in Section 912, Regulations by Sign Type (Street Pole Banners).
D. The total area of all wall, awning/canopy, and projecting signs shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
E. Wall signs for non-residential uses shall be permitted subject to the following regulations.
    1. Number: One (1) sign per tenant per street frontage, up to two (2) signs per tenant. Where a property has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
    2. Area: Each sign shall have a maximum area of 12 sq. ft. per sign face.
    3. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.
    4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906, F, Sign Illumination.
        a. External illumination, lit from above
        b. Halo illumination or back-lit letters
F. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations.
    1. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.
    2. Illumination: These signs shall be non-illuminated.
G. Projecting signs for non-residential uses shall be permitted subject to the following regulations.
    1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
    2. Area: Each sign shall have a maximum area of 10 sq. ft. per sign face.
    3. Height: Signs shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.
    4. Illumination: These signs shall be non-illuminated.

Comment [JMM113]: This is an optional section, and will not be needed/appropriate for all municipalities.

Comment [JMM114]: *Erie County is home to some traditional village areas that developed at historic crossroads and typically have a mix of land uses, in close proximity to residential.*

The regulations for signage in village commercial areas reflects the need to preserve the smaller-scale, often rural character, of the County's villages by limiting illumination types and sign sizes

Comment [JMM115]: List applicable zoning districts, as desired by municipality.

Comment [JMM116]: Remove if street pole banners are not desired by municipality.

H. Window signs for non-residential uses shall be permitted subject to the following regulations.
   1. Area: A maximum of 15% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or otherwise permanently affixed to the window. A maximum of 25% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
   2. Illumination: These signs shall be non-illuminated.

I. Freestanding signs for non-residential uses shall be permitted subject to the following regulations.
   1. Number: One (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.
   2. Area: Each sign shall have a maximum area of 15 sq. ft., plus an additional 5 sq. ft. per tenant, up to a maximum of 30 sq. ft.
   3. Height: Freestanding signs shall have a maximum height of 10 ft.
   4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
      a. External illumination.

J. Summary Table for Signs in Village Commercial Districts.

Village Commercial Districts				
	Wall and Awning/Canopy	Projecting	Window	Freestanding
Maximum Number	Wall: 1 per tenant per street frontage (up to 2 per tenant) Awning/Canopy: N/A (See Section 907)	1 per ground floor establishment, plus 1 per building entrance serving tenants without a ground floor entrance	N/A	1 per street frontage, up to 2 per lot.
Maximum Area (Total)	1.5 sq. ft. per linear ft. of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type.		15% of total window area (permanent signs); 25% total window area (all signs	N/A
Maximum Area (Individual)	Wall: 12 sq. ft. Awning/Canopy: N/A (See Section 907)	10 sq. ft.	N/A	15 sq. ft. plus 5 sq. ft. per additional tenant up to 30 sq. ft.
Maximum Height	The eave line or the bottom of the second story window sill, whichever is lower.		N/A	10 ft.

918 Signs in General Commercial and Industrial Districts

In addition to the exempt signs described in Section 905. Signs Exempt from Permit Requirements, the following numbers and types of signs may be erected in the C-1 Commercial District and the I-1 Industrial District subject to the conditions specified here and in Sections 907 - 912.

Comment [JMM117]: List applicable zoning districts, as desired by municipality.

A. Any sign permitted in residential districts, for the appropriate uses, as defined and regulated in Section 914. Signs in Residential Districts.
B. Any portable sign as defined and regulated in Section 911. Regulations by Sign Type (Portable Signs).
C. Any street pole banner as defined and regulated in Section 912. Regulations by Sign Type (Street Pole Banners).

Comment [JMM118]: Remove if not desired by municipality.

D. The total area of all wall, awning/canopy, and projecting signs for non-residential uses shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.

Comment [JMM119]: *Properties in commercial and industrial districts are typically larger parcels with buildings set back further from the road than properties in Main Street districts. For this reason, the model sign ordinance employs a lower multiplier, 1.5 square feet of sign area to 1 linear foot of building frontage, to determine the total permitted sign area. The total sign area can then be distributed among different sign types.*

E. Wall signs for non-residential uses shall be permitted subject to the following regulations.
   1. Number: One (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a store has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
   2. Area: Each sign shall have a maximum area of 32 sq. ft. per sign face.
   3. Height: Signs shall have a maximum height equal to the eaveline.
   4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
      a. Internal illumination
      b. External illumination, lit from above
      c. Halo illumination or back-lit letters
      d. Neon lighting
F. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations.
   1. Height: Signs shall have a maximum height equal to the eaveline.
   2. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
      a. External illumination, lit from above
G. Projecting signs for non-residential uses shall be permitted subject to the following regulations.
   1. Number: One (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
   2. Area: Each sign shall have a maximum area of twenty (20) sq. ft. per sign face.
   3. Height: Signs shall have a maximum height equal to the eaveline.
   4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
      a. External illumination, lit from above
      b. Neon lighting

H. Window signs for non-residential uses shall be permitted subject to the following regulations.
   1. Area: A maximum of 25% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 35% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
   2. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
      a. Neon lighting

I. Marquee signs for non-residential uses shall be permitted subject to the following regulations.
   1. Number: One (1) marquee sign per building.
   2. Area: The total area of signs on a single marquee structure shall not exceed 200 sq. ft. in area.
   3. Height: Signs shall have a maximum height equal to the eaveline.
   4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
      a. Internal illumination
      b. Message center sign
      c. Digital display

J. In addition to building signs, freestanding signs for non-residential uses shall be permitted subject to the following regulations.
   1. Number: One (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.
      a. For permitted gas stations, convenience stores with gas dispensing, and automotive fueling stations, one (1) additional freestanding sign per street frontage shall be permitted for the advertising of gas prices and identification of the gas station only, up to two (2) additional signs per property.
      b. For permitted drive-through establishments, one (1) additional freestanding sign shall be permitted for the advertising items for sale to users of the drive-through lane only.
   2. Area: Each sign shall have a maximum area of 50 sq. ft., except that where a sign contains information for more than one commercial entity, an additional 10 sq. ft. per tenant is permitted, up to a maximum of 100 sq. ft.
   3. Height: Signs shall have a maximum height of 20 ft.
   4. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906, F Sign Illumination.
      a. Internal illumination
      b. Message center sign
      c. Digital display

Comment [JMM120]: *For a single commercial use, freestanding signs are permitted up to an area of 50 square feet. Where a sign contains information for more than one commercial entity, an additional 10 square feet per tenant is permitted, up to a maximum sign area of 100 square feet.*

Comment [JMM121]: *Depending on a municipality's character or scale, digital displays on freestanding signs may not be appropriate in all districts. Municipalities should permit or restrict digital displays on a district-by-district basis in accordance with the goals and objectives of the municipality.*

K. **[OPTIONAL]** Upper-level building identification signs shall be permitted subject to the following regulations.

1. Number: One (1) sign per building.
2. Area: Each sign shall have a maximum area of 200 sq. ft.
3. Height: Signs shall have a maximum height of ten (10) feet and shall not extend vertically beyond the eave line.
4. Location: Signs shall be limited to buildings at least three (3) stories in height and shall be located only on the top floor of such buildings.
5. Illumination: The following illumination types shall be permitted subject to the regulations in Section 906 F, Sign Illumination.
    a. Internal illumination

L. Off-premises signs shall be permitted in the I-1, Industrial District, subject to the regulations detailed in Section 908. Regulations by Sign Type (Off-Premises).

M. Summary Table for Signs in Commercial and Industrial Districts.

General Commercial and Industrial Districts						
	Wall and Awning/Canopy	Projecting	Window	Marquee	Freestanding	Upper-Level Building Identification
Maximum Number	Wall: 1 per tenant per street frontage (up to 2 per tenant) Awning/ Canopy: N/A (See Section 907)	1 per ground floor establishment, plus 1 per building entrance serving tenants without a ground floor entrance	N/A	1 per building	1 per street frontage, up to 2 per lot (additional signs allowed for gas stations and drive-thru establish-ments)	1 per building (greater than or equal to 3 stories high)
Maximum Area (Total)	1.5 sq. ft. per linear ft. of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type.		25% of total window area (permanent signs); 35% total window area (all signs	200 sq. ft.	N/A	N/A
Maximum Area (Individual)	Wall: 32 sq. ft. Awning/ Canopy: N/A (See Section 907)	20 sq. ft.	N/A	N/A	50 sq. ft. plus an additional 10 sq. ft. per tenant up to 100 sq. ft.	200 sq. ft.
Maximum Height	The eave line		N/A	The eave line	20 sq. ft.	The eave line

Comment [JMM122]: This is optional, and would apply only to buildings 3 stories or greater in height.

Comment [JMM123]: List applicable zoning districts, as desired by municipality.

Comment [JMM124]: Optional

919 Special Regulations for Signs in Historic Districts [This Section Optional]

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

Comment [JMM125]: This section is optional, and will not be needed/applicable to all municipalities.

Comment [JMM126]: *Municipalities should ensure that the language included in the sign ordinance is consistent with any existing historic district regulations.*

A. No sign shall be erected or altered until an application has been reviewed and approved by the **[Review Board]** and after **[the governing body]** has issued a Certificate of Appropriateness.
B. Installation must not damage or require removal of historic materials and must be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.
C. The [Review Board] shall ensure that the proposed sign is appropriate compared:
   1. To the style, period, type, size, and scale of the building and district for which it is proposed; and
   2. With other signs in the district.
D. Permit Requirements.
   1. All applications for a Certificate of Appropriateness must contain the following information:
      a. A current color photograph of the property.
      b. An illustration of the building facade showing the proposed sign.
      c. A scaled drawing showing the sign itself and including the size, materials, colors, lighting, lettering, and method of attachment. Material samples may be required.
      d. For ground signs, a site plan indicating the location of the sign.
      e. The type of illumination.

920 Removal of Unsafe, Unlawful, or Abandoned Signs

A. Unsafe or Unlawful Signs.
   1. Upon written notice by the municipality, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by the municipality to be a nuisance, or it is deemed unsafe by the municipality, or it is unlawfully erected in violation of any of the provisions of this Ordinance.
   2. The municipality may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, the municipality may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.
B. Abandoned Signs.
   1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.
   2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in a 180 days the municipality may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where

Comment [JMM127]: *This model ordinance defines an abandoned sign as a sign that has not identified or advertised a current business, service, owner, product or activity for a period of at least 180 days in the case of off-premises signs, or at least 360 days in the case of on-premises signs. Once a sign meets these criteria, a property owner has 180 days to remove the sign, including all supporting structures.*

the owner fails to pay, the municipality may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

921 Permits & Applications

A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the municipality without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in this Article.

B. Limited Duration Signs
   1. A permit for a limited duration sign is issued for one (1) year and may be renewed annually.
   2. One (1) limited duration sign is allowed per permit. An applicant may request up to two (2) permits per address, but is subject to the size and number requirements set forth in this Article.
   3. In order to apply for a limited duration sign permit, the applicant must provide the following information, in writing, to the zoning administrator:
      a. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
      b. Contact person and contact information.
      c. A description of the sign indicating the number, size, shape, dimensions, and colors of the sign, and the expected length of time the sign will be displayed.
      d. A schematic drawing of the site showing the proposed location of the sign in relation to nearby buildings and streets.
      e. The number of signs on the site.

C. In order to apply for a sign permit, other than for a limited duration sign, the applicant must provide the following information, in writing, to the zoning administrator:
   1. Name of organization and location.
   2. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
   3. Contact person and contact information.
   4. Description of the activities occurring on the site where the sign will be installed.
   5. Description of any existing signage that will remain on the site.
   6. Identification of the type of sign(s) to be erected by the applicant.
   7. Site plan depicting the locations of proposed signage and existing remaining signage.
   8. 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. Building elevations, existing and proposed facades, parapet walls, eaveline and the location and size of all proposed and existing permanent signage.
      d. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.

9. For off-premises signs, refer to Section 908 M for additional requirements.
10. For street pole signs, refer to Section 912 B for additional requirements.
11. Any other information as the Zoning Administrator shall require in order to confirm full compliance with this Ordinance.
12. If the sign is located in a Historic District, confirmation that an application has been submitted to the Historic Architectural Review Board.
13. A permit fee, to be established from time to time by Resolution of the municipality, shall be paid.

D. In the instance that substantial repair or replacement of the sign becomes necessary (*i.e.,* repairs that cost more than 50% of the replacement cost of the damaged sign); the organization must apply for a new sign permit, and pay an additional fee, if required.

E. [OPTIONAL] All illuminated signs shall require certification in order to demonstrate continued compliance with the brightness requirements set forth in Section 906 F, Sign Illumination. This certification must be renewed every three years. This will allow the municipality to adjust standards as needed based on changing technology and evaluation of impacts. The municipality reserves the right to assess the brightness of any sign at any time to ensure compliance with illumination requirements.

922 Nonconforming Signs

A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.

B. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the following occurs:
   1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
   2. If more than 50% of the sign area is damaged, it shall be repaired to conform to this Ordinance.
   3. An alteration in the structure of a sign support.
   4. A change in the mechanical facilities or type of illumination
   5. A change in the material of the sign face.
   6. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
   7. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of a certificate of occupancy.

C. To determine the legal status of existing signs in each of the cases listed in Section 922 B, the applicant shall submit the following information to the Zoning Administrator:
   1. Type(s) of existing sign(s) located on the property.
   2. The area and height of all signs.
   3. For freestanding signs, the distance between the curbline or shoulder and the nearest portion of the sign.
   4. Type of sign illumination.

Comment [JMM128]: Note - Currently 908 N of model ordinance. The reference number will become 908 M once municipality chooses either option 908 A or 908 B, and deletes unused option. .

Comment [JMM129]: Remove if not applicable.

Comment [JMM130]: Note, this option may not be a good fit for municipalities with limited staff or limited need.

Comment [JMM131]: *This requirement is optional, and would apply only to digital displays and message center signs, if a municipality chooses to allow them. This provision will help ensure that compliance with the brightness standards for these types of signs are met.*

Individual municipalities should decide whether to include this regulation based on their technological and administrative capacities

5. The material of which the sign is constructed.
6. The building frontage.
7. If an Off-Premises sign, the applicant shall also submit the plan requirements listed in Section 908 M.

D. Prior to the events listed in Section 922 B, nonconforming signs may be repainted or repaired up to 50% of the replacement cost of the sign, the sign copy may be changed, and sign faces may be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-conformity.

E. Nonconforming signs shall be exempt from the provisions of Section 922 B, under the following conditions:
   1. The nonconforming sign possesses documented historic value.
   2. The nonconforming sign is of a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, Pennsylvania Historical and Museum Commission, or local historical commission.
   3. When a nonconforming sign is required to be moved because of public right of way improvements.

F. All nonconforming temporary signs, portable signs, and banners must be permanently removed within 90 days of the effective date of this Ordinance, unless specific approval is granted as provided for herein.

Comment [JMM132]: Currently 908 N of model ordinance. Will become 908 M once municipality chooses either option 908 A or 908 B, and deletes remaining option.

923 Signs on the Premises of Legally Nonconforming Uses

A. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.

B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), 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 characteristics of the sign or signs that existed on that property at the time this Ordinance was adopted.

924 Substitution Clause

Notwithstanding any provision of this Article to the contrary, to the extent that this Article allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this Article.

Comment [JMM133]: *The model ordinance includes a substitution clause saying that a non-commercial message may be displayed on any legal sign surface at any time. This provides a safeguard and prevents any potential problems where it could be interpreted that commercial speech is favored over noncommercial speech*

Article 10 Criteria for Conditional Uses, Special Exceptions and Identified Permitted and Accessory Uses

1001 General Criteria for Special Exceptions and Conditional Uses

Special Exceptions and Conditional Uses shall only be granted if the proposed use meets the following general criteria, in addition to any specific criteria established in this Ordinance for the particular use (See Section 1002). In granting a Conditional Use or a Special Exception, the Board of Supervisors or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of this Ordinance.

Comment [JMM134]: All Special Exceptions and Conditional Uses must comply with the general criteria set forth in this section.

Specifically identified Special Exception Uses and Conditional Uses must also meet the additional criteria set forth in the following section, 1002.

The applicant must demonstrate that the proposed use complies with the following:

A. The proposed use shall be consistent with the **[Insert Municipality]** Comprehensive Plan.
B. The proposed use shall be consistent with the purpose and intent of this Ordinance and the zoning district within which it will be located.
C. The proposed use shall not detrimental to the public health, safety or general welfare.
D. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
E. The proposed use shall not substantially change the character of the neighborhood in which it would be located.
F. The proposed use shall be adequately served by public facilities and services. Public facilities and services that may be considered include, but are not limited to water, sewer, electric, schools, streets, fire and police protection, and storm drainage.
G. The proposed use shall be acceptable in terms of its impact on traffic volumes and/or traffic circulation, and there shall be adequate arrangements to mitigate traffic congestion, traffic circulation problems, conflicts and hazards.
H. The proposed use shall not require a significant extension of a street, sewer facilities or water facilities if such extension would place a financial burden upon the Township, unless the Township has firm plans to extend such facilities absent the use proposed.
I. The proposed use shall comply with all those criteria specifically listed in Section 1002 of this Ordinance, as applicable.
J. The proposed use must comply with all applicable regulations contained in this Ordinance and all other applicable Township ordinances and regulations.

1002 Specific Criteria Applicable to Identified Uses

In addition to the all other applicable regulations of this Ordinance, the following subsections set forth criteria that shall be applied to particular types of special exception uses, conditional uses, or uses permitted by right. These criteria must be satisfied prior to approval of any applications for a special exception, conditional use, or use permitted by right. The applicant shall be required to demonstrate compliance with these criteria and must furnish whatever evidence is necessary to demonstrate such

compliance. In cases where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive shall apply, unless stated otherwise.

1002.01 Adult-Related Uses

Adult-related uses (Adult Book Store, Adult Cabaret, Adult Theater, etc.) shall be subject to the following criteria:

A. Any building or structure used and occupied as an adult-related use shall have an opaque covering over all windows or glass in doors in any area in which materials, merchandise, or film are exhibited or displayed, so that no sale materials, merchandise, or film shall be visible from outside of the building or structure.
B. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the type of materials, merchandise or film offered therein.
C. Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter and warning all other persons that they may be offended upon entry.
D. No adult-related use may change to another adult-related use, except upon approval of an additional conditional use.
E. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
F. No sexual activity or conduct shall be permitted.
G. No more than one adult-related use may be located within one building.
H. No person shall operate an adult entertainment establishment without first obtaining a zoning permit as provided in this Ordinance and all other applicable permits required by law.

Comment [JMM135]: Or special exception, if desired by municipality

1002.02 Agriculture

Agricultural uses shall be subject to the following criteria:

A. Except in an A-1 Agricultural District, no farm building other than a dwelling may be erected within 150 feet from an adjoining property line. Where the property line is a public road, the 150 feet may be measured from the edge of the road right-of-way farthest from the new structure.
B. Intensively used facilities for animal raising and care, including but not limited to such facilities as feed lots, runs, and pens, shall not be constructed within 500 feet of an existing residential dwelling on adjoining property.

1002.03 Agricultural Related Business

Agricultural Related Businesses shall be subject to the following criteria:

A. The use shall be subject to the Performance Standards section of this Ordinance (See Section 706).
B. All structures used for feed storage and distribution shall be located at least two hundred (200’) feet from an existing residence on adjoining property.

C. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining residential uses or zoning districts.
D. The minimum lot area shall be five (5) acres.

1002.04 Airports, Heliports and Helistops

Airports, Heliports and Helistops shall be subject to the following criteria:

A. Minimum lot area shall be thirty (30) acres for airports and three (3) acres for heliports.
B. The applicant shall submit evidence confirming that the facility will be constructed, operated, and maintained in accordance with applicable rules and regulations of the Federal Aviation Administration and the Pennsylvania Department of Transportation, Bureau of Aviation, related to the use of airports, heliports and/or helistops.
C. For airports, no part of the takeoff/landing strip and/or pad shall be located within 300 feet from any property line.
D. The applicant shall provide the delineation of the airport or heliport hazard zone to the municipality and all adjoining municipalities with land located within the hazard zone.
E. The facilities shall not be detrimental to the health, welfare and safety of Township residents and their property.
F. Heliports shall meet the following additional requirements:
    1. The landing pad shall be clearly marked with the insignia commonly recognized to indicate same.
    2. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use or special exception application.
    3. No part of the take-off/landing strip and/or pad shall be located closer than fifteen hundred feet (1,500') from any property line.
G. Helistops shall meet the following additional requirements:
    1. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use or special exception application.
    2. The helistop shall be located a minimum of one thousand feet (1,000') from any dwelling unit.

1002.05 Ultralight Airports and Private Airstrips

Ultralight Airports and Private Airstrips are intended for private use only, and shall be subject to the following criteria:

A. All such airports shall be a minimum of three hundred (300') feet from any property line and a minimum of five hundred (500') feet from any dwelling.
B. The operator shall present evidence that the facility complies with appropriate State regulations and has secured a license from the Pennsylvania Department of Transportation, Bureau of Aviation.

C. There shall be no sales of fuel or other aviation services (repair, storage of other aircraft, etc.) including the sale of aircraft and/or related parts or service for transient aircraft.
D. Providing flying lessons or conducting a flight school shall not be a permitted operation or service.
E. No more than three (3) personal aircraft shall be based on the facility.

1002.06 Animal Shelters, Kennels, Veterinary Clinics, and Pet Grooming Establishments

Animal Shelters, Kennels, Veterinary Clinics, and Pet Grooming Establishments shall be subject to the following criteria:

A. All kennels shall comply with the Pennsylvania Dog Laws as administered by the Pennsylvania Department of Agriculture and show evidence of ongoing compliance (current licenses).
B. Dog Kennels shall be located within an enclosed building and shall be sound-proofed, if necessary, to reduce noise impacts on adjacent properties.
C. Any outdoor runs or similar facilities shall be constructed for easy cleaning, and shall be adequately secured by a fence with a self-latching gate.

1002.07 Assisted Living Facility

Assisted Living Facilities shall be subject to the following criteria:

A. Copies of all required licenses or permits issued by county, state, or federal agencies shall be submitted to the municipality, and these required licenses, certificates, or permits shall be a condition for final approval.
B. The applicant shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building(s) will be architecturally compatible with the neighborhood.
C. The property shall be landscaped to present a minimum intrusion upon the neighborhood.
D. All outdoor lighting shall be shielded and reflected away from adjoining properties.
E. All required parking shall be accommodated on-lot, with all parking to occur in rear or side yard areas.
F. All off-street parking and/or loading areas shall be screened from adjoining residential uses or zoning districts.
G. The facility shall front on an arterial or collector road.
H. Ingress, egress and internal circulation shall be designed to ensure safety and to minimize impacts on public roads.
I. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.

1002.08 Automobile/Vehicle Service and Repair Facilities

Service and/or Repair Facilities for Automobiles, Buses, Class I Recreation Vehicles, Boats, Motorcycles, Snowmobiles and similar vehicles shall be subject to the following criteria:

A. All service and/or repair activities shall be conducted within a completely enclosed building.
B. All exterior parking and storage areas shall be screened from adjoining residential uses and districts.

C. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street.
D. The storage of more than one (1) unlicensed vehicle is prohibited.
E. Any ventilation equipment outlets associated with the service/repair work area(s) shall not be directed toward any adjoining residential uses or districts.
F. All vehicles and machinery shall be repaired and removed from the premises.
G. The demolition or junking of vehicles and machinery is prohibited.
H. The applicant shall furnish evidence that the storage and disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

1002.09 Bed and Breakfast Inns

Bed and Breakfast Inns are intended to provide overnight or short-term [not more than two (2) weeks] accommodations for transient guests in a home-like atmosphere. They shall be subject to the following criteria:

A. A bed and breakfast inn shall be allowed only in an owner-occupied, single-family, detached residential dwelling or building(s) accessory thereto. No modification to the external appearances of the building (except fire escapes) which would alter its residential character shall be permitted.
B. Accommodations for overnight lodging at a bed and breakfast home shall be limited to no more than five guest rooms and to no more than 10 guests at a given time.
C. Accommodations at bed and breakfast inns may include breakfast prepared on the premises for guests and included in the charge for the room. No meal other than breakfast may be prepared on the premises for the registered guests.
D. No cooking facilities shall be provided or permitted in individual guest rooms.
E. A bed and breakfast inn must conform to all zoning regulations with regard to parking, access, signs, area, setbacks, etc., as are applicable under this Ordinance.
F. All outdoor lighting shall be shielded and reflected away from adjoining properties.
G. The use of a residential dwelling for a bed and breakfast inn must be approved by the PA DEP or Erie County Sewage Enforcement Officer and the sanitary sewage system upgraded, if necessary.
H. No goods may be publicly displayed for sale on the premises.
I. All bed and breakfast inns shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry, and all other applicable building, safety, and fire codes of the federal, state, or local government.

1002.10 Boarding Houses and Group Quarters

Boarding Houses and Group Quarters shall be subject to the following criteria:

A. There shall be a minimum of 350 square feet of habitable floor area provided for each occupant.
B. A common kitchen and dining facility shall be provided, and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require kitchen and dining facilities if an affiliated institution provides them elsewhere.

C. The applicant shall furnish evidence that approved systems for sewage disposal and water supply shall be used, and that all other federal and state license requirements have been met.
D. For proposed new developments, the applicant shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building(s) will be architecturally compatible with the neighborhood.
E. For conversion of an existing dwelling into a boarding house or group quarters, the following apply:
    1. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
    2. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
F. The property shall be landscaped to present a minimum intrusion upon the neighborhood.
G. All required parking shall be accommodated on-lot, with all parking to occur in rear or side yard areas.
H. All off-street parking and/or loading areas shall be screened from adjoining residences.
I. Meals shall be offered only to registered tenants.

1002.11 Campgrounds and Recreation Vehicle Parks

Campgrounds and Recreation Vehicle Parks shall be subject to the following criteria:

A. A subdivision or land development plan that meets all standards of the **[Insert Municipality]** Township Subdivision and Land Development Ordinance shall be required.
B. The minimum lot area shall be twenty (20) acres.
C. Roads to access individual campsites shall be at least 16 feet in width, and must be improved with a dust free surface.
D. The applicant shall present evidence that water and sanitary sewer facilities have been approved by the Erie County Department of Health and/or DEP, and are adequately sized.
E. Applicant shall provide evidence of approved solid waste removal.
F. At least twenty five percent (25%) of the total tract shall be reserved as either common recreation areas for the use of guests, or as conservation lands.
G. No campsite may be within 200 feet of a pre-existing single family dwelling. All areas that abut residential uses or districts shall be screened with a vegetative barrier of natural or planted materials.

1002.12 Car Wash Facilities

Car wash facilities shall be subject to the following criteria:

A. The applicant shall present evidence that water and sanitary sewer facilities have been approved by the Erie County Department of Health and/or DEP, and are adequately sized.
B. Use of a water-reclamation and/or water-recovery system shall be required to capture and reuse as much water as practical and feasible.
C. Driveway areas, wash stalls and waiting areas shall be improved with an impervious surface, and shall be maintained free of debris and obstructions.

1002.13 Cemeteries

Cemeteries shall be subject to the following criteria:

A. A minimum lot area of five (5) acres shall be required.
B. The owner/developer shall provide a site plan showing all proposed burial areas (both short and long range); all structures, parking areas and access and interior circulation roads. Said plan shall be prepared by a registered landscape architect, architect or engineer.
C. A drainage plan showing existing and proposed runoff characteristics shall be submitted with the application for Township approval.
D. Ingress, egress, and internal circulation shall be designed to ensure safety and minimize impact on public roads.
E. Burial areas, structures, and circulation roads shall be located a minimum of twenty (20) feet from adjacent property lines.
F. Burial plots and/or facilities shall not be permitted in floodplain or flood fringe areas.
G. All areas that abut residential uses or districts shall be screened with a vegetative barrier of natural or planted materials.
H. The owner/developer shall provide appropriate procedures, documents or other legal documents which will satisfactorily assure the continued maintenance of the proposed cemetery.

1002.14 Commercial Recreation, Outdoor

Outdoor Commercial Recreation activities shall be subject to the following criteria:

A. The applicant shall provide a written documentation of the scope of operation, and measures used to mitigate problems associated with noise, light, litter, dust and pollution.
B. The applicant shall furnish evidence that any exterior public address system and/or exterior lighting has been arranged and designed so as to prevent objectionable impact off the site.
C. Where an outdoor recreational use other than a golf course adjoins a residential district or residential use, trees and shrubs must be planted on the site of the recreational use so as to form an effective visual barrier between the recreational use and the residential use or district.
D. A structure(s) exceeding the maximum permitted height may be permitted so long as it is set back from all property lines at least a horizontal distance equal to its height, plus an additional fifty feet (50’). Such structure(s) shall not be occupied for residential use.
E. A traffic study may be required to demonstrate safe access and control of traffic into and out of the facility. The traffic study shall include at a minimum a study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to nearby areas.
F. Applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
G. The Township may limit the hours of operation as a reasonable additional condition and safeguard.
H. Outdoor paintball facilities shall also comply with the applicable requirements of Section 1002.48, Target Ranges and Paintball Facilities.

1002.15 Convenience Stores/Automobile Fueling Stations

Convenience Stores with Fuel Dispensing, Gasoline Service Stations and Automotive Fueling Stations shall be subject to the following criteria:

A. A site circulation plan shall be provided that depicts the separation of fueling service areas, service station areas and convenience store areas. The plan shall show the location and dimensions of all structures, fuel pumps and location of the tank field; the location and dimensions of parking, landscaping areas and signage; and the description of internal circulation and access, in accordance with the standards herein.
B. Minimum setbacks from street right-of-way lines for structures and/or buildings shall be in accordance with the underlying zoning district or as listed below, whichever is most restrictive:
    1. Pumps: 40 feet;
    2. Building: 50 feet;
    3. Canopies: 35 feet.
C. All exterior lights of such premises shall be arranged and aligned to reflect light away from neighboring premises and public rights-of-way.
D. Fuel delivery shall not impede traffic-flow patterns.
E. Motor vehicles shall not be permitted to be parked on sidewalk areas.
F. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining residential uses or zoning districts.

1002.16 Day Care Facilities, All Types

The purpose of this section is to set forth criteria for the types of day care regulated by this Ordinance (See Article 2, Definitions).

A. Family Child Day Care Home
    1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
    2. There shall be no outdoor advertising or signage permitted for the day care home.
B. Group Child Day Care Home
    1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
    2. There shall be no outdoor advertising or signage permitted for the day care home.
    3. The use shall not require internal or external alterations or construction features which are not customary to a dwelling (except fire and safety requirements).
    4. Any outdoor play area shall be effectively screened from adjoining residential uses.
    5. Safe off-street "pick up" and "drop off" points shall be provided in order to minimize traffic congestion. The passenger "pick up" and "drop off" points shall be arranged so that the passengers do not have to cross traffic.
C. Child Day Care Center

Comment [JMM136]: Defined as 4-6 children, in residential home; See PA title 55, chapter 3290

Comment [JMM137]: Defined as 7-15 children; See PA title 55, chapter 3280

Comment [JMM138]: Defined as 7 or more children; facility not used as residence.; See PA title 55, chapter 3270

1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
2. Any outdoor play area shall be effectively screened from adjoining properties.
3. Safe off-street "pick up" and "drop off" points shall be provided in order to minimize traffic congestion. The passenger "pick up" and "drop off" points shall be arranged so that the passengers do not have to cross traffic.

D. Day Care Center for Adults
1. Such operations must obtain any permits/certificates required by the Commonwealth of Pennsylvania.
2. Any outdoor recreation area shall be effectively screened from adjoining properties.
3. Safe off-street "pick up" and "drop off" points shall be provided in order to minimize traffic congestion. The passenger "pick up" and "drop off" points shall be arranged so that the passengers do not have to cross traffic.

1002.17 Drive-through Facilities for Commercial Uses

Drive-through facilities are permitted as an accessory to commercial uses in the C-1 Commercial District, subject to the following criteria:

Comment [JMM139]: List applicable zoning districts, as desired by municipality.

A. All property lines adjoining a residential use or district shall have a buffer yard of ten feet (10') as measured from the property line.
B. Entrance and exit driveways shall be clearly marked.
C. The alignment of driveways for order and pickup purposes shall be so arranged or screened to avoid headlight glare on adjacent residential uses or districts.
D. Auto/pedestrian circulation shall be designed to allow adequate sight distance between patron entrances/exits and drive-through lanes.
E. Outside speakers shall not be audible from any residential use or district.
F. A solid wall of at least twenty-four (24) inches in height shall be emplaced along any portion(s) of a drive-through lane that abuts a sidewalk.
G. All drive-through lanes shall have an off-street stacking area sufficient to prevent traffic backups onto adjoining roads.

1002.18 Dry Cleaning, Laundry Services and Laundromats

Dry Cleaning and Laundry Services, and Laundromats, shall be subject to the following criteria:

A. All activities shall be conducted within an enclosed building.
B. All windows and doors on walls facing adjoining residential uses or districts shall be kept closed.
C. Any exhaust ventilation equipment shall be directed away from adjoining residential uses or districts.

1002.19 Emergency Medical Treatment Center

Emergency Medical Treatment Centers shall be subject to the following criteria:

A. The building(s) shall be compatible both in design and function with the general character of the area in which it is proposed to be located.

B. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining residential uses or districts.
C. All lights shall be fully shielded and directed away from adjoining property.
D. The entrance and exit for the facility shall be so designed as to allow adequate sight distances and generally ensure a safe entrance onto public roads.

1002.20 Emergency Services Stations

Emergency Services Stations shall be subject to the following criteria:

A. The building(s) shall be compatible both in design and function with the general character of the area in which it is proposed to be located.
B. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining residential uses or districts.
C. All lights shall be fully shielded and directed away from adjoining property.
D. The entrance and exit for the facility shall be so designed as to allow adequate sight distances and generally ensure a safe entrance onto public roads.
E. Fire stations are also subject to the following:
    1. Sufficient off-street parking area shall be provided to accommodate fund raising and social activities which may be held within the building(s). Examples of such activities include but are not limited to fund raising events, bingo games, banquets, receptions, dinners, etc.
    2. There shall be adequate space in front of the fire station so trucks and equipment may be backed into their parking bays without using public roads.

1002.21 Essential Service Structure, Class 2

Structures associated with Class 2, Essential Services, as defined by this Ordinance, shall be subject to the following criteria:

A. The structure(s) shall be landscaped to present a minimum intrusion upon the neighborhood.
B. The structure(s) may be enclosed by a security fence of no more than eight (8) feet, notwithstanding any other section of this Ordinance.
C. The structure(s) shall not be used for offices, garages, power generation, repair or large-scale storage.
D. No storage of vehicles or movable equipment or material shall be permitted outside of a building.
E. The Zoning Hearing Board may grant an exemption from, or reduction of, lot and yard requirements.

1002.22 Farmers Market and/or Flea Market

Farmers Markets and/or Flea Markets shall be subject to the following criteria:

A. The retail sales area, as defined in Article 2, shall be set back at least fifty feet (50') from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.

B. Off-street parking shall have an all-weather, dust free surface.
C. Off-street loading shall be calculated upon the retail sales area and according to the schedule listed in Section 813 of this Ordinance.
D. The outdoor display and/or sale of merchandise shall not begin prior to one (1) hour before official sunrise and shall cease no later than one (1) hour after official sunset.
E. Any amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties.
F. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.

1002.23 Funeral Homes, Mortuaries and Crematoriums

Funeral homes, Mortuaries and Crematoriums shall be subject to the following criteria:

A. The applicant shall furnish evidence that the use of materials and disposal of wastes will be accomplished in a manner which complies with State and Federal regulations.
B. Parking shall be designed to prevent traffic backups onto adjoining roads.
C. A one hundred foot off-street stacking area for the formation of the funeral procession shall be provided on the site.
D. No funeral procession shall be allowed to form on public streets.

1002.24 Garage and Yard Sales

Garage and Yard Sales shall be subject to the following criteria:

A. Within any zoning district, an owner and/or occupant may conduct up to three (3) garage or yard sales per year.
B. No garage or yard sale shall be conducted for a period longer than three (3) consecutive days.
C. Sales shall be limited to personal items.
D. In no case shall any aspect or the garage or yard sale be conducted in a street right-of-way, except that parking may occur where permitted.
E. The conduct of a garage or yard sale beyond the extent herein represents a commercial business and requires appropriate zoning authorization.

1002.25 Golf Courses

Golf Courses shall be subject to the following criteria:

A. The construction of a golf course shall be considered a "land development" and subject to all appropriate requirements of the **[Insert Municipality]** Subdivision and Land Development Ordinance.
B. The minimum lot area shall be not less than: 45 acres for a par 3, 18 hole course; 60 acres for a 9 hole golf course; and 100 acres for a regulation 18 hole course.
C. A golf course may include the following accessory uses:
    1. A clubhouse with a pro shop, offices, restaurant/snack bar, game room, and childcare room.

2. Golf cart maintenance and equipment storage and service facilities.
3. Practice putting greens and driving range, without outdoor lighting.
4. Hiking, bicycling, horseback riding, and cross-country ski trails

D. All golf course buildings shall be set back a minimum of seventy-five feet (75') from any adjoining roads, a minimum of one hundred feet (100') from adjoining residential use or district, and a minimum of fifty feet (50') from all other property lines.

E. Any points where the golf course crosses a road or driveway shall be signed to warn motorists and pedestrians.

1002.26 Home Based Business or Occupation

Home based businesses or occupations that do not meet all of the criteria of a no-impact home based business shall be subject to the following criteria:

A. The home based business or occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.

B. There shall be no exterior evidence of the use other than a home based business or occupation identification sign, as authorized by this Ordinance.

C. A home based business or occupation may be conducted in either a principal or an accessory structure, but in either case shall not occupy floor area greater than thirty percent (30%) of the habitable floor area of the dwelling.

D. The use shall not require internal or external alterations or construction features which are not customary to a dwelling.

E. There shall be no storage of materials or equipment outside an enclosed building.

F. The business activity must 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.

G. 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.

H. Adequate parking for the home based business or occupation shall be provided on the lot.

I. There shall be no more than two (2) employees who are not residents of the premises.

J. Home based businesses or occupations may include, but are not limited to the following:
    1. Dressmaking, sewing, and tailoring, provided that no laundry service, pressing or cleaning is done on the premises
    2. Painting, sculpting, writing
    3. Telephone answering
    4. Home crafts such as model making, rug weaving, wood working, and ceramics
    5. Tutoring for not more than one student at a time
    6. Computer programming
    7. Architectural, engineering, drafting or graphic services
    8. Musical or artistic instruction for not more than one student at a time
    9. Accounting services
    10. Offices

11. Internet based services where customers are not coming to the home
12. Any other similar use as determined by the Zoning Hearing Board

1002.27 Home Based Business (No Impact)

No-Impact, Home Based Businesses shall be subject to the following criteria:

Comment [JMM140]: The following criteria are taken from the MPC definition of a no-impact home based business. The MPC requires no-impact businesses to be allowed in all districts that allow residential uses

A. The home based business or occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.
B. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
C. The business shall employ no employees other than family members residing in the dwelling.
D. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
E. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
F. The business activity must 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.
G. 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.
H. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.

1002.28 House of Worship

Houses of Worship shall be subject to the following criteria:

A. For proposed new developments, the applicant shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building(s) will be architecturally compatible with the neighborhood.
B. For conversion of an existing dwelling into a house of worship, the following apply:
   1. Any extensions or modifications to the external appearance of the building (except fire and safety requirements) shall complement its residential character.
   2. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
C. The property shall be landscaped to present a minimum intrusion upon the neighborhood.
D. All required parking shall be accommodated on-lot, with all parking to occur in rear or side yard areas.
E. All off-street parking and/or loading areas shall be screened from adjoining residential uses or districts.
F. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
G. Residential uses (Rectories, Convents, etc.) that are related to the house of worship shall be subject to the following criteria:
   1. All such uses shall be accessory, and located upon the same lot as the house of worship.

2. All such uses shall comply with all requirements of Section 1002.10, Group Quarters.

H. Educational or Day Care Facilities related to the house of worship are subject to the following:
   1. All such uses shall be accessory, and located upon the same lot as the house of worship.
   2. Day care facilities shall comply with the requirements of Section 1002.16, Day Care Facilities.
   3. If education or day care is offered below the college level, an outdoor play area shall be provided, at a rate of sixty five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall be set back a minimum of twenty five feet (25') from all property lines. Outdoor play areas shall be screened from adjoining residential uses or districts. All outdoor play areas must provide a means of shade, such as shade tree(s), pavilion(s), or other shading devices.
   4. Enrollment shall be defined as the largest number of students and/or children under supervision at any one time during a seven day period.
   5. Passenger "drop off" areas shall be provided and arranged so that passengers do not have to cross traffic lanes on or adjacent to the site.
   6. All educational or day care uses shall be governed by the location, height, and bulk standards imposed upon principal uses within the underlying zone unless otherwise provided in this Section.

1002.29 Hunting, Fishing, Skiing, and Boating Clubs or Resorts

Hunting, fishing, skiing, and boating clubs or resorts shall be subject to the following criteria:

A. All off-street parking shall be set back at a minimum of thirty feet (30') from any adjoining property lines.
B. Outdoor recreation/activity areas shall be set back a minimum of fifty feet (50') from all property lines.
C. No shooting ranges shall be permitted unless approved under the provisions of this Ordinance.
D. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
E. Where overnight facilities are provided, one (1) parking space shall be provided for each guest sleeping room or each three bunks, plus one (1) per employee.

1002.30 In-Law Apartments

In-Law Apartments shall be subject to the following criteria:

A. The in-law apartment may be located only within an owner-occupied, single-family dwelling.
B. The in-law apartment may not exceed nine hundred (900) square feet of habitable floor area, unless in the opinion of the zoning administrator a greater amount of floor area is warranted based on the characteristics of the dwelling.
C. Only one in-law apartment is allowed within any single-family dwelling.
D. The in-law apartment shall be occupied by an in-law(s) of, or a family member related to the occupants of the principal dwelling by blood, marriage or adoption. The occupancy or rental of the in-law apartment by a person(s) other than as previously described is prohibited.
E. The in-law apartment shall be occupied by a maximum of two (2) people.

F. The use shall not require external alterations or construction features which are not customary to the architectural character of a single-family dwelling.

1002.31 Mineral Extraction, Sand and Gravel Pits

Mineral extraction or mining operations including coal, limestone, sand, gravel and other open-pit surface mining activities shall be subject to the following criteria:

A. General provisions:
   1. Prior to the issuance of a zoning permit, the owner/operator of a mining operation shall file with the zoning administrator a copy of all approved clearances, permits, plans and/or other documents required by the Pennsylvania Department of Environmental Protection per the Surface Mining and Reclamation Act (Act 418, P.L. 1198 as amended).
   2. In no case shall any operation on the site impede the flow of a natural watercourse.
   3. All operations shall be conducted in a manner which will not allow water to collect and/or create a stagnant water condition except that storm water retention facilities are permitted.
   4. A performance bond or other security may be required by the Township in order to insure against damages to Township roads or other public and private properties or interests.
   5. The minimum lot size shall be five (5) acres.
   6. The operator shall submit for Township approval a plan for restoration of the area to be mined, which shall include anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than 5 feet, steps which will be taken to conserve the topsoil, the location of future roads, drainage courses or other improvements contemplated.
   7. When operator has performed all requirements contained in the restoration plan, as determined by the Township, a written certificate will be issued by the zoning administrator that indicates that the restoration is complete and is in compliance with the plan.

B. General Setback Requirements: The following are considered to be the minimum acceptable setback distances from existing structures, roadways, etc. as prescribed by Act 418 as amended; and no operator shall conduct a surface mining operation within these setbacks. However, PADEP may require a greater setback or grant a variance for a lesser distance.
   1. Public roadways and railroads--100 feet from the existing right-of-way line.
   2. Occupied dwellings-300 feet unless this distance is waived by the owner thereof.
   3. Public buildings and parks, schools, churches and other community or institutional buildings-300 feet.
   4. Railroads-100 feet from the existing railroad right-of-way.
   5. Cemeteries-100 feet from the property line(s) of the cemetery.
   6. Existing streams-100 feet from the present stream bank.
   7. No stockpiles, spoil piles, refuse material, plant facilities and processing and/or mining equipment shall be located within fifty (50) feet of an existing property line where the adjacent property is not owned or leased by the operator or unless the adjacent owner waives the aforementioned setback.

8. Irrespective of the above setback requirements for items 2 and 3, a twenty-five (25) foot minimum setback shall be maintained from all property lines where such structures are involved and the adjacent property(s) is not owned by the operator. The purpose of this provision is to prevent mining up to a property line in situations where such mining could take place without violating the 300 foot setback requirement for existing structures; i.e., a structure could be located 350 feet from its property line which could allow the operator to mine up to the property line and still be within the required 300 foot setback distance.

1002.32 Mobile Home Parks

Mobile Home Parks shall be subject to the following criteria:

A. Mobile Home Parks shall fully comply with the requirements set forth by the **[Insert Municipality]** Subdivision and Land Development Ordinance.
B. The minimum lot area shall be five (5) acres.

1002.33Multiple Family Dwellings (5 or more units)

Multiple Family Dwellings consisting of 5 or more dwelling units shall be subject to the following criteria:

A. For proposed new developments, the applicant shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building(s) will be architecturally compatible with the neighborhood.
B. For conversion of existing dwellings into apartment buildings, the following apply:
   1. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
   2. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
C. The property shall be landscaped to present a minimum intrusion upon the neighborhood.
D. All required parking shall be accommodated on-lot, with all parking to occur in rear or side yard areas.
E. All off-street parking and/or loading areas shall be screened from adjoining residences.
F. The applicant shall furnish evidence of an approved means of water supply and sewage disposal.
G. Multiple Family Dwellings consisting of ten (10) or more dwelling units shall front on an arterial or collector road.
H. Multiple Family Dwellings or developments consisting of ten (10) or more dwelling units shall comply with Section 702, Buffer and Screening Requirements.
I. Multi-family residential land developments consisting of 10 or more dwellings shall reserve no less than ten percent (10%) of total lot area as passive or active recreation space for the benefit of residents. This land shall be suitable for the purpose for which it is proposed.

1002.34 Non-Commercial Keeping of Poultry, Livestock and Equine Animals

Non-Commercial Keeping of Livestock and/or Equine Animals shall be permitted as an accessory use in the A-1 Agriculture District and R-1, Rural Residential District, subject to the following criteria:

Comment [JMM141]: List applicable zoning districts, as desired by municipality.

A. Minimum setbacks from adjoining property lines for structures and/or buildings used to house noncommercial poultry, livestock and/or equine animals shall be in accordance with the underlying zoning district or as listed below, whichever is most restrictive. Should one structure be used to house a combination of animal and/or poultry types, the most restrictive setback shall apply:
    1. Animals or poultry less than 10 pounds: A twenty-five foot (25') setback
    2. Animals or poultry greater than 10 pounds: A fifty foot (50') setback
B. Structures used to house noncommercial poultry, livestock or equine animals shall be located only in the rear yard or side yard of the property on which it is an accessory use. Such structures shall be prohibited in the front yard area.
C. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals and/or poultry.
D. All manure management practices and operations shall comply with the provisions set forth in the Pennsylvania Nutrient Management Act, as amended
E. All animals and/or poultry, their housing, and their outdoor pasture/recreation areas shall be maintained so as to not become a nuisance to adjoining properties;
F. Within the R-1 Rural Residential District the following additional requirements shall be met:
    a. The non-commercial keeping of livestock and/or equine shall require a minimum lot size of 5 acres.
    b. The non-commercial keeping of poultry shall require a minimum lot size of 2 ½ acres.
    c. The number of livestock and/or equine animals shall be limited to two (2) such animals for the first 2 ½ acres of land and one (1) additional such animal for each additional acre of land.
    d. The number of poultry shall be limited to six (6) poultry for the first 2 ½ acres of land and one (1) additional poultry for each additional one-half (1/2) acre of land. The number of roosters shall be limited to one (1) regardless of acreage.

Comment [JMM142]: List applicable zoning districts, as desired by municipality.

1002.35 Public Utility Buildings

Public utility buildings, such as offices or garages shall be subject to the following criteria (See also, Section 106 C):

A. If located within a residential district, the applicant must demonstrate that the selected location is necessary for public service and the use cannot be supplied if located elsewhere.
B. If located within a residential district, all buildings and structures shall be designed (to the extent possible) to be architecturally compatible with the neighborhood.
C. In any residential district, the outdoor storage of vehicles or equipment, used in the maintenance of a utility, shall be screened from adjoining roads and all properties.
D. There shall be no required minimum lot size. However, each lot shall provide required minimum front, side, and rear yard setbacks and comply with the maximum lot coverage requirements as prescribed in the underlying zoning district.
E. Height regulations for the underlying zoning district shall be followed.

F. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical, or microwave disturbance, or any other objectionable impact, nuisance or safety hazard beyond the subject property.

1002.36 Recycling Centers

Recycling Centers for the recycling of paper, plastic, glass and metal products shall be subject to the following criteria:

A. All operations, including collection shall be conducted within an enclosed building.
B. There shall be no outdoor storage of materials processed, used or generated by the operation.
C. The applicant shall provide a written documentation of the scope of operation, and measures used to mitigate problems associated with noise, fumes, dust, and litter.
D. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

1002.37 Retail Business or Restaurant (3,000 square feet or larger)

Within the V-1, Village District, Retail Stores or Restaurants with greater than 3,000 square feet gross floor area shall be subject to the following criteria:

Comment [JMM143]: List applicable zoning districts, as desired by municipality.

Note: This use is intended for mixed use districts where the desire is to limit the scale and intensity of commercial uses and help ensure compatibility with residential uses.

This section will typically NOT apply within general business districts where small scale business uses are typically permitted by right rather than by special exception or conditional use.

See Section 1002.38 Retail Business (20,000 square feet or larger) for use within general business districts.

A. The applicant shall present a sketch plan that includes elevations or architectural perspectives, and illustrates that the proposed building will be architecturally compatible with the neighborhood.
B. No Drive through facilities shall be permitted.
C. All required parking shall be accommodated on-lot, with all parking to occur in rear or side yard areas.
D. All off-street parking and/or loading areas shall be screened from adjoining residential uses or districts.
E. Solid waste dumpsters or waste containers shall comply with Section 703, and shall not be located in the front yard area.
F. All lighting fixtures shall be shielded and directed away from neighboring properties.
G. The Township may limit the hours of operation as a reasonable additional condition and safeguard.

1002.38 Retail Business (20,000 square feet or larger)

Retail Businesses with gross floor area greater than or equal to 20,000 square feet shall be subject to the following criteria:

A. All such uses shall comply with the requirements set forth by the **[Insert Municipality]** Subdivision and Land Development Ordinance.
B. A traffic study may be required to demonstrate safe access and control of traffic into and out of the facility. The traffic study shall include at a minimum a study of the internal traffic patterns in the off-street parking area to ensure the safe movement of traffic for pedestrians and vehicles and convenient access to nearby areas.

C. Applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.

1002.39 Retail Sale of Agricultural, Plant Nursery and Garden Material

Within the A-1 Agriculture District, the retail sale of agricultural, plant nursery and garden material is permitted, subject to the following criteria:

A. At least fifty percent (50%) of the products sold must be produced on the site or on other properties located nearby and under the same ownership.
B. Roadside stands for the sale of agricultural products grown on site shall comply with Section 1002.41.
C. All structures (except signage in accordance with this Ordinance), parking areas and loading areas shall be screened from adjoining residential uses or districts.

Comment [JMM144]: List applicable zoning districts, as desired by municipality.

Note: This use is intended to support agricultural operations. It is not intended for use within a general business or commercial district. Similar uses such as Farmers Markets and Garden Centers do not require products sold to be "produced on site", and are therefore more appropriate for use within commercial districts where agriculture is typically not a permitted use.

1002.40 Riding Academy or Boarding Stable

Riding Academies and Boarding Stables shall be subject to the following criteria:

A. No more than 10 equine animals shall be kept with the exception that one additional equine animal may be kept for each additional acre of land over five acres.
B. All animals, except while exercising or pasturing, shall be confined in a building erected or maintained for that purpose and which complies with the following requirements:
    1. The building shall be located a minimum of 300 feet from adjoining lot lines.
    2. The building shall be located a minimum of 75 feet from any public or private road right-of-way.
    3. The building shall have a minimum of 200 square feet of gross floor area for each equine animal.
C. All outdoor training, show, riding, boarding or pasture areas shall be enclosed by a minimum four-foot high fence and shall be set back a minimum of 100 feet from any adjacent residence whose owner is not the owner of this use.
D. Satisfactory evidence must be presented to indicate that adequate storage and disposal of animal waste will be provided in a manner that will not create a public health hazard or nuisance.
E. Parking areas shall be set back a minimum of 100 feet from adjoining lot lines.

1002.41 Roadside Stands for Sale of Agricultural Products

In districts where authorized by this Ordinance, roadside stands for the sale of agricultural products grown on site shall be permitted as an accessory use, subject to the following criteria:

A. At least fifty percent (50%) of the products sold must be produced on the site or on other properties located nearby and under the same ownership, except as provided for in Section 1002.41 (B).
B. OPTIONAL: Within the V-1, Village District, such stands may be located on premises owned by third parties provided the stand's operator has written permission from the land owner. Within the V-1, Village District, there is no requirement that at least fifty percent (50%) of the products sold must be produced on the site.
C. All such stands used to display goods shall be no more than five hundred (500) square feet in size.
D. Permanent roadside stands shall not be located within the required minimum front yard setback area.
E. Temporary roadside stands used to display goods and/or temporary outdoor display areas may be located within the required minimum front yard setback area, but shall be set back a minimum of twenty-five (25') feet from the road right-of-way. Such structures shall be removed at the end of the growing season. See Article 2 for Definition of "Structure, Temporary".
F. Roadside stands may operate between the hours of 7 a.m. and 9 p.m. during the months of June through October.
G. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjacent residential uses or districts.

Comment [JMM145]: List applicable zoning districts, as desired by municipality.

1002.42 Sawmills

Sawmills shall be subject to the following express standards and criteria:

A. The use shall be subject to the Performance Standards of this Ordinance (See Section 706).
B. All milling operations shall be located at least three hundred (300) feet from any existing dwelling on adjoining property and at least one hundred (100) feet from any property line.
C. Routes to be used by hauling trucks shall be approved by the municipality. If bonding of the road(s) is required by the municipality, proof of compliance is required.
D. Milling operation shall be discontinued from 7:00 p.m. to 7:00 a.m.

1002.43 Schools, Hospitals and Nursing Homes

Schools, Hospitals and Nursing Homes shall be subject to the following criteria:

A. All necessary licenses or permits issued by county, state, or federal agencies shall be presented and these required licenses, certificates, or permits shall be a condition for final approval.
B. The facility shall be located on a State road with a paved cartway.
C. The minimum lot area for a nursing home shall be two (2) acres; the minimum lot area for a hospital shall be five (5) acres.
D. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjacent residential uses or districts.
E. All outdoor lighting shall be shielded and reflected away from adjoining properties.
F. Applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
G. Ingress, egress and internal circulation shall be designed to ensure safety and to minimize impacts on public roads.

1002.44 Scrap (Junk or Salvage) Yards

Scrap (Junk or Salvage) Yards shall be subject to the following criteria:

A. The outdoor area devoted to the storage of scrap or other materials shall be completely enclosed by an eight foot (8') high, security fence.
B. The outdoor area devoted to the storage of scrap or other materials shall be screened from adjacent properties and roads with Type 1 Screening (See Section 702.02).
C. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations.
D. All scrap or other materials shall be stored or arranged so as to permit access by firefighting equipment and to prevent the accumulation of water, and with no scrap or other materials piled to a height greater than eight feet (8').
E. The burning of scrap or other materials is prohibited.
F. The premises shall be maintained so as to not constitute a nuisance or a menace to public health and safety.
G. No scrap yard shall be located on land with a slope in excess of five percent (5%).

H. All junked vehicles shall be emptied of fuel, oil and other petroleum products, air conditioning fluid, anti-freeze, and batteries.
I. The processing or storage of hazardous materials, as the same are defined by the Department of Environmental Protection, shall not be permitted, except as needed to remove vehicular fluids, batteries, and similar incidental material.

1002.45 Self-Storage Facilities

Self-Storage Facilities shall be subject to the following criteria:

A. Any lighting shall be fully shielded and directed away from adjacent properties and streets.
B. All areas that abut residential uses or districts shall be screened from view with fencing and/or landscaping.
C. The minimum lot area shall be two (2) acres.
D. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.
E. The outside storage of privately-owned recreational vehicles and/or boats is permitted. However, such outside storage shall not be located within the required front setback area.

1002.46 Social Clubs and Fraternal Organizations

Social Clubs and Fraternal Organizations shall be subject to the following criteria:

A. The applicant shall furnish evidence as to how the use will be controlled so as not to constitute a nuisance due to hours of operation, noise, light, litter, or loitering outside the building.
B. Sufficient screening and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining properties.
C. All lighting fixtures shall be shielded and directed away from neighboring properties.

1002.47 Solid Waste Processing and/or Disposal Facilities

Solid waste processing and/or disposal facilities shall be subject to the following criteria:

A. Copies of all required licenses or permits issued by county, state, or federal agencies shall be submitted to the municipality, and these required licenses, certificates, or permits shall be a condition for final approval.
B. The applicant shall submit copies of all plans, specifications, applications and supporting data that have been or will be presented to the Pennsylvania Department of Environmental Protection for review to the Township. If a conditional use is granted, the operator shall continue to submit such documentation to the municipality when it is submitted to the Pennsylvania Department of Environmental Protection.
C. Operation of the facility shall at all times comply with all applicable state and federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, Recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery, and the regulations of the Pennsylvania Department of Environmental Protection implementing such statutes.

Comment [JMM146]: Or special exception, if preferred by municipality

D. The minimum lot area shall be 50 acres for solid waste disposal facilities and 10 acres for solid waste processing facilities.
E. A fence with a minimum height of eight feet shall enclose the facility. The fence used shall have openings less than three inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the facility, with plantings at least 36 inches high and placed in a double-staggered row with not less than five feet on center between plants. The vegetation shall be evergreen and of a variety to obtain a height of at least eight feet at maturity. The use shall be screened completely from normal view.
F. The applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit to the municipality a hydrogeological study performed by a qualified hydrogeologist or other similar professional. Such study shall be prepared in accordance with accepted hydrogeological standards and practices; shall contain the sources of all test data, including but not limited to wells evaluated as a part of the study; and shall clearly set forth the conclusions and recommendations of the professional.
G. The operator shall limit access to the site to those times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks or other means to deny access at unauthorized times.
H. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
I. Sufficiently long vehicle-stacking lanes into the facility shall be provided so that vehicles waiting to be weighed will not back onto public roads.
J. All access drives onto the site shall be paved for a distance of at least 200 feet from the street right-of-way line. In addition, a one-hundred foot long crushed stone section of access drive shall be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may be attached to a vehicle's wheels. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site.
K. The applicant shall provide an analysis, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site.
L. A traffic study shall be required to document any improvements to local or state roads which may be needed in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network. The applicant shall make all such improvements and/or provide or guarantee financial security in an amount sufficient to cover the cost of such improvements.
M. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
N. The operator shall provide the municipality with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two weeks from the date such notice of violation was received by the operator.

O. Litter control measures shall be implemented to prevent the scattering of materials and a plan for the cleanup of litter shall be submitted to the municipality.
P. All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area bounded by solid walls or fences.
Q. Solid waste processing and/or disposal facilities or operations shall be set back a minimum of 300 feet from all adjacent property lines.
R. No structures or parking areas shall be located closer than 300 feet to any property line.
S. The unloading, transfer and disposition of materials shall be supervised by a qualified facility operator.
T. The use shall be subject to the Performance Standards of this Ordinance (See Section 706).

1002.48 Target Ranges and Paintball Facilities

Target ranges (firearms or archery) and paintball facilities shall be subject to the following criteria:

A. Outdoor target ranges (firearms or archery) shall be subject to the following criteria.
   1. Minimum lot area: 10 acres
   2. Minimum lot width: 300 feet
   3. Adjacent areas must be predominately undeveloped and all range facilities including buildings, parking, and firing ranges shall be at least 200 feet from any property line or street right-of-way line. The use must also be located at least 1,000 feet from any existing residential dwelling.
   4. No part of the target range property shall be located within one-quarter mile of any land within a residential, village or commercial zoning district.
   5. Outdoor target ranges shall not undertake activities between the hours of sunset and sunrise. The Board of Supervisors may limit hours of operation as a reasonable additional condition of approval.
   6. Target ranges shall illustrate that the design and direction of all firing lanes shall not present a danger to public health and safety. The developer shall show adherence to best design practices, such as the National Rifle Association's *NRA Range Source Book* to ensure safety.
   7. The applicant shall present a plan to minimize any noise created by activities through buffering, acoustic engineering, or topography.
   8. The general operation of the facility shall be conducted in such a manner that it does not detract from the general character of the area where it is located nor shall it constitute a general nuisance to the area.
B. Indoor target ranges (firearms, archery or paintball) shall be subject to the following criteria:
   1. The use shall not present a danger to public health and safety. The applicant shall show adherence to best design practices to ensure safety.
   2. The applicant shall present a plan to minimize any noise created by activities through buffering, acoustic engineering, or topography.
C. Outdoor paintball facilities shall be subject to the following criteria:
   1. Minimum lot area: 10 acres
   2. Minimum lot width: 300 feet

3. Outdoor paintball facilities and/or activities shall not be permitted in the R-1, R-2, V-1, C-1, I-1 or REC zoning districts.
4. Sufficient screening, buffering and/or landscaping measures shall be provided to mitigate any visual and/or audible impacts on adjoining properties.
5. All paintball activity areas shall be set back at least fifty feet (50') from any property line.
6. Outdoor paintball activities shall not be undertaken between the hours of sunset and sunrise. The Board of Supervisors may limit hours of operation as a reasonable additional condition of approval.
7. The general operation of the facility shall be conducted in such a manner that it does not detract from the general character of the area where it is located nor shall it constitute a general nuisance to the area.

Comment [JMM147]: List applicable zoning districts, as desired by municipality.

1002.49 Taverns and Nightclubs

Taverns and Nightclubs shall be subject to the following criteria:

A. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, and/or litter.
B. The applicant shall furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the building. Noise levels shall not exceed 45 dBA or 5 dBA above ambient noise levels as measured at the front, side and rear property lines.
C. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.
D. The site shall be located a minimum of 150 feet from any school, child or adult day care facility, community center, cultural facility or house of worship

1002.50 Treatment Center/Pre-Release Detention Facility

Treatment Centers and Pre-Release Detention Facilities shall be subject to the following criteria:

A. The Center/Facility must be licensed where required by an appropriate government agency(s) and shall be in compliance with all applicable rules and regulations of the licensing body(s). A copy of any required license must be delivered to the municipality prior to beginning the use.
B. The Center/Facility shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the house.
C. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
D. The residents of the Center/Facility shall reside on the premises to benefit from the services provided.
E. The Center/Facility shall not be located within 1,000 feet of any house of worship, public recreation facility, school facility, day-care center or public library.
F. The Center/Facility shall not be located within 1,000 feet of another Center/Facility.

G. Each conditional use or special exception application shall be accompanied by a statement describing the following:
   1. The composition of the Center/Facility;
   2. The policies and goals of the Center/Facility and the means proposed to accomplish those goals;
   3. The characteristics of the residents and number of residents to be served;
   4. The operating methods and procedures to be used; and
   5. Any other facts relevant to the proposed operation of the Center/Facility.
H. Any use permit granted for the Center/Facility shall be bound to the type and number of offenders listed on the application. Any change in the type or number of offenders being housed shall require a new hearing before the governing body.

Comment [JMM148]: Or Zoning Hearing Board, if municipality allows this use as a special exception.

1002.51 Vehicle Sales, Rentals and Service

Vehicle Sales, Rentals and Services shall be subject to the following standards and criteria:

A. All repair and servicing shall be conducted within an enclosed building.
B. All required off-street parking spaces shall be reserved for parking and shall not be used for the display of merchandise.
C. All outdoor lighting fixtures shall be shielded and directed away from neighboring properties and public streets.
D. All areas that abut residential uses or districts shall be screened from view with fencing or landscaping.

1002.52 Wind Turbines, Small

Small Wind Turbines, as defined by this Ordinance, shall be subject to the following criteria:

A. The small wind turbine shall be used solely to generate power to serve a principal and/or accessory building located on the lot on which said turbine is situated (without regard to any excess power generated going to a power grid).
B. The small wind turbine shall be located in the side or rear yard area.
C. The small wind turbine shall comply with all height and yard setback requirements of the zoning district within which it is located.

1002.53 Conservation Subdivision

Conservation Subdivisions shall be subject to the following criteria:

A. Conservation Subdivisions shall fully comply with the requirements set forth by the **[Insert Municipality]** Subdivision and Land Development Ordinance.
B. Where this Ordinance and the **[Insert Municipality]** Subdivision and Land Development Ordinance both control a particular matter related to the conservation subdivision (i.e. minimum lot area), the provisions of **[Insert Municipality]** Subdivision and Land Development Ordinance shall apply.
C. To be eligible for a Conservation Subdivision design, the tract shall consist of a single parcel or set of contiguous parcels with a combined total of at least ten (10) acres.

Comment [JMM149]: If your municipal SALDO does not have specific guidelines for conservation subdivisions, you may want to consider Article 8 of Erie County's SALDO for use as a model ordinance/amendment.

1002.54 Special Events of a Temporary Nature

Special Events of a Temporary Nature shall be subject to the following criteria:

A. Special Events of a Temporary Nature are permitted only in the C-1, Commercial District and the Fairgrounds District, unless they serve a charitable, public service or religious purpose and are approved by the Board of Supervisors.
B. Special Events shall not exceed 5 days in duration, exclusive of one day each for preparation and cleanup, unless an extension is approved by the Board of Supervisors.
C. The special event shall not create significant adverse impacts to adjacent properties or the surrounding area due to light, noise, dust, odor or pollution.
D. The special event shall not create a significant adverse impact on traffic volumes and/or traffic circulation, and there shall be adequate arrangements to mitigate traffic congestion, traffic circulation problems, conflicts and hazards.
E. Adequate water and sanitary facilities shall be supplied to accommodate the special event. Any temporary sanitary facilities shall be removed within 48 hours after the conclusion of the event.
F. Proper provision shall be assured for the collection and removal of trash and recyclable materials and for cleanup of such materials throughout and upon conclusion of the event.
G. Hours of operation shall be limited to 9:00 am until 11:00 pm, on any day, unless authorized by the Board of Supervisors.
H. All parking shall be located on the subject property or adjacent parcel(s), unless another location(s) is approved by the Board of Supervisors. Unimproved, grass overflow parking areas may be used during peak use periods, provided they are set back a minimum of 50 feet from adjoining lot lines. No parking shall be permitted in the road right-of-way.
I. Any booths or other structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle backups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle backups on adjoining roads.
J. All temporary signs associated with the special event shall be removed upon conclusion of the special event.
K. Any food and beverage service uses must be associated with the special event.
L. Any retail uses, such as gift or souvenir shops, must be associated with the special event.
M. Any child care service uses must be associated with the special event.
N. Access shall be provided for emergency vehicles, to all public assembly areas, all buildings, all work areas and any additional areas where emergencies may occur.
O. Carnival and amusement rides may exceed the maximum height permitted within the zoning district in which the special event is located, provided they are set back from all property lines a minimum distance equal to their height, plus an additional fifty feet (50').

Article 11 Supplementary Regulations

1101 Wireless Communications Facilities

This section of the Zoning Ordinance shall be known as the Wireless Communications Facilities (WCF) Regulations for **[Insert Municipality]**. The purpose of this section is to establish reliable standards for the construction, siting, design, permitting, maintenance, and use of wireless communication facilities in **[Insert Municipality]**. While the municipality recognizes the benefit of wireless communication facilities in providing high quality communications service and enhancement to its residents and businesses, the municipality also recognizes that it has an obligation to protect public safety and to minimize the visual impact of such facilities through the standards set forth in the following subsections.

Comment [JMM150]: This section was "borrowed" primarily from Cumberland County's model wireless ordinance, with some modifications.

Comment [JMM151]: Some ordinances permit Tower based WCF by Special Exception or Conditional Use and Non-Tower WCF by right. This is to encourage non-tower facilities which create less impact to the surrounding property owners and the landscape. Most do not permit tower-based WCF in residential zones to minimize the impact to communities.

A municipality's right to allow or prohibit tower-based WCF located in a ROW within residential zones is subject to legal interpretation. Issues involve public utility status of WCF by the PUC and municipal zoning authority. The municipal solicitor should be consulted.

1101.01 Definitions Specific to Wireless Communications Facilities

A. Antenna: Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities (defined below). An antenna shall not include private residence mounted satellite dishes or television antennae or amateur radio equipment including, without limitation, ham or citizen band radio antennae.

B. Base Station: A station at a specified site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

C. Collocation: The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the municipality.

D. Commercially Reasonable: Means terms and pricing that are reasonably consistent with similar wireless facility leases and agreements within a 50 mile radius of the municipality.

E. Distributed Antenna Systems (DAS): Network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

F. Data Collection Unit (DCU): These are utilized primarily by electric utility providers. DCU communicate with smart meters to obtain meter readings, restore outages and improve operational control.

G. Emergency: A condition that, (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

H. Equipment Compound: An area surrounding or adjacent to a wireless support structure within which base stations, power supplies or accessory equipment are located.

I. Modification or Modify: The improvement, upgrade or expansion of existing wireless telecommunications facilities or improvement, upgrade or expansion of the wireless telecommunication facilities located within an existing equipment compound, if the

improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

J. Monopole: A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connect appurtenances.

K. Non-Tower Wireless Communications Facilities (Non-Tower WCF): Wireless communications facilities, including but not limited to, antennae and related equipment. Non-tower WCF shall not include support structures for antennae and related equipment.

L. Replacement: The replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless telecommunications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

M. Right-of-Way (ROW): Defined in Article 2.

N. Stealth Technology: State-of-the-art design techniques used to blend objects into the surrounding environment and to minimize the visual impact as much as possible. These design techniques are applied to wireless communications facilities, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

O. Substantial Change or Substantially Change: a) Any increase in the height of the wireless support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed wireless telecommunications facility may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas. b) Any further increase in the height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array shall not occur without municipal approval.

P. Tower: A self-supporting lattice tower, guy tower, monopole, or any other pole, that is constructed primarily to support an antenna for receiving and/or transmitting a wireless signal.

Q. Tower-Based Wireless Communications Facility (Tower-Based WCF): A tower and its supporting antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. DAS hub facilities are considered to be Tower-Based WCFs.

R. Wireless: Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

S. Wireless Communications Facility (WCF): The set of equipment and network components including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunication services. The term shall not include the wireless support structure.

Comment [JMM152]: Model definition of ROW: The surface of and space above and below any real property in the municipality in which the municipality has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the municipality, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes. Other municipal owned lands not listed above shall not be considered a right-of-way. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the Right(s)-of-Way.

T. Wireless Support Structure: A freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure that could support the placement or installation of wireless telecommunications facilities if approved by the municipality.

1101.02 Historic Buildings or Districts

Tower-based WCFs shall not be located on a structure or property that is listed on either the National or Pennsylvania Registers of Historic Places, property designated by the municipality in an adopted plan as being historically significant, or in a designated historic district.

1101.03 Bulk and Area Requirements

Tower Based Wireless Communication Facilities			
		WCF outside Right-of-Way	**WCF in Right-of-Way**
Height		No maximum height in non-residential zones. Tower based WCFs shall be designed to minimum functional height. Applicants must submit documentation justifying the total height.	60 feet maximum height. Tower based WCFs shall be designed to minimum functional height. Applicants must submit documentation justifying the total height.
Minimum Lot Size	Only use on lot:	Subject to underlying zoning district.	Not Applicable
	Combined with another use on lot:	Area needed to accommodate the WCF and guy wires, equipment building, security fence, and buffer/screening plantings.	Not Applicable
Setbacks	Towers:	Setback from property lines at least 110% of the combined height of the wireless support structure and antenna, or the underlying zoning district requirement, whichever is greater.	Setback from existing buildings at least 110% of the combined height of the wireless support structure and antenna.
	Equipment Buildings	Subject to underlying zoning district.	Not Applicable

Comment [JMM153]: Some ordinances provide for a maximum height to address aesthetics and impact on the community. The height options provided by the Cumberland County model (150' or 180') are the most common standards found in the ordinances researched by Cumberland, and are consistent with Bucks County & Uwchlan Twp models. Any height requirement should be based on data so as not to be considered arbitrary and subject to challenge.

Comment [JMM155]: The Cumberland model provides for no maximum in non-residential zones and 60 feet in residential zones. A height of 60 feet is suggested by PCIA Wireless Infrastructure Association (2012). For comparison, it is noted that the standard utility pole in the United States is about 40 ft (12 m) long and is buried about 6 ft (2 m) in the ground. The typical utility pole would therefore be about 34-35 feet high. Note: Bucks County uses 35 foot max height.

Comment [JMM154]: Typically, the applicant will demonstrate that the facility is the minimum height necessary in order for the facility to meet its intended function in the applicant's system and to provide reliable service. This usually requires the testimony of a radio frequency design engineer.

Non-Tower Based Wireless Communication Facilities			
		WCF outside Right-of-Way	**WCF in Right-of-Way**
Height	On building or similar structure:	WCF shall not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a special exception.	Not Applicable
	On street lights, utility poles, traffic signals, signs and similar structures:	Not Applicable	WCF located above the surface grade shall consist of equipment components designed at the minimum functional height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
	General:	Applicants must submit documentation justifying the total height of the structure.	Applicants must submit documentation justifying the total height of the structure.
Minimum Lot Size		Subject to underlying zoning district.	Not Applicable
Setbacks	Mounted antenna:	Subject to underlying zoning district or setback of existing wireless support structure, whichever is greater.	Not Applicable
	Equipment Buildings	Subject to underlying zoning district.	Not Applicable

1101.04 Design, Construction, and Operations

A. General: All WCF shall be designed, constructed, inspected, operated, maintained, repaired, modified and removed in strict compliance with all current applicable state and federal technical, and safety codes.

B. Aviation Safety: Tower-based WCFs shall comply with all state and federal laws and regulations concerning aviation safety.

C. Interference: No WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services.

D. Collocation: Tower-based WCF shall be designed to accommodate both the WCF applicant's antennas and comparable antennae for future users. As a condition of approval for all tower-based WCFs, the WCF applicant shall provide the municipality with a written commitment that it will allow other service providers, including public safety and emergency service providers, to collocate antennae on tower-based WCFs where technically and economically

Comment [JMM156]: Federal and State agencies include but are not limited to the following: Federal Communications Commission (FCC), American National Standards Institute (ANSI), National Electrical Safety Code, National Electric Code, and National Association of Tower Erectors.

feasible. The applicant will commit to negotiate, in good faith, a reasonable cost for the shared use of the Tower-based WCF by other service providers.

E. Signage: All tower-based WCFs shall include a posted sign at the location. Such signage shall include the ownership, contact name and phone number in in the event of an emergency and Federal Communication Commission (FCC) registration number (if applicable). Such signage shall not include commercial advertising and is subject to approval by the municipality.

F. Lighting: WCFs shall not be artificially lighted, beyond what is required by law. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

G. Noise: WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards established by the municipality, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis.

H. Access: The following apply to tower-based WCF located outside of right-of-way.
   1. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCFs.
   2. Maximum use of existing roads, whether public or private, shall be made to the extent practicable.
   3. Road construction shall at all times minimize ground disturbance and the cutting of vegetation.
   4. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
   5. Where applicable, the WCF owner shall present documentation to the municipality that the property owner has granted an easement for the proposed facility and maintenance responsibilities.
   6. The easement shall be a minimum of 20 feet in width and the access road shall be improved with a dust-free, all weather surface to a width of at least 10 feet throughout its entire length.
   7. Vehicular access to the WCF shall not interfere with the parking or vehicular circulations for a principal use, if located on the site.

I. Fencing: A security fence with a minimum height of 8 feet shall surround any tower-based WCF located outside a right-of-way, including guy wires, associated equipment, and buildings.

J. Mounting: Any applicant proposing a non-tower WCF, to be mounted on a building or any other structure, shall submit detailed construction and elevation drawings indicating how the non-tower WCF will be mounted on the structure for review by the municipality and/or its agents and/or the municipal engineer for compliance with the building code.

K. Safety in Rights-of-Way:
   1. *Schedule of operations:* The time, place and manner of construction, maintenance, repair and/or removal of all WCFs in the ROW shall be subject to municipal approval based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the municipality and the requirements of the Public Utility Code.
   2. *Emergency:* Within sixty (60) days following written notice from the municipality, or such longer period as the municipality determines is reasonably necessary or such shorter period in the case of an emergency, an owner of WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the municipality, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal,

relocation, change or alteration is reasonably necessary under the following circumstances:

a. The construction, repair, maintenance or installation of any municipal or other public improvement in the right-of-way;
b. The operations of the municipality or other governmental entity in the right-of-way;
c. Vacation of a street or road or the release of a utility easement; or
d. An emergency as determined by the municipality.

3. *Visual obstruction:* All WCFs and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the municipality. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb, or in an area in which there are no curbs, within 3 feet of the edge of the cartway.

L. Inspections:

a. A copy of any inspection report and certification of continued use, as required by state or federal agencies, shall be provided to the municipality following the inspection. Any repairs advised by the report shall be completed by the owner within 60 calendar days after the report is filed with the municipality.
b. The municipality reserves the right to inspect any WCF to ensure compliance with the provisions of this ordinance and/or any other provisions found within other municipal ordinances or state, or federal law. The municipality and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

1101.05 Aesthetics, Landscaping, and Screening

A. Stealth Technology: The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact.

1. Tower-based WCFs shall employ stealth technology and the tower shall be painted an appropriate color to harmonize with the character of the area and surrounding land uses.
2. Non-tower WCFs shall employ stealth technology and be treated to match the supporting structure in order to minimize aesthetic impact.
3. All utility buildings and accessory structures shall be designed to blend into the environment in which they are situated.

B. Landscaping Plan: Tower-based WCF located outside the right-of-way shall submit a landscape plan describing the following:

1. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
2. An evergreen screen shall be created by planting trees (a minimum of six feet tall at planting that will grow to a minimum of fifteen feet tall at maturity) on ten foot centers maximum.

3. Ground mounted equipment associated with, or connected to, a tower-based WCF shall be screened from public view using landscaping and/or screening, as described above.

1101.06 Replacement, Collocation, or Modification

A. An application for replacement, collocation or modification of a previously approved wireless support structure or wireless communication facility shall be reviewed for conformance with the municipal building permit requirements, including requirements applicable to the added structural loading of the proposed antennas and accessory equipment. These previously approved facilities shall not be subject to the issuance of new zoning or land use approvals, provided that:

1. The proposed collocation, modification or replacement may not substantially change the physical dimensions of the wireless support structure to which the wireless telecommunications facilities are to be attached.
2. The proposed collocation, modification or replacement may not further increase the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array; provided, however, that nothing herein shall preclude an applicant from further increasing the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of one additional antenna array if permitted and approved by the municipality.
3. The proposed collocation, modification or replacement may not increase the dimensions of the equipment compound approved by the municipality.
4. The proposed collocation, modification or replacement complies with applicable conditions of approval applied to the initial wireless telecommunications facilities, equipment compound and wireless support structure.
5. The proposed collocation, modification or replacement may not exceed the applicable wind loading and structural loading requirements for the wireless support structure.

B. Replacement of wireless communications facilities on existing wireless support structures or within existing equipment compounds may be performed by the applicant without obtaining building or zoning permits from the municipality.

C. Any Substantial Change to an existing tower-based WCF shall require approval of the municipality.

Comment [JMM157]: 2012 Wireless Broadband Collocation Act; also PA Act 191 of 2012

Comment [JMM158]: 2012 Wireless Broadband Collocation Act; also PA Act 191 of 2012. However, municipalities may require submission of documentation- If desired, add *"The applicant shall submit documentation regarding any replacement of wireless communication facilities to the municipality."*

1101.07 Permit Requirements

A. An application for a new tower-based WCF shall not be approved unless the municipality finds that the wireless communications equipment planned for the proposed tower-based WCF cannot be collocated on an existing or approved structure or building.

B. Any application for approval of a new tower-based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a 1 mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the municipality that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

C. Gap in Coverage or Capacity: An applicant for a tower-based WCF must demonstrate that a significant gap in wireless coverage or capacity exists with respect to the applicant in the area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage or capacity. The existence or non-existence of a gap in wireless coverage or capacity shall be a factor in the municipality's decision on an application for approval of tower-based WCFs.

D. The applicant shall demonstrate that the proposed WCF comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

E. Notification: Upon receipt of an application for a tower-based WCF, the municipality shall mail notice thereof to the owner or owners of every adjacent property and every residential property within 500 feet of the parcel or property of the proposed facility.

F. Review timeframe*:* Within 30 calendar days of the date that an application for a WCF is filed with the municipality, the municipality shall notify the applicant in writing of any information that may be required to complete such application.

1. All applications for new WCFs shall be acted upon within 150 days (or the most recent timeframe established by the Federal Communications Commission) of the receipt of a fully completed application for the approval of such new WCF, and the municipality shall advise the applicant in writing of its decision.
2. All applications for modification or collocation WCFs shall be acted upon within 60 days (or the most recent timeframe established by the Federal Communications Commission) of the receipt of a fully completed application for the approval of such modification or collocation WCF, and the municipality shall advise the applicant in writing of its decision.
3. If additional information was requested by the municipality to complete an application, the time required by the applicant to provide the information shall not be counted toward the review periods noted in this section.

G. Retention of Experts: The municipality may hire any consultant(s) and/or expert(s) necessary to assist the municipality in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this ordinance. The applicant and/or owner of the WCF shall reimburse the municipality for all costs of the municipality's consultant(s) in providing expert evaluation and consultation in connection with these activities.

H. Permit Fees: The municipality may assess appropriate and reasonable permit fees directly related to the municipality's actual costs in reviewing and processing the application for approval of a WCF. The amount of this fee may not be in excess of the municipality's actual reasonable cost to review and process the application.

1101.08 Discontinuation, Abandonment and Removal

A. Nonconforming WCFs: Any nonconforming WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this ordinance.

Comment [JMM159]: 500 feet is an arbitrary distance. Could be 1,000 feet or other, if desired.

Comment [JMM160]: FCC Administrative Rulings, FCC 09-99, WT Docket 08-165. Adopted & released 11/18/2009 and FCC 14-153 adopted 10/17/2014. The approval deadlines noted (150 and 60 days) are from the "Shot Clock" Rule. These dates should not be extended.

Further, this timeframe should be adjusted for any subsequent amendment approved by the FCC. Also, note that Wireless service providers can seek relief in the courts if their application takes longer than what is specified in the "Shot Clock" ruling.

B. Discontinuation: In the event that use of a WCF is planned to be discontinued, the owner shall provide written notice to the municipality of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
   1. All unused or abandoned WCFs and accessory facilities shall be removed within 6 months of the cessation of operations at the site unless a time extension is approved by the municipality.
   2. If the WCF and/or accessory facility is not removed within 6 months of the cessation of operations at a site, or within any longer period approved by the municipality, it will be considered a violation of this ordinance and the municipality will proceed with the enforcement remedies as outlined in Section 305.
   3. Any unused portions of WCFs, including antennas, shall be removed within 6 months of the time of cessation of operations.

C. Bonding: The facility owner or operator shall post and maintain funds for removal of all structures associated with the WCF in an amount 110% of the identified removal costs, as adjusted over time.
   1. The removal funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the municipality.
   2. An independent and certified professional engineer shall be retained by the applicant to estimate the cost of removal without regard to salvage value of the equipment. Said estimates shall be submitted to the municipality after the first year of operation and every five (5) years thereafter.

Comment [JMM161]: The Cumberland County model and Uwchlan Twp model state " the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF."

This model ordinance follows an example set by Bucks County, which treats this as a zoning ordinance violation & proceeds with enforcement remedies supported by the zoning ordinance & MPC.

1102 Wind Energy Facilities

This section of the Zoning Ordinance shall be known as the Wind Energy Facility Regulations for **[Insert Municipality]**. The purpose of this section is to provide for the construction and operation of wind energy facilities in **[Insert Municipality]**, subject to reasonable conditions that will protect the public health, safety, and welfare.

A. Definitions Specific to Wind Energy Facilities
   1. Applicant: Defined in Article 2.
   2. Facility Owner: Defined in Article 2.
   3. Operator: The entity responsible for the day-to-day operation and maintenance of the wind energy facility.
   4. Hub Height: The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.
   5. Occupied Building: A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

6. Turbine Height: The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
7. Wind Energy Facility: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.
8. Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.
9. Wind Turbine, Small: A wind turbine which is designed and used solely to generate power to serve a principal and/or accessory building located on the lot on which said turbine is situated (without regard to any excess power generated going to a power grid).
10. Non-Participating Landowner: Any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

B. Applicability
1. This section applies to all wind energy facilities proposed to be constructed after the effective date of the Ordinance, except that this section is not intended to apply to small wind turbines, as defined by this Ordinance.
2. Wind energy facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance, provided that any physical modification to an existing wind energy facility that materially alters the size, type, and number of wind turbines or other equipment shall require a permit under this Ordinance.

C. Permit Requirements
1. No wind energy facility, or addition of a wind turbine to an existing wind energy facility, shall be constructed or located within **[Insert Municipality]** unless a permit has been issued to the facility owner or operator approving construction of the facility under this Ordinance.
2. The permit application or amended permit application shall be accompanied with a fee in the amount as set by the Board of Supervisors. Developers shall be responsible for all expenses of the Township in the evaluation and approval of a permit.
3. Any physical modification to an existing and permitted wind energy facility that materially alters the size, type, and number of wind turbines or other equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification.

D. Permit Application
1. The permit application shall demonstrate that the proposed wind energy facility will comply with this section.
2. Among other things, the application shall contain the following:
    a. A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range

of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

b. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.

c. Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility will be located.

d. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

e. Documents related to decommissioning, including bonds or escrow amounts needed for decommissioning.

f. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the Township to ensure compliance with this Ordinance.

3. Within thirty (30) days after receipt of a permit application, the Township will determine whether the application is complete and advise the applicant accordingly.
4. Within sixty (60) days of a completeness determination, the Township will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.
5. Within one hundred and twenty (120) days of a completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, the Township will make a decision whether to issue or deny the permit application.
6. Throughout the permit process, the applicant shall promptly notify the Township of any changes to the information contained in the permit application.
7. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

E. Design and Installation

1. Design Safety Certification: The design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Lloyd Wind Energies, or other similar certifying organizations.
2. Uniform Construction Code: To the extent applicable, the wind energy facility shall comply with the Pennsylvania Uniform Construction Code, 34 Pa. Code §§403.1-403.142.

3. Controls and Brakes: All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
4. Electrical Components: All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
5. Visual Appearance; Power Lines:
    a. Wind turbines shall be a non-obtrusive color such as white, off-white, or gray.
    b. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
    c. Wind turbines shall not display advertising.
    d. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
6. Warnings:
    a. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
    b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
    c. All warning devices, labels, and similar safety devices shall be kept in good repair and legible during the useful life of the facility.
7. Climb Prevention/Locks:
    a. Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.
    b. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

F. Setbacks
1. Occupied Buildings:
    a. Wind turbines shall be set back from the nearest occupied building a distance not less than the required setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
    b. Wind turbines shall be set back from the nearest occupied building located on a non-participating landowner's property a distance of not less than five (5) times the hub height, as measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
2. Property Lines: All wind turbines shall be set back from the nearest property line a distance of not less than the required setback requirements for that zoning classification or 1.1 times

the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.

3. Public Roads: All wind turbines shall be set back from the nearest public road a distance of not less than 1.1 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

G. Waiver of Setbacks

1. Property owners may waive the setback requirements in Section 1102 (F, 1, b) (Occupied Buildings on Non-participating Landowner's Property) and Section 1102 (F, 2) (Property Lines) by signing a waiver that sets forth the applicable setback provision(s) and the proposed changes.
2. The written waiver shall notify the property owner(s) of the setback required by this Ordinance, describe how the proposed wind energy facility is not in compliance, and state that consent is granted for the wind energy facility to not be setback as required by this section.
3. Any such waiver shall be recorded in the Recorder of Deeds Office for Erie County. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of setback shall run with the land and may forever burden the subject property.
4. Upon application, the Township may waive the setback requirement for public roads for good cause.

H. Use of Public Roads

1. The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
2. The Township's engineer or a qualified third party engineer hired by the Township and paid for by the applicant, shall document road conditions prior to construction. The engineer shall document road conditions again thirty (30) days after construction is complete or as weather permits.
3. The Township may require a bond on the road in compliance with State and Township regulations.
4. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense.
5. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

I. Local Emergency Services

1. The applicant shall provide a copy of the project summary and site plan to local emergency services, including the volunteer fire department(s).
2. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind energy facility.

J. Noise and Shadow Flicker

1. Audible sound from a wind energy facility shall not exceed fifty (55) dBA, as measured at the exterior of any occupied building on a non-participating landowner's property. Methods for

measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.

2. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

K. Waiver of Noise and Shadow Flicker Provisions

1. Property owners may waive the noise and shadow flicker provisions of this Ordinance by signing a waiver of their rights.
2. The written waiver shall notify the property owner(s) of the sound or flicker limits in this Ordinance, describe the impact on the property owner(s), and state that the consent is granted for the wind energy facility to not comply with the sound or flicker limit in this Ordinance.
3. Any such waiver shall be recorded in the Recorder of Deeds Office of Erie County. The waiver shall describe the properties benefited and burdened, and advise all subsequent purchasers of the burdened property that the waiver of sound or flicker limit shall run with the land and may forever burden the subject property.

L. Signal Interference: The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind energy facility.

M. Liability Insurance: There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate. Certificates shall be made available to the Township upon request.

N. Decommissioning

1. The facility owner and operator shall, at its expense, complete decommissioning of the wind energy facility, or individual wind turbines, within (12) twelve months after the end of the useful life of the facility or individual wind turbines. The wind energy facility or individual wind turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
4. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
5. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to net decommissioning costs, provided, that at no point shall decommissioning funds be less than twenty-five percent (25%) of decommissioning costs. The decommissioning

funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by the Township.

6. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
7. If the facility owner or operator fails to complete decommissioning within the period prescribed by Section 1102 (N, 1), then the landowner shall have six (6) months to complete decommissioning.
8. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed by Sections 1102 (N, 1) and 1102 (N, 7), then the Township may take such measures as necessary to complete decommissioning, utilizing all or any of the decommissioning funds. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
9. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

O. Public Inquiries and Complaints
   1. The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
   2. The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

P. Remedies: See Section 305.