

## **Chapter 27**

### **Zoning**

#### **Part 1 Introduction**

- §27-101. Short Title
- §27-102. Map
- §27-103. Purpose and Scope

#### **Part 2 Definitions**

- §27-201. Definitions

#### **Part 3 Districts**

- §27-301. Designations
- §27-302. Boundaries Shown on Map
- §27-303. Boundary Interpretation
- §27-304. Boundary Tolerances

#### **Part 4 R-1 Residence Districts**

- §27-401. Applicability
- §27-402. Permitted Uses
- §27-403. Minimum Lot Area for Dwelling
- §27-404. Minimum Setback Distance
- §27-405. Maximum Building Area
- §27-406. Minimum Lot Coverage for Dwellings
- §27-407. Front Yard Depth
- §27-408. Side Yard Width
- §27-409. Rear Yard Depth
- §27-410. Maximum Building Height
- §27-411. Minimum Dwelling Height
- §27-412. Depth and Height Exceptions
- §27-413. Parking
- §27-414. Accessory Buildings
- §27-415. Satellite Dish or Parabolic Dish Antennas

#### **Part 5 R-2 Residence Districts**

- §27-501. Applicability
- §27-502. Permitted Uses

- §27-503. Minimum Lot Area for Dwellings
- §27-504. Minimum Setback Distance
- §27-505. Maximum Building Area
- §27-506. Minimum Lot Coverage for Dwellings
- §27-507. Front Yard Depth
- §27-508. Side Yard Width
- §27-509. Rear Yard Depth
- §27-510. Maximum Building Height
- §27-511. Minimum Dwelling Height
- §27-512. Width and Depth Exceptions
- §27-513. Parking
- §27-514. Accessory Buildings
- §27-515. Satellite Dish or Parabolic Dish Antennas

**Part 6**  
**R-3 Residence Districts**

- §27-601. Applicability
- §27-602. Permitted Uses
- §27-603. Minimum Lot Area for Dwellings
- §27-604. Minimum Setback Distance
- §27-605. Maximum Building Area
- §27-606. Minimum Lot Coverage for Dwellings
- §27-607. Front Yard Depth
- §27-608. Side Yard Width
- §27-609. Rear Yard Depth
- §27-610. Maximum Building Height
- §27-611. Minimum Dwelling Height
- §27-612. Width and Depth Exceptions
- §27-613. Parking
- §27-614. Accessory Buildings
- §27-615. Satellite Dish or Parabolic Dish Antennas

**Part 7**  
**C - Commercial and Light Industrial Districts**

- §27-701. Applicability
- §27-702. Permitted Uses
- §27-703. Prohibited Uses
- §27-704. Permitted Residential Uses
- §27-705. Front, Rear and Side Yard Requirements
- §27-706. Height Requirements
- §27-707. View Obstruction
- §27-708. House Trailer Use Restricted
- §27-709. Signs
- §27-710. Parking and Storage of Vehicles or Equipment

**Part 8**  
**Yards, Courts, Open Spaces; Projections into Yards,  
Fences, Walls, Retaining Walls, Screenings**

- §27-801. Yards, Courts, and Open Spaces
- §27-802. Projections into Front Yards
- §27-803. Projections into Side Yards
- §27-804. Projections into Rear Yards
- §27-805. Fences, Walls, Retaining Walls and Screenings

**Part 9  
Nonconforming Uses**

- §27-901. Continuation
- §27-902. Change in Nonconforming Use
- §27-903. Restoration of Damaged or Razed Buildings
- §27-904. Effect of District Change

**Part 10  
Signs**

- §27-1001. Purpose and Scope
- §27-1002. Prohibited Signs
- §27-1003. Permit Require
- §27-1004. Sign Not Requiring Permits
- §27-1005. Maintenance
- §27-1006. Illumination
- §27-1007. Changeable Copy
- §27-1008. Signs Permitted in All Zones
- §27-1009. Signs Permitted in Residential Zones
- §27-1010. Commercial and Industrial
- §27-1011. Compliance with Codes
- §27-1012. Zoning Officer
- §27-1013. Applications for Permits
- §27-1014. Issuance and Denial
- §27-1015. Conditions of Permit Issuance

**Part 11  
Administration**

- §27-1101. Zoning Officer; Appointment
- §27-1102. Duties of Zoning Officer
- §27-1103. Building Permits; When Required
- §27-1104. Zoning Certificates
- §27-1105. Application for Building Permit
- §27-1106. Decision on Permit Application; Time Limit
- §27-1107. Posting of Permit at Work Site
- §27-1108. Conditions for Continuance of Building Permit; Rights Reserved by Township
- §27-1109. Zoning Permits and Occupancy Permits (Certificate of Occupancy); Inspection of Site
- §27-1110. Record of Building Permits, Zoning Permits and Certificates of Occupancy
- §27-1111. Vacancy in Position of Zoning Officer

**Part 12**  
**Changes and Amendments**

- §27-1201. Right to Amend or Repeal
- §27-1202. Public Hearing

**Part 13**  
**Zoning Hearing Board**

- §27-1301. Establishment; Terms of Office; Removal; Vacancies
- §27-1302. Rules and Regulations; Meetings; Record of Proceedings
- §27-1303. Appeals to the Zoning Hearing Board
- §27-1304. Powers of the Zoning Hearing Board
- §27-1305. Fee Schedule
- §27-1306. Expiration of Approval of Use Granted by Special Exception

**Part 14**  
**General**

- §27-1401. Buildings Exempt from Regulations
- §27-1402. Interpretation and Application of Regulations

**Part 15**  
**Penalties, Enforcement Notices, Remedies, and Severability**

- §27-1501. Penalties
- §27-1502. Enforcement Notice
- §27-1503. Remedies

**Part 16**  
**Conditional Uses**

- §27-1601. Conditional Use
- §27-1602. Approval of Conditional Uses
- §27-1603. Contents and Time for Conditional Use Application
- §27-1604. Review of Application
- §27-1605. Expiration of Conditional Use Approval
- §27-1606. Compliance
- §27-1607. Notification
- §27-1608. Establishing Certain Location for Facilities
- §27-1609. Adult Entertainment Establishments

**Part 17**  
**Supplemental Regulations**  
**Allegheny County Airport Overlay Zoning District**

- §27-1701. Purpose
- §27-1702. Purpose; Relation to Other Zone Districts
- §27-1703. Establishment of Allegheny County Airport Overlay Zoning District
- §27-1704. Permit Applications

- §27-1705. Variance
- §27-1706. Use Restrictions
- §27-1707. Pre-Existing Nonconforming Uses
- §27-1708. Obstruction Marking and Lighting
- §27-1709. Conflicting Regulations

### **Zoning Map Amendments**



**Part 1****Introduction****§27-101. Short Title.**

This Chapter shall be known and may be cited as the “Baldwin Township Zoning Ordinance”.

(*Ord. 1-1953, 2/9/1953, Art. I, §100*)

**§27-102. Map.**

The map herein referred to which is identified by the title “Baldwin Township Zoning Map” shall be known as the Zoning Map, and such map, together with all notations, references into this Chapter, and shall be as much a part of this Chapter as if more fully described herein. The Zoning Map shall be kept on file and available for examination as provided in §27-302 of this Chapter. Said Baldwin Township Zoning Map accompanying this Chapter is on file at the office of the Township Secretary, 10 Community Park Drive, Baldwin Township, Allegheny County, Pennsylvania, where the same may be examined.

(*Ord. 1-1953, 2/9/1953, Art. I, §101; as amended by Ord. 427, 4/4/2006*)

**§27-103. Purpose and Scope.**

1. This Chapter is enacted for the purpose of promoting health, safety, morals or the general welfare of the Township of Baldwin. It is designed to regulate and restrict the height, number and stories and size of buildings and other structures, their construction, alteration, extension, repair, maintenance, and all facilities and services in or about such buildings and structures and percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purpose, as well as establishing and maintaining building lines and setback building lines upon any or all public streets and highways.

2. This Chapter shall in all cases be subject to and follow the provisions and requirements of the Pennsylvania Municipalities Planning Code Act, P.L. 805 of 1968, 53 P.S. §10101 *et seq.*, as amended. [*Ord. 436*]

(*Ord. 1-1953, 2/9/1953, Art. I, §103; as amended by Ord. 285, 9/2/1980; and by Ord. 436, 8/7/2007, §1*)



**Part 2****Definitions****§27-201. Definitions.**

1. Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated.

2. Words used in the singular number include the plural, and words in the plural include the singular; words used in the masculine gender include the feminine and neuter; and the word “building” includes the word “structure.”

3. *Specific Definitions.*

*Accessory building* - a building subordinate to the principal building on the lot and used for purposes customarily incidental to those of the principal building.

*Airport elevation* - the highest point of an airport’s useable landing area measured in feet above sea level. The airport elevation of the Allegheny County Airport is 1,250 feet above mean sea level. [Ord. 460]

*Airport hazard* - any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa.Cons.Stat. §5102.

*Airport hazard area* - any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Chapter and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation). [Ord. 460]

*Approach surface (zone)* - an imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width, as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 27-1, is derived from the approach surface. [Ord. 460]

*Board of Commissioners* - the Board of Commissioners of the Township of Baldwin. [Ord. 436]

*Building line* - a designated line located a fixed distance from a street right-of-way line or front, side, or rear lot lines relevant to a structure or proposed structure. [Ord. 436]

*Building Official (or Code Official)* - any person who shall be appointed by the Board of Township Commissioners from time to time to be the administrator of the day to day application of the provisions contained in the Township’s building and property maintenance ordinances, as well as applicable provisions of this Chapter. [Ord. 436]

*Conditional use* - the permission or approval granted by the Board of Commissioners in situations where provision therefor is made by the terms of this Chapter. [Ord. 436]

*Conical surface (zone)* - an imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally to 1 foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 27-1, is based on the conical surface. [Ord. 460]

*Department* - Pennsylvania Department of Transportation. [Ord. 460]

*Dwelling* - any building which is designed for or occupied in whole or in part as the home, residence, or sleeping place of one or more persons, either permanently or temporarily. (See also “double house”; “two-family dwelling (duplex)”; “multiple dwelling/townhouse.”) [Ord. 436]

*Dwelling, double house* - dwelling designed for or occupied exclusively by two families with separate entrances for each, but under one roof and with a wall or party wall between, but no interior connection between the two. [Ord. 436]

*Dwelling, multiple* - a dwelling designed for or occupied as a residence for three or more families living independently of one another, including townhouses, and not as a residence for transients. [Ord. 436]

*Dwelling, single-family* - a separate dwelling designed for or occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building. [Ord. 436]

*Dwelling, two-family (duplex)* - a separate dwelling designed for or occupied exclusively as a residence for only two families, with one family living wholly or partly over the other, and having no party wall in common with an adjacent building. [Ord. 436]

*Erected/erecting* - includes “building,” “constructing,” “reconstructing,” “repairing,” “moving,” or any physical operations on the land involving a fence, wall, retaining wall, and/or screening; (excavation, fill, drainage, planting, and the like shall be considered part of the erection). [Ord. 436]

*FAA* - Federal Aviation Administration of the United States Department of Transportation. [Ord. 460]

*Family* - any two or more persons related by blood or marriage, living together; or one or more persons maintaining wholly or partly other persons, all living together in one household or housekeeping unit.

*Fence/wall* - an artificially created assembly of material such as masonry, stone, wire, metal, screens, wood, block, and/or decorative block or any other manufactured or natural material (i.e., shrubbery) or combination of said materials erected for any purpose, including but not limited to the enclosure of land and/or dividing one piece of land from another. (See also “retaining wall.”) [Ord. 436]

*Half story* - a story under a gabled, hipped, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2 feet above the finished floor of such story.

*Height* - the height of a building shall be measured from the top of the foundation wall to the highest point on the main roof. The height of a structure without a roof shall be measured in the same manner to the highest point on such structure, and the height of a structure without a foundation shall be measured in the same manner from the mean level of the ground surrounding the structure. For the purpose of determining the height limits in all zones as relates to Airport

Hazard Areas or otherwise in any matter pertaining to the Allegheny County Airport Overlay Zoning District, the datum shall be mean sea level elevation unless otherwise specified. [Ord. 460]

*Horizontal surface (zone)* - an imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 27-1, is derived from the horizontal surface. [Ord. 460]

*Hospital* - an establishment licensed as such by the Commonwealth of Pennsylvania for the treatment, care and/or supervision of human patients suffering from physical or mental illnesses, and which may or may not include facilities for major surgery. The term “hospital” shall include a general or specialized hospital, including a psychiatric hospital, sanitarium, or similar facility, and shall also include facilities such as an LTSR (“long term structured residence”), RTFA (“residential treatment facility for adults”), EAC (“extended acute care” facility), or other similar treatment and care facilities licensed under the Mental Health Procedures Act or otherwise under the laws of the Commonwealth. [Ord. 445]

*House trailer* - any vehicle used for living or sleeping purposes to which wheels are or at any time have been attached.

*Larger than utility runway* - a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft. [Ord. 460]

*Lot* - the parcel of land on which a principal building, and its accessory building, if any, are placed, together with the required open spaces, having its frontage upon a street. No part of a lot which is also a part of a street, a road, or an alley shall be included in determining the area of the lot for the purposes of this Chapter.

*Lot, corner* - a lot abutting upon at least two streets which intersect adjacent to the lot, each of which exceeds 32 feet in width. [Ord. 436]

*Lot, interior* - a lot the side and rear lines of which do not abut upon a street. [Ord. 436]

*Lot, through* - a lot, other than a corner lot, abutting in both the front and rear upon streets each of which exceeds 32 feet in width. [Ord. 436]

*Nonconforming use* - any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto. [Ord. 460]

*Non-precision instrument runway* - a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned. [Ord. 460]

*Nursing home* - a facility licensed to operate as a “nursing home” by the Commonwealth of Pennsylvania for the purpose of providing skilled nursing care or intermediate nursing care and related medical or other health services. The term

“nursing home” includes only a licensed institution or facility in which such nursing care and related medical or other related health services are provided for a period exceeding 24 hours, for two or more individuals who are not relatives of the administrator, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or medical infirmity, need such care. Without limitation, the term “nursing home” does not include a hospital or a drug or alcohol treatment facility. [Ord. 445]

*Obstruction* - any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Chapter. [Ord. 460]

*Parking* - required or permitted paved parking spaces for a use or structure as set forth in this Chapter. [Ord. 436]

*Personal care home* - a facility licensed to operate as a “personal care home” by the Commonwealth of Pennsylvania, that is, a facility in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who may require assistance or supervision in activities of daily living or instrumental activities of daily living such as bathing, dressing, diet and medication prescribed for self-administration, but who do not require the services in or of a licensed long-term care facility. Without limitation, the term personal care home does not include a hospital; a skilled nursing or intermediate nursing care or other nursing home facility; a drug or alcohol treatment facility; or any other facility providing skilled or acute care, therapeutic care or treatment, rehabilitation, and/or maintenance by or under the supervision of licensed medical or other healthcare professionals. [Ord. 445]

*Place of worship* - an institution of any denomination where people regularly observe, practice or participate in religious or spiritual services, meetings and/or activities. [Ord. 445]

*Precision instrument runway* - a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document. [Ord. 460]

*Primary surface (zone)* - an imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 27-1, is derived from the primary surface. [Ord. 460]

*Private garage* - that integral or attached part of a dwelling which is used or designed for use as storage space for not more than two motor vehicles. [Ord. 436]

*Public garage* - a building not a private or storage garage, used for the storage and repair of vehicles.

*Retaining wall* - any artificially constructed barrier as defined in the preceding paragraph intended to reinforce, cover, and/or border exposed or elevated earth surface. [Ord. 436]

*Runway* - a defined area of an airport prepared for landing and takeoff of

aircraft along its length. [Ord. 460]

*Satellite dish antenna* - a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such a device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially- and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), satellite microwave antennas, and parabolic dish antenna. [Ord. 436]

*School, commercial* - a privately operated, for-profit educational facility or like establishment providing non-academic training, or training or educational courses or programs in technical or skilled trades, vocations, avocations, business, or other similar pursuits. [Ord. 445]

*School, public or private* - an educational facility which is an institution of learning operated by a public, private or religious organization, having regular sessions, with regularly employed instructors, meeting all of the requirements of and accredited by the Pennsylvania Department of Education for providing primary/elementary or secondary level instruction, or for providing associate, bachelor or higher level degrees of post-secondary education in the several branches of learning required by the Commonwealth of Pennsylvania. (This definition shall not include a “commercial school.”) [Ord. 445]

*Screening* - any planting, light fence/wall related material and/or movable material placed for the purpose of enclosing land and/or dividing one piece of land from another. [Ord. 436]

*Sign* - any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes, and in computing the size of any sign, the entire surface of such structure or part thereof in the same plane as such lettered or pictorial matter shall be included.

*Special exception* - the permission or approval granted by the Zoning Hearing Board in situations where provision therefor is made by the terms of this Chapter. [Ord. 436]

*Storage garage* - a building not a private garage, used for the storage only of vehicles.

*Story* - that part of any building between any floor and the floor or roof next above, except that the first story of any building is the lowest story for which the outside walls are 75 percent or more above the average level of the ground adjacent to such outside walls.

*Street* - any street, avenue, boulevard, road, highway, freeway, parkway, alley, viaduct, and any other paths used by or intended to be used by vehicular traffic and pedestrians which has been dedicated and accepted by the Township of Baldwin. [Ord. 436]

*Structural alteration* - any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

*Structure* - any building or other man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including anything constructed, assembled, or erected on or under the ground or

upon another structure or building; and shall also include any mobile or immobile object constructed or installed by man, including, but without limitation, towers, cranes, smokestacks, earth formations, and overhead transmission lines. [Ord. 460]

*Telephone central office* - a building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone messages between subscribers and other business of the telephone company, provided that in a residential district, a telephone central exchange shall not include public office facilities, storage of materials, trucks, or repair facilities, or housing of repair crews. The plans for the design and construction of said buildings shall be submitted to the Board of Township Commissioners for approval, and shall be in keeping with the general architectural design of other buildings in the neighborhood.

*Trailer camp* - any premises used or designed to be used as a parking space for more than one house trailer.

*Transitional surface (zone)* - an imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of 7 feet horizontally to 1 foot vertically (7:1). The transitional surface zone, as shown on Figure 27-1, is derived from the transitional surface. [Ord. 460]

*Tree* - any object of natural growth. [Ord. 460]

*Utility runway* - a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less. [Ord. 460]

*Visual runway* - a runway intended solely for the operation of aircraft using visual approach procedures. [Ord. 460]

*Yard* - an open space on a lot which is unoccupied and unobstructed from the ground upward. [Ord. 436]

*Yard (front)* - an area of open space extending along the full length of a lot between the front lot line and the required building line. [Ord. 436]

*Yard (rear)* - the required open space existing between the rear building line and the rear lot line (not necessarily a street) throughout the entire width of the lot. [Ord. 436]

*Yard (side)* - a required open space extending from between the structural setback line and the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed a sideline. [Ord. 436]

*Zoning Officer* - any person who shall be appointed by the Board of Township Commissioners from time to time to be the administrator of the day to day application of the provisions contained in this Chapter. [Ord. 436]

(Ord. 1-1953, 2/9/1953, Art. II, §200; as amended by Ord. 318, 1/8/1987, §1; by Ord. 436, 8/7/2007, §1; by Ord. 445, 7/7/2009, Art. I; and by Ord. 460, 6/25/2012, §1)

**Part 3****Districts****§27-301. Designations.**

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

- A. R-1 Residence
- B. R-2 Residence
- C. R-3 Residence
- D. C - Commercial and Light Industrial

(*Ord. 1-1953, 2/9/1953, Art. III, §300; as amended by Ord. 276, 3/6/1979, §1*)

**§27-302. Boundaries Shown on Map.**

The boundaries of said districts shall be as shown upon the Zoning Map, which said map is on file at the office of the Township Secretary, 10 Community Park Drive, Baldwin Township, Allegheny County, Pennsylvania. The Zoning Map shall be kept on file at the office of the Secretary of Baldwin Township and shall be available for public examination at such office, except that such Zoning Map may be removed from such office for any reasonable purpose upon the order of the Township Commissioners or the Zoning Hearing Board, upon the joint order of the President or Vice-President of the Township Commissioners and the chairman of the Zoning Hearing Board.

(*Ord. 1-1953, 2/9/1953, Art. III, §301; as amended by Ord. 436, 8/7/2007, §1*)

**§27-303. Boundary Interpretation.**

The boundaries between districts are, unless otherwise indicated, on either the center lines of streets, roads, or railroad rights-of-way, or such lines extended or lines parallel thereto. Where figures are shown on the Zoning Map between a street, road, or railroad right-of-way and a district boundary line, they indicate that the district boundary line runs parallel to the street or road line or railroad right-of-way at a distance therefrom equivalent to the number of feet so indicated.

(*Ord. 1-1953, 2/9/1953, Art. III, §302*)

**§27-304. Boundary Tolerances.**

When a district boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, the regulations as to use, height, and area in the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 50 feet beyond the district boundary line; provided, that in the case of a lot other than a corner lot, the regulations as to the use, height, and area in the less restricted district may extend a distance of more than 50 feet beyond the district boundary line when authorized as a conditional use.

(*Ord. 1-1953, 2/9/1953, Art. III, §303; as amended by Ord. 436, 8/7/2007, §1*)



**Part 4****R-1 Residence Districts****§27-401. Applicability.**

In R-1 Residence Districts the following regulations shall apply.  
(*Ord. 1-1953, 2/9/1953, Art. IV, §400*)

**§27-402. Permitted Uses.**

A building may be erected, altered, or used, and a lot or premises may be used, for any of the following purposes and for no other:

- A. Single-family dwelling.
- B. Township parks and municipal facilities. [*Ord. 436*]
- C. When authorized as a conditional use:
  - (1) Essential services, when in keeping with the general architectural design of the neighborhood.
  - (2) Public or private school, on parcels containing at least 3 acres. [*Ord. 445*]
  - (3) Place of worship, on parcels containing at least 3 acres. [*Ord. 445*]
  - (4) Personal care home, on parcels containing at least 3 acres. [*Ord. 445*]
  - (5) Nursing home, on parcels containing at least 3 acres. [*Ord. 445*]

[*Ord. 436*]

- D. *Accessory Use.*
  - (1) Accessory use on the same lot with and customarily incidental to any of the above permitted uses.
  - (2) *Home Occupation.*
    - (a) The term “accessory use,” when applied to a dwelling, shall include home occupations, which is defined as an occupation for gain, profit, or support, conducted within a dwelling unit by a resident of the dwelling unit, which is clearly incidental and accessory or secondary to the use of the property for residential purposes.
    - (b) Home occupations shall include the following:
      - 1) Artist (studio only).
      - 2) Computer programming/data processing/writing.
      - 3) Contractor (no storing of equipment on exterior of premises).
      - 4) Dressmaking/sewing/tailoring.
      - 5) Garage sales (see clause (d)(11)).
      - 6) General office and clerical work, home crafts, excluding classes (crafts could be: monogramming, flower arranging, model making, rug weaving, cabinet making, pottery, quilts).

- 7) Housekeeping/custodial service.
- 8) Interior design.
- 9) Jewelry/watch repair.
- 10) Locksmith.
- 11) Mail order.
- 12) Manufacturer's sales representative (no storage of retail goods.)
- 13) Photographer.
- 14) Professional occupations (bookkeeper, drafting, graphic services, consultant, clergy, counselor, investigators, engineer, architect, and insurance agent.).
- 15) Television and electrical appliance repairs (excludes major appliances such as refrigerators, etc.).
- 16) Telemarketing.
- 17) Travel agent.
- 18) Tutoring or instruction (arts and education, limited to a single pupil at a time).
- 19) Word processing, typing, secretarial services.
- 20) Any use of the same general character as any of the uses hereinbefore specifically permitted in this subparagraph when authorized as a conditional use. [Ord. 436]

(c) Permitted home occupations shall not in any event be deemed to include the following:

- 1) Animal grooming.
- 2) Automotive and mechanized equipment repair.
- 3) Commercial riding, boarding stable, kennel.
- 4) Dance studio.
- 5) Flea markets.
- 6) Funeral chapel or funeral home.
- 7) Group home, group dwelling of personal care homes.
- 8) Junkyards (as defined in clause (d)(10) below).
- 9) Medical, chiropractic, optometric or dental offices; clinics or hospitals (or any similar profession which diagnoses and/or treats physical or mental illnesses, problems, or conditions).
- 10) Private clubs.
- 11) Professional day care homes.
- 12) Restaurants, taverns, or catering.
- 13) Retail or wholesale stores.
- 14) Tanning or massage salon.
- 15) Taxidermy.

16) Any activity which requires a fire prevention permit under the BOCA Fire Code for the use of hazardous or flammable materials.

(d) In addition to the use of limitations applicable in the zoning district in which located, all home occupations shall be subject to the following use limitations:

1) Notwithstanding any provisions of this Chapter to the contrary, a separate occupancy permit shall be required to lawfully conduct any home occupation. [*Ord. 436*]

2) The occupation or activity shall be carried on wholly within the principal building and may be open to the public only between the hours of 8 a.m. and 9 p.m.

3) No more than one paid assistant not residing at the resident household shall be employed at the location of the home occupation. Said paid assistant may not be involved in the actual manufacturing or production of a product or products. Employees or persons affiliated with said home occupation, other than the one permitted assistant and residents, shall not report to or meet at such residence.

4) There shall be no exterior display or sign in relation to the home occupation.

5) A home occupation shall produce no noise, vibration, smoke, odor, dust, heat, glare, or electrical disturbance which creates any public or private nuisance; nor shall any home occupation interfere with radio or television transmission in the area.

6) The home occupation shall not generate traffic, including truck deliveries, in any greater volume than would normally be expected in a residential neighborhood.

7) Any need for parking generated by the home occupation shall be met by off-street parking accommodations and shall be in accordance with §§27-413 and 27-513. No more than two vehicles of a nonresident at one time are permitted to be parked on-street if associated with a home occupation.

8) No home occupation shall require structural alterations to the interior or exterior of the dwelling unit which changes the residential character thereof.

9) No materials, good, or inventory used in the home occupation may be stored outside the dwelling unit nor in a detached or integral private garage or accessory structure. The Castle Shannon Volunteer Fire Department shall be notified when hazardous materials are stored within the dwelling.

10) Junkyards, an activity prohibited hereunder, shall be defined as follows: an area of land with or without buildings, used for the storage outside a completely enclosed building, of used and discarded materials, including but not limited to waste paper, rags, metal, building materials, house furnishings, machinery vehicles, or parts thereof, with or without the dismantling, or parts thereof, with or

without the dismantling, processing, salvage, sale, or other use or disposition of the same. The deposit or storage on a lot of one or more unlicensed or currently uninspected, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a junkyard.

11) Garage sales, a permitted home occupation hereunder, shall be defined as follows: all general sales, open to the public, conducted from a residential lot for the occupant of one or more dwelling units in a neighborhood, for the purpose of disposing of only personal property of the occupant of the lot or dwelling units. Garage sales shall be subject to the following use limitations: said sales shall be conducted only on Saturday and/or Sunday between the hours of 8 a.m. until dark and shall not be held more than twice a year; events for the purpose of selling merchandise or taking orders shall not be held more than four times a year.

(e) Such terms (accessory use) shall also include a private garage, which may be designed or used for storage of more than two motor vehicles when authorized under this Chapter and approved as a conditional use.  
[Ord. 436]

[Ord. 369]

E. Signs, when erected and maintained in accordance with the provisions of Part 10 hereof.

(Ord. 1-1953, 2/9/1953, Art. IV, §401; as amended by Ord. 369, 2/7/1995, §1; by Ord. 436, 8/7/2007, §1; and by Ord. 445, 7/7/2009, Art. II)

#### **§27-403. Minimum Lot Area for Dwelling.**

A lot area of not less than 6,000 square feet shall be provided for every building hereafter erected, altered, or used in whole or in part as a dwelling.

(Ord. 1-1953, 2/9/1953, Art. IV, §402; as amended by Ord. 436, 8/7/2007, §1)

#### **§27-404. Minimum Setback Distance.**

Every dwelling shall be so erected that the distance from one side line of the lot to the other (or to the street line on the side, in the case of a corner lot) shall be at least 50 feet when measured on a line parallel to the front street line and touching that part of the dwelling which is nearest to the front street line.

(Ord. 1-1953, 2/9/1953, Art. IV, §403)

#### **§27-405. Maximum Building Area.**

No more than 22 percent of the area of any lot may be occupied by the principal building thereon, and no more than 6 percent of the area of any lot may be occupied by the accessory building or buildings.

(Ord. 1-1953, 2/9/1953, Art. IV, §404; as amended by Ord. 436, 8/7/2007, §1)

#### **§27-406. Minimum Lot Coverage for Dwellings.**

The following minimum areas shall be covered by any dwelling hereafter erected:  
[Ord. 436]

One-story single-family dwelling	840 square feet
One and one-half story single-family dwelling	720 square feet
Two-story single-family dwelling	550 square feet

In determining the area of any dwelling, the area of the private garage, if any, shall not be included.

(*Ord. 1-1953, 2/9/1953, Art. IV, §405; as amended by Ord. 436, 8/7/2007, §1*)

**§27-407. Front Yard Depth.**

There shall be a front yard, the depth of which shall be at 35 feet; provided, however, that the depth of the front yard may be reduced to not less than 25 feet when a recorded plan of lots indicates a front yard of 25 feet or when 50 percent of all the buildings on one side of a street between two intersecting streets shall have been constructed on the 25-foot line.

(*Ord. 1-1953, 2/9/1953, Art. IV, §406; as amended by Ord 21-1954, 11/29/1954, §1; and by Ord. 436, 8/7/2007, §1*)

**§27-408. Side Yard Width.**

On each 50-foot lot, other than a corner lot, there shall be two side yards, each having a width of not less than 5 feet and together having an aggregate width of not less than 15 feet in the case of all other buildings or structures; on each 60-foot lot, other than a corner lot, there shall be two side yards, each having a width of not less than 10 feet, and together having an aggregate width of not less than 20 feet. In the case of all other buildings or structures, each shall have a width of not less than 20 feet. In the case of a corner lot, there shall be two side yards, with the side yard along the side street line having a width of not less than one-half the distance from the front street line to the nearest part of the building, and with the side yard along the other side line having a width of not less than 5 feet.

(*Ord. 1-1953, 2/9/1953, Art. IV, §407*)

**§27-409. Rear Yard Depth.**

On each lot other than a through lot, there shall be a rear yard, the depth of which shall be at least 30 feet; provided, that in the case of such a lot held in single and separate ownership at the effective date of this Chapter of a depth of less than 100 feet, the depth of the rear yard may be decreased to not less than 15 feet. In the case of a through lot, there shall be a rear yard, the depth of which shall be equal to the required depth of the front yard on the nearest interior lot fronting on the street from which the depth of the rear yard on through lot is measured. The depth of the rear yard on any corner lot or through lot may be decreased to not less than 15 feet when authorized as a special exception; but, such special exception shall be authorized by the Zoning Hearing Board only after it has determined that it is essential to the practical utilization of the lot for building purposes and that other property owners will not be unduly prejudiced thereby.

(*Ord. 1-1953, 2/9/1953, Art. IV, §408; as amended by Ord. 436, 8/7/2007, §1*)

**§27-410. Maximum Building Height.**

No building or structure shall exceed 25 feet or two and one-half stories in height. (*Ord. 1-1953, 2/9/1953, Art. IV, §409; as amended by Ord. 436, 8/7/2007, §1*)

**§27-411. Minimum Dwelling Height.**

No dwelling hereafter erected shall be less than 14 feet in height. (*Ord. 1-1953, 2/9/1953, Art. IV, §410*)

**§27-412. Depth and Height Exceptions.**

Sections 27-410 and 27-411 of this Chapter shall not apply to any use of property of the character referred to in §27-402.B and .C of this Chapter. (*Ord. 1-1953, 2/9/1953, Art. IV, §411*)

**§27-413. Parking.**

1. This Section applies only to single family dwellings within the R-1 Zoning District. It is the intent of this Chapter that all dwelling units shall be served by an integral or attached enclosed garage and shall have a permanent paved access directly from the street or alley the width of the garage to the parking garage. Off-street parking for all dwelling units may only be permitted in that permanent paved access leading directly from the street or alley the width of the garage to the parking garage. Any alterations or extensions to said permanent paved access, which alterations or extensions are contiguous with said access leading to the parking garage, may be permitted provided that same are in accordance with this Chapter and a building or zoning permit is approved as required hereinafter. [*Ord. 436*]

2. Each dwelling unit shall provide at least two parking spaces, as follows: Each dwelling must maintain a garage with an adequate, paved access driveway to the street, said garage to be either integral or attached and constructed in accordance with applicable building codes and ordinances.<sup>1</sup> The garage and driveway access to the adjacent street or alley shall constitute two parking spaces. Any access wider than 10 feet leading directly from the street to the garage will be considered to be part of the additional parking area described below. [*Ord. 436*]

3. Each dwelling may also erect an additional parking area on the property for the purpose of providing additional parking. The additional parking area must meet the following: [*Ord. 436*]

A. The additional parking area that supports the vehicle must be on the owners property and not on Township right-of-way.<sup>1</sup> When the Township was established, 50-foot or 40-foot wide street rights-of-way were set up for utilities, sidewalks, lampposts, telephone poles, and to maintain adequate visibility and for emergency egress - this area was not intended to be used as a vehicle parking areas.

B. The additional parking area that supports the vehicle, must not be more

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<sup>1</sup>Any condition which existed prior to 10/31/1988 is exempt and may remain until time of removal or replacement. (Repairs are not to be interpreted as replacement.)

than 10 feet wide by 20 feet long or less than 7 feet wide by 16 feet long, must be contiguous with the existing garage access to the street, and must have a surface constructed of asphalt, brick, or concrete. This area does not include the egress area through the Township right-of-way which must also be paved with the same material as the parking area.<sup>1</sup>

4. No less than 60 percent of the front yard width must be maintained with either grass or other ground cover vegetation.<sup>1</sup> [Ord. 436]

5. A building permit and zoning permit, as required, and a landscaping permit (if over 25 cubic yards of dirt are moved), must be applied for and approved by the Code Official and Zoning Officer if more than 12 inches deep layer of earth is to be removed, the new parking area disturbs the soil within 5 feet of the neighboring side yard property lines, or a retaining wall situation is created because of the installation. [Ord. 436]

6. Expansion or construction joints must be installed where the paving crosses a utility right-of-way. This is necessary so the utility company can repair the underlining piping with the least disturbance to the paving.<sup>1</sup>

7. Parking or storing of vehicles on lawns or grass is prohibited.

8. Except as otherwise provided herein, private off-street parking areas shall be used exclusively for the parking of noncommercial vehicles (passenger vehicles, including cars, pick-up trucks, or vans having passenger vehicle classification) and motorcycles owned and used by the occupants of the premises, including residents, tenants, and visitors.

A. *Truck Parking.* Except for loading or unloading of transient delivery, trucks (not registered as passenger class vehicles) and other commercial (non-passenger) vehicle parking in all R-Residential Districts (R-1, R-2, and R-3) is limited to the following vehicles owned by or leased to the occupant of the property: double-wheel, single axle vehicles having a maximum registered gross weight of 11,000 pounds and classified as Class 4 or less by the Commonwealth of Pennsylvania, Department of Transportation. Such parking shall be limited to the rear yard or inside a garage, as defined in this Chapter. All such Class 4 vehicles and other such non-passenger class vehicles so parked must bear a current inspection sticker by the Commonwealth of Pennsylvania. Except for loading or unloading of transient delivery, no vehicles exceeding Class 4, and no other commercial vehicles or equipment, including any other vehicle or equipment that is either motorized, self-propelled, or designed to be towed by another vehicle for use in commercial or industrial enterprises, such as air compressors, welding units and the like, or any and all earthmoving equipment, such as bulldozers, hi-lifts, backhoes, ditching equipment, and the like, shall be parked or stored at any time on properties in the residential zoning district.

B. *Trailer Parking (Including Boats on or off of Trailers).* Except for loading or unloading of transient delivery, trailer or boat parking or storage is prohibited in all R-Residential Districts (R-1, R-2, and R-3) except in the rear yard, or inside an enclosed garage.

C. *Recreational Vehicle Parking.* Recreational vehicle parking or storage is prohibited in all R-Residential Districts (R-1, R-2, and R-3), except as follows:

(1) The recreational vehicle must be registered to the owner or occupant of the premises, must be licensed, and must bear a current inspection sticker

issued by the Commonwealth of Pennsylvania if one is required of the vehicle for highway use.

(2) No more than one recreational vehicle shall be parked on a lot at any given time.

(3) The parking of recreational vehicles is permitted in the front of a dwelling once in any 7-day period for a maximum of 72 hours prior to or following use, and only then on an approved driveway surface and not in any open space in front of the front building line of the dwelling or in the front yard (between the front building line and the street). All other parking of a recreational vehicle shall be limited to the rear yard only and shall not be closer than 10 feet to any side or rear property line, except where such property line abuts the street, in which event the recreational vehicle when parked shall not extend beyond the building lines of the lot. Where no building line has been established on the side or rear abutting street, the recreational vehicle shall not be parked closer than 35 feet to the curblin of the abutting street.

(4) Recreational vehicles shall not be used as temporary or permanent dwellings.

[*Ord. 454*]

(*Ord. 1-1953, 2/9/1953, Art. IV, §412; as added by Ord. 318, 1/8/1989, §2; as amended by Ord. 331, 10/4/1988; by Ord. 427, 4/4/2006; by Ord. 436, 8/7/2007, §1; by Ord. 454, 8/2/2011, §1*)

#### **§27-414. Accessory Buildings.**

1. Accessory buildings are buildings that are not attached to the principal dwelling on a lot that are used or designed or intended to be used for storage of garden tools or supplies, snow removal equipment or supplies, maintenance tools or supplies or similar tools, equipment or supplies.

2. No accessory buildings shall be erected on any property located in a residential zoning district unless:

A. Said accessory building is located in the rear of any lot containing a principal dwelling (the street address of the principal dwelling shall be considered the front of said dwelling).

B. Said accessory building does not violate any of the building line restrictions as set forth in building codes and ordinances of this Township, enacted at the time it is erected.

C. Said accessory building shall be kept in repair and the exterior appearance maintained in a manner equivalent to the principal dwelling house on any lot.

D. The dimensions of said accessory building shall not exceed the following:

- |                 |                 |
|-----------------|-----------------|
| (1) Length      | 12 feet         |
| (2) Width       | 12 feet         |
| (3) Height      | 10 feet         |
| (4) Square feet | 144 square feet |

3. No person shall cause or permit any accessory building to be constructed or altered upon any property owned by such person or upon any ground rented by him

without first having obtained a zoning permit therefore from the Zoning Officer and/or a building permit if required from the Code Official. Such permit shall be issued by the Zoning Officer upon the filing of an application with him, and upon submission and approval of plans and specifications in the case of erection or alteration of any accessory building, if required by the Township's then-applicable building code, and payment of such fees as authorized by Township Ordinance or resolution.

(*Ord. 1-1953, 2/9/1953, Art. XIII; as added by Ord. 261, 6/7/1977, §§1-3; as amended by Ord. 289, 5/5/1981, §1; and by Ord. 436, 8/7/2007, §1*)

**§27-415. Satellite Dish or Parabolic Dish Antennas.**

The erection, installation, and maintenance of a satellite or parabolic dish or other antenna devices, the purpose of which is to receive television, radio, microwave or other electrical signals from space satellites shall be governed and controlled by the following conditions:

A. Only one satellite dish antenna shall be permitted on a residential lot.

B. No such antenna or other device shall be installed in the front yard of any parcel of realty and shall not be installed closer to the side property line than any greater of the corresponding building line or any building thereon.

C. In any Residential Zoning District, the maximum diameter of any satellite dish antenna installed on any lot, building or structure shall be 2.5 feet. (In Zoning Districts other than Residential, the maximum diameter of any satellite dish antenna shall not exceed 5 feet.)

D. A satellite dish antenna shall not be projected above the peak of a roof, and if said satellite dish is roof-mounted, no point of the satellite dish shall be greater than 3 feet from the roof's surface. A satellite dish antenna shall be permitted to be mounted on a flat roof so long as the satellite dish projects less than 3 feet from the roof surface and is mounted in the most inconspicuous location possible as approved by the Zoning Officer.

E. The maximum height of any ground mounted satellite dish antenna shall be 5 feet. If ground mounted, the base of any such antenna shall be screened with a landscape area equal in size to the diameter of the satellite dish antenna or 100 percent opaque fencing. No part of any freestanding satellite dish antenna shall be located closer to any lot line than the greater of the corresponding building line or any building thereon. Installation of any such antenna or other device exceeding 5 feet at its maximum height, width or depth, including mounting structure, shall be permitted only by special exception, in which case the Zoning Hearing Board shall, as a condition of any approval of same, designate and approve the exact location of the antenna or device and shall required such planting or screening as it deems necessary in its sound judgment.

(*Ord. 1-1953, 2/9/1953, Art. XIII; as added by Ord. 309, 3/9/1985, §1; and as amended by Ord. 436, 8/7/2007, §1*)



**Part 5**

**R-2 Residence Districts**

**§27-501. Applicability.**

In R-2 Residence Districts, the following regulations shall apply.  
*(Ord. 1-1953, 2/9/1953, Art. V, §500)*

**§27-502. Permitted Uses.**

A building may be erected, altered, or used, and a lot or premises may be used, for any of the following purposes and for no other:

- A. A use permitted in R-1 Residence Districts.
- B. A two-family dwelling (duplex). *[Ord. 436]*
- C. A double house.
- D. Accessory use on the same lot with and customarily incidental to any of the above permitted uses, subject to the limitations contained in §27-402.D(2) of this Chapter (pertaining to home occupations). *[Ord. 436]*

*(Ord. 1-1953, 2/9/1953, Art. V, §501; as amended by Ord. 436, 8/7/2007, §1)*

**§27-503. Minimum Lot Area for Dwellings.**

A lot area of not less than the following amounts shall be provided for every building hereafter erected, altered, or used in whole or in part as a dwelling.

For a single or two-family dwelling	5,500 square feet
For a double house	7,200 square feet

*(Ord. 1-1953, 2/9/1953, Art. V, §502)*

**§27-504. Minimum Setback Distance.**

Every dwelling shall be so erected that the distance from one side line of the lot to the other (or to the street line on the side, in the case of a corner lot) shall be at least the number of feet specified below when measured on a line parallel to the front street line and touching that part of the dwelling which is nearest to the front street line.

Single-family dwelling	40 feet
Two-family dwelling	50 feet
Double house	60 feet

*(Ord. 1-1953, 2/9/1953, Art. V, §500)*

**§27-505. Maximum Building Area.**

The following percentages of the area of any lot shall be the maximum areas thereof that may be occupied by the principal building and the accessory building or buildings

thereon:

<b>Where the principal building is</b>	<b>Maximum Area</b>	
	<b>Principal Building</b>	<b>Accessory Buildings</b>
A single-family dwelling	25%	4%
A double house	25%	5%
A two-family dwelling	20%	7%
Any other building	25%	7%

(Ord. 1-1953, 2/9/1953, Art. V, §504; as amended by Ord. 436, 8/7/2007, §1)

**§27-506. Minimum Lot Coverage for Dwellings.**

1. The following minimum areas shall be covered by all dwellings hereafter erected: [Ord. 436]

One-story single-family dwelling	770 square feet
One and one-half story single-family dwelling	700 square feet
Two-story single-family dwelling	500 square feet
Two-family dwelling	720 square feet
Double house	950 square feet

2. In determining the area of any dwelling, the area of the private garage, if any, shall not be included.

(Ord. 1-1953, 2/9/1953, Art. V, §505; as amended by Ord. 436, 8/7/2007, §1)

**§27-507. Front Yard Depth.**

There shall be a front yard, the depth of which shall be at least 25 feet.

(Ord. 1-1953, 2/9/1953, Art. V, §506; as amended by Ord. 436, 8/7/2007, §1)

**§27-508. Side Yard Width.**

On each lot other than a corner lot there shall be two side yards, each having a width of not less than 5 feet in the case of a double house, 10 feet in the case of a two-family dwelling, 5 feet in the case of a single-family dwelling, and 10 feet in the case of all other buildings or structures. In the case of a corner lot, there shall be two side yards with the side yard along the side street line having a width of not less than one-half the distance from the front street line to the nearest part of the building, and with the side yard along the other side line having a width of not less than 5 feet.

(Ord. 1-1953, 2/9/1953, Art. V, §507)

**§27-509. Rear Yard Depth.**

The provisions of §27-409 shall apply in R-2 Residence Districts.  
(*Ord. 1-1953, 2/9/1953, Art. V, §508*)

**§27-510. Maximum Building Height.**

No building or structure shall exceed 25 feet or two and one-half stories in height.  
(*Ord. 1-1953, 2/9/1953, Art. V, §509; as amended by Ord. 436, 8/7/2007, §1*)

**§27-511. Minimum Dwelling Height.**

No dwelling hereafter erected shall be less than 14 feet in height.  
(*Ord. 1-1953, 2/9/1953, Art. V, §510; as amended by Ord. 436, 8/7/2007, §1*)

**§27-512. Width and Depth Exceptions.**

The provisions of §§27-508 and 27-509 of this Chapter shall not apply to farm buildings which are not dwellings.  
(*Ord. 1-1953, 2/9/1953, Art. V, §511*)

**§27-513. Parking.**

1. Parking requirements for single-family and two-family dwellings (including duplexes and double houses, which shall be considered two dwelling units) in the R-2 Residential District. It is the intent of this Chapter that all dwelling units shall be served by an integral or attached enclosed garage and shall have a permanent paved access directly from the street or alley the width of the garage to the parking garage. Off-street parking for all dwelling units may only be permitted in that permanent paved access leading directly from the street or alley the width of the garage to the parking garage. Any alterations or extensions to said permanent paved access which alterations or extensions are contiguous with said access leading to the parking garage may be permitted provided that same are in accordance with this Chapter and a building or zoning permit is approved as required hereinafter. Each dwelling unit shall have at least two parking spaces, as follows. [*Ord. 436*]

2. Each dwelling unit must maintain a garage with an adequate, paved access driveway to the street, said garage to be either integral or attached and constructed in accordance with applicable building codes and ordinances.<sup>2</sup> The garage and driveway access to the street shall constitute two parking spaces. Any access wider than 10 feet leading directly from the street to the garage will be considered to be part of the additional parking area described below. [*Ord. 436*]

3. Each dwelling unit may also erect an additional parking area on the property for the purpose of providing additional parking. The additional parking area must meet the following:

A. The additional parking area that supports the vehicle must be on the owners property and not on Township right-of-way.<sup>2</sup> When the Township was established, 50-foot or 40-foot wide street rights-of-way were set up for utilities,

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<sup>2</sup>Any condition which exist prior to 10/31/1988 is exempt and may remain until time of removal or replacement. (Repairs are not to be interpreted as replacement.)

sidewalks, lampposts, telephone poles, and to maintain adequate visibility and for emergency egress - this area was not intended to be used as a vehicle parking areas.

B. The additional parking area that supports the vehicle, must not be more than 10 feet wide by 20 feet long or less than 7 feet wide by 16 feet long, must be contiguous with the existing garage access to the street, and must have a surface constructed of asphalt, brick, or concrete. This area does not include the egress area through the Township right-of-way which must also be paved with the same material as the parking area.<sup>2</sup>

4. No less than 60 percent of the front yard width must be maintained with either grass or other ground cover vegetation.<sup>2</sup> [Ord. 436]

5. A zoning permit and building permit as required and a landscaping permit if over 25 cubic yards of dirt are moved, must be applied for and approved by the Code Official/Zoning Officer if more than 12 inches deep layer of earth is to be removed, the new parking area disturbs the soil within 5 feet of the neighboring side yard property lines, or a retaining wall situation is created because of the installation. [Ord. 436]

6. Expansion or construction joints must be installed where the paving crosses a utility right-of-way. This is necessary so the utility company can repair the underlining piping with the least disturbance to the paving.<sup>2</sup>

7. Parking or storing of vehicles on lawns or grass is prohibited.

8. Except as otherwise provided herein, private off-street parking areas shall be used exclusively for the parking of noncommercial vehicles (passenger vehicles, including cars, pick-up trucks, or vans having passenger vehicle classification) and motorcycles owned and used by the occupants of the premises, including residents, tenants, and visitors.

A. *Truck Parking.* Except for loading or unloading of transient delivery, trucks (not registered as passenger class vehicles) and other commercial (non-passenger) vehicle parking in all R-Residential Districts (R-1, R-2, and R-3) is limited to the following vehicles owned by or leased to the occupant of the property: double-wheel, single axle vehicles having a maximum registered gross weight of 11,000 pounds and classified as Class 4 or less by the Commonwealth of Pennsylvania, Department of Transportation. Such parking shall be limited to the rear yard or inside a garage, as defined in this Chapter. All such Class 4 vehicles and other such non-passenger class vehicles so parked must bear a current inspection sticker by the Commonwealth of Pennsylvania. Except for loading or unloading of transient delivery, no vehicles exceeding Class 4, and no other commercial vehicles or equipment, including any other vehicle or equipment that is either motorized, self-propelled, or designed to be towed by another vehicle for use in commercial or industrial enterprises, such as air compressors, welding units and the like, or any and all earthmoving equipment, such as bulldozers, hi-lifts, backhoes, ditching equipment, and the like, shall be parked or stored at any time on properties in the residential zoning district.

B. *Trailer Parking (Including Boats on or off of Trailers).* Except for loading or unloading of transient delivery, trailer or boat parking or storage is prohibited in all R-Residential Districts (R-1, R-2, and R-3) except in the rear yard, or inside an enclosed garage.

C. *Recreational Vehicle Parking.* Recreational vehicle parking or storage is prohibited in all R-Residential Districts (R-1, R-2, and R-3), except as follows:

(1) The recreational vehicle must be registered to the owner or occupant of the premises, must be licensed, and must bear a current inspection sticker issued by the Commonwealth of Pennsylvania if one is required of the vehicle for highway use.

(2) No more than one recreational vehicle shall be parked on a lot at any given time.

(3) The parking of recreational vehicles is permitted in the front of a dwelling once in any 7-day period for a maximum of 72 hours prior to or following use, and only then on an approved driveway surface and not in any open space in front of the front building line of the dwelling or in the front yard (between the front building line and the street). All other parking of a recreational vehicle shall be limited to the rear yard only and shall not be closer than 10 feet to any side or rear property line, except where such property line abuts the street, in which event the recreational vehicle when parked shall not extend beyond the building lines of the lot. Where no building line has been established on the side or rear abutting street, the recreational vehicle shall not be parked closer than 35 feet to the curblines of the abutting street.

(4) Recreational vehicles shall not be used as temporary or permanent dwellings.

[*Ord. 454*]

(*Ord. 1-1953, 2/9/1953, Art. V, §513; as added by Ord. 318, 1/8/1989, §2; amended by Ord. 331, 10/4/1988; by Ord. 427, 4/4/2006; by Ord. 436, 8/7/2007, §1; and by Ord. 454, 8/2/2011, §1*)

**§27-514. Accessory Buildings.**

The requirements of §27-414 shall apply to all accessory buildings and other accessory structures within the R-2 Zoning District.

(*Ord. 1-1953, 2/9/1953, Art. V, §514; as added by Ord. 436, 8/7/2007, §1*)

**§27-515. Satellite or Parabolic Dish Antennas.**

The requirements of §27-415 shall apply to all parabolic dish antennas within the R-2 Zoning District.

(*Ord. 1-1953, 2/9/1953, Art. V, §515; as added by Ord. 436, 8/7/2007, §1*)



**Part 6**

**R-3 Residence Districts**

**§27-601. Applicability.**

In R-3 Residence Districts, the following regulations shall apply.  
 (Ord. 1-1953, 2/9/1953, Art. V-A, §550; as added by Ord. 276, 3/6/1979, §2)

**§27-602. Permitted Uses.**

A building may be erected, altered, or used, and a lot or premises may be used, for any of the following purposes and for no other:

- A. A use permitted in R-1 Residence Districts and R-2 Residence Districts.
- B. Townhouse dwelling.
- C. Accessory use on the same lot with and customarily incidental to any of the above permitted uses, subject to the limitations contained in §27-402.D(2) of this Chapter (pertaining to home occupations). [Ord. 436]

(Ord. 1-1953, 2/9/1953, Art. V-A, §551; as added by Ord. 276, 3/6/1979, §2; and as amended by Ord. 436, 8/7/2007, §1)

**§27-603. Minimum Lot Area for Dwellings.**

A lot area of not less than the following amounts shall be provided for every building hereafter erected, altered, or used in whole or in part as a dwelling.

For a single or two-family dwelling	5,500 square feet
For a double house	7,200 square feet
For townhouse dwellings (row houses)	not less than 2,700 square feet per dwelling unit [Ord. 436]

(Ord. 1-1953, 2/9/1953, Art. V-A, §552; as added by Ord. 276, 3/6/1979, §2; and as amended by Ord. 436, 8/7/2007, §1)

**§27-604. Minimum Setback Distance.**

1. Every dwelling shall be so erected that the distance from one side line of the lot to the other (or to the street in the case of a corner lot) shall be at least the number of feet specified below when measured on a line parallel to the front street line and touching that part of the dwelling which is nearest to the front street line.

Single-family dwelling	40 feet
Two-family dwelling	50 feet
Double house	60 feet

2. *Townhouse Dwellings (Row Houses).* A width at the building line of not less than 75 feet for a row house containing three or more dwelling units under one ownership. If the dwellings under this description are arranged, designed, or intended

to be sold or owned in separate ownerships between party walls, the minimum width of lot between center lines of party walls shall be 16 feet, and the 75-foot minimum width of total site frontage shall apply for the entire structure. The minimum size of lot for a structure classified as a row or townhouse shall be 12,000 square feet for a single structural unit, or ¼ of an acre when constructed in complexes of more than two structural units.

(Ord. 1-1953, 2/9/1953, Art. V-A, §553; as added by Ord. 276, 3/6/1979, §2)

**§27-605. Maximum Building Area.**

The following percentages of the area of any lot shall be the maximum areas thereof that may be occupied by the principal building and the accessory building or buildings thereon.

<b>Where the principal building is</b>	<b>Maximum Area</b>	
	<b>Principal Building</b>	<b>Accessory Buildings</b>
A single-family dwelling	25%	4%
A double house	25%	5%
A two-family dwelling	20%	7%
Any other building	25%	7%
Townhouse dwelling (row house)	35%	7%

(Ord. 1-1953, 2/9/1953, Art. V-A, §554; as added by Ord. 276, 3/6/1979, §2; and as amended by Ord. 436, 8/7/2007, §1)

**§27-606. Minimum Lot Coverage for Dwellings.**

1. The following minimum areas shall be covered by all dwellings hereafter erected. [Ord. 436]

One-story single-family dwelling	770 square feet
One and one-half story single-family dwelling	700 square feet
Two-story single-family dwelling	500 square feet
Two-family dwelling	720 square feet
Double house	950 square feet

2. In determining the area of any dwelling, the area of the private garage, if any shall not be included.

(Ord. 1-1953, 2/9/1953, Art. V-A, §555; as added by Ord. 276, 3/6/1979, §2; and as amended by Ord. 436, 8/7/2007, §1)

**§27-607. Front Yard Depth.**

There shall be a front yard the depth of which shall be at least 25 feet.  
(*Ord. 1-1953, 2/9/1953, Art. V-A, §556; as added by Ord. 276, 3/6/1979, §2; and as amended by Ord. 436, 8/7/2007, §1*)

**§27-608. Side Yard Width.**

On each lot other than a corner lot there shall be two side yards, each having a width of not less than 5 feet in the case of a double house, 10 feet in the case of a two-family dwelling or row or town house structure, 5 feet in the case of a single-family dwelling, and 10 feet in the case of all other buildings or structures. In the case of a corner lot, there shall be two side yards with the side yard along the side street line having a width of not less than one-half the distance from the front street line to the nearest part of the building, and with the side yard along the other side line having a width of not less than 5 feet.

(*Ord. 1-1953, 2/9/1953, Art. V-A, §557; as added by Ord. 276, 3/6/1979, §2*)

**§27-609. Rear Yard Depth.**

The provisions of §27-409 of this Chapter shall apply in R-3 Residence Districts.  
(*Ord. 1-1953, 2/9/1953, Art. V-A, §558; as added by Ord. 276, 3/6/1979, §2; and as amended by Ord. 436, 8/7/2007, §1*)

**§27-610. Maximum Building Height.**

No building or structure shall exceed 25 feet or two and one-half stories in height.  
(*Ord. 1-1953, 2/9/1953, Art. V-A, §559; as added by Ord. 276, 3/6/1979, §2; and as amended by Ord. 436, 8/7/2007, §1*)

**§27-611. Minimum Dwelling Height.**

No dwelling hereafter erected shall be less than 14 feet in height.  
(*Ord. 1-1953, 2/9/1953, Art. V-A, §560; as added by Ord. 276, 3/6/1979, §2; and as amended by Ord. 436, 8/7/2007, §1*)

**§27-612. Width and Depth Exceptions.**

The provisions of §§27-508 and 509 of this Chapter shall not apply to farm buildings which are not dwellings.  
(*Ord. 1-1953, 2/9/1953, Art. V-A, §561; as added by Ord. 276, 3/6/1979, §2*)

**§27-613. Parking.**

The provisions of §27-413 shall apply to single family dwellings in the R-3 District. Section 27-513 of this Chapter shall apply to all other dwelling units in the R-3 District.  
(*Ord. 1-1953, 2/9/1953, Art. V-A, §562; as added by Ord. 436, 8/7/2007, §1*)

**§27-614. Accessory Buildings.**

The requirements of §27-414 shall apply to all accessory buildings and other accessory structures within the R-3 Zoning District.  
(*Ord. 1-1953, 2/9/1953, Art. V-A, §563; as added by Ord. 436, 8/7/2007, §1*)

**§27-615. Satellite or Parabolic Dish Antennas.**

The requirements of §27-415 shall apply to all parabolic dish antennas within the R-3 Zoning District.

(*Ord. 1-1953*, 2/9/1953, Art. V-A, §564; as added by *Ord. 436*, 8/7/2007, §1)

**Part 7****C - Commercial and Light Industrial Districts****§27-701. Applicability.**

In C - Commercial and Light Industrial Districts, the following regulations shall apply.

(*Ord. 1-1953, 2/9/1953, Art. VI, §600*)

**§27-702. Permitted Uses.**

A building may be erected, altered, or used, and a lot or premises may be used, for any of the following purposes and for no other:

- A. A use permitted in any Residence District.
- B. Store, office, studio, personal service shop, bank, financial institution, telephone exchange or telephone office, radio or television station, studio or office. [*Ord. 436*]
- C. Hotel, rooming house, boarding house.
- D. Theater, movie house, place of amusement, restaurant, tea room, night club, bar, grill room.
- E. Greenhouse. [*Ord. 436*]
- F. Funeral home, crematory. [*Ord. 436*]
- G. Motor vehicle sales agency when authorized as a conditional use (a motor vehicle sales agency may include a service and repair shop in the rear of the same building or in a building accessory thereto on the same lot). [*Ord. 436*]
- H. Public garage or gasoline service station or motor vehicle service and repair shop, when authorized as a conditional use. [*Ord. 436*]
- I. Bus or railway passenger station, express agency.
- J. Motor vehicle parking lot, storage garage, private garage.
- K. Bakery, pastry, confectionery, or ice cream shop for the production of articles to be sold at retail on the premises.
- L. Hand laundry, or cleaning and pressing shop.
- M. Plumbing, tinsmith, electrical repair, or pipe fitting shop, or shop for similar trades. [*Ord. 436*]
- N. Creamery, butter making, cheese making, milk bottling, or distribution station, when authorized as a conditional use. [*Ord. 436*]
- O. Repair of jewelry, watches, clocks or optical goods; repair of musical, professional and small scientific instruments; and manufacture thereof when authorized as a conditional use. [*Ord. 436*]
- P. Newspaper or job printing; bookbinding.
- Q. Club, fraternity house, or lodge.
- R. Educational, religious, or philanthropic use; hospital, sanitarium.

S. Bowling alley and billiard parlors.

T. Accessory use on the same lot with and customarily incidental to any of the above permitted uses, subject to the limitations contained in §27-402.D.

U. Any use of the same general character as any of the uses hereinbefore specifically permitted in this section when authorized as a conditional use. [*Ord. 436*]

(*Ord. 1-1953, 2/9/1953, Art. VI, §601; as amended by Ord. 436, 8/7/2007, §1*)

### **§27-703. Prohibited Uses.**

No building may be erected, altered, or used, and no lot or premises may be used, for any trade, industry or business that is noxious or offensive by reason of odor, dust, smoke, gas, vibration, or noise. No internal combustion engine or other machine shall be used unless objectionable noise and vibration be eliminated.

(*Ord. 1-1953, 2/9/1953, Art. VI, §602*)

### **§27-704. Permitted Residential Uses.**

The provisions of §§27-502 and 27-503 of this Chapter, inclusive, shall apply to any use of property in C - Commercial District which would be a permitted use in R-2 Residence Districts, or which might be authorized as a conditional use or otherwise in an R-2 Residence District pursuant to this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. VI, §603; as amended by Ord. 436, 8/7/2007, §1*)

### **§27-705. Front, Rear and Side Yard Requirements.**

The following yard requirements shall apply to all buildings in Commercial Districts:

A. Front yard - at least 25 feet.

B. Rear yard - at least 10 feet.

C. Side yard or yards - at least 10 feet wide; provided, however, that buildings may be built with either or both side walls attached to or in common with a wall of another building, in which case no side yard shall be required on such attached/common side or sides of the building. In case of a corner lot, there shall be two side yards where the side yard along the side street line having a width of not less than half the distance front the front street line to the nearest part of the building and with side yard along the other side line having a width not less than 10 feet.

(*Ord. 1-1953, 2/9/1953, Art. VI, §604; as amended by Ord. 1-1956, 3/12/1956, §1; and by Ord. 436, 8/7/2007, §1*)

### **§27-706. Height Requirements.**

1. Except as otherwise provided hereinafter, no building or structure shall exceed 35 feet or two and one half stories in height.

2. The height of any building used exclusively for educational, religious and/or philanthropic purposes or any hospital or sanitarium and of any building on the same lot used exclusively for purposes customarily, incidental and accessory thereto may be

increased to not more than 70 feet or six stories, provided that the width of each front, side, and rear yard shall be increased at the rate of 2 feet for each additional 1 foot of height over 35 feet.

3. *Height Exceptions.* The height limitations of the Commercial and Light Industrial District may be exceeded by structures, when permitted therein, which require special design on account of their particular use in industry or commerce (such as chimneys, stacks, grain elevators, detached water or radio towers), provided they otherwise comply with the regulations herein prescribed and provided their additional height is authorized as a conditional use and further provided that in all such cases the width of each front, side, and rear yard shall be increased at the rate of 2 feet for each additional 1 foot of height over 35 feet.

4. No dwelling hereafter erected in the Commercial and Light Industrial District shall be less than 14 feet in height.

5. Any dwelling structure erected in the Commercial and Light Industrial District shall conform to the height requirements of Part 5, unless authorized as a conditional use.

(*Ord. 1-1953, 2/9/1953; as added by Ord. 375, 9/3/1996; and as amended by Ord. 436, 8/7/2007, §1*)

**§27-707. View Obstruction.**

No wall, fence, or other structure shall be erected or altered, and no hedge, tree, shrub, or any other growth shall be established or maintained, which may cause danger to traffic on a street by obscuring the reasonable view of persons using such street.

(*Ord. 1-1953, 2/9/1953, Art. VI, §605*)

**§27-708. House Trailer Use Restricted.**

No house trailer may be used for living or sleeping purposes within the Township except when located in a trailer camp for which a permit issued by the Township Commissioners is in full force and effect. Such special permits shall be issued only in cases of emergency need, and no such permit shall continue in effect for more than 30 days unless extended by resolution of the Township Commissioners.

(*Ord. 1-1953, 2/9/1953, Art. VI, §606*)

**§27-709. Signs.**

Signs and signboards are permitted when erected and maintained in accordance with the provisions of Part 10 of this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. VI, §607*)

**§27-710. Parking and Storage of Vehicles or Equipment.**

Except where specifically permitted as a primary use as a vehicle parking or storage lot, the parking of vehicles, trucks, trailers, boats, recreational vehicles, and equipment is permitted only if incidental to the operation of a business lawfully occupying the property, by customers while present at the business location, and by trucks present for loading or unloading of transient delivery.

(*Ord. 1-1953, 2/9/1953; as added by Ord. 454, 8/2/2011, §2*)



**Part 8****Yard, Courts Open Spaces; Projections into Yards,  
Fences, Walls, Retaining Walls, Screenings****§27-801. Yards, Courts, and Open Spaces.**

No yard, court, or other open space about any building or structure for the purpose of complying with this Chapter shall be considered as a yard, court, or other open space for another building or structure.

(*Ord. 1-1953, 2/9/1953, Art. VII, §701*)

**§27-802. Projections into Front Yards.**

No building or part of a building shall be erected within or shall project into any required front yard except:

- A. Cornices, eaves, gutters, or chimneys projecting not more than 18 inches.
- B. One-story unroofed porches projecting not more than 10 feet.
- C. Steps.
- D. Balconies and open permanent porch roofs projecting not more than 8 feet.

(*Ord. 1-1953, 2/9/1953, Art. VII, §702; as amended by Ord. 1-1956, 3/12/1956, §2*)

**§27-803. Projections into Side Yards.**

No building or part of a building shall be erected within or shall project into a side yard except.

- A. Cornices, eaves, gutters, or chimneys projecting not more than 18 inches.
- B. Steps.

(*Ord. 1-1953, 2/9/1953, Art. VII, §703*)

**§27-804. Projections into Rear Yards.**

No building and no part of a building shall be erected within or shall project into the rear yard except:

- A. Cornices, eaves, gutters, or chimneys projecting not more than 18 inches.
- B. Bay windows not extending through more than one story and not projecting more than 18 inches.
- C. One-story unroofed porches projecting not more than 10 feet.
- D. Steps.
- E. Balconies and open permanent porch roofs projecting not more than 5 feet.

(*Ord. 1-1953, 2/9/1953, Art. VII, §704*)

**§27-805. Fences, Walls, Retaining Walls and Screening.**

1. *General Requirements; Application Required.* [*Ord. 436*]

- A. No fence, wall, retaining wall and/or screening shall be installed without

the approval of the Zoning Officer, as well as approval of the Building Code Official, and the Township Engineer, if required hereunder or by an other Township Ordinance. [Ord. 436]

B. A completed application must be completed prior to engaging in any activity under this Section. [Ord. 436]

C. Any application for a fence, wall, retaining wall and/or screening retaining wall including shrubbery, shall be accompanied by a drawing showing detailed section and the proposed location on the property, along with a copy of the lot - plan survey.

## 2. *Performance Standards.*

A. *Generally.* Fences, walls, retaining walls, and/or screenings may be erected on any property subject to the conditions set forth in this Section.

### B. *Height Requirements.*

(1) Fences, walls, retaining walls, and/or screenings are not permitted in residential (R-1, R-2, and R-3) front yards, and to the extent permissible in residential side and rear yards shall comply with the following height requirements:

(a) Located in side yard: 6 feet maximum height.

(b) Located in rear yard: 6 feet maximum height.

(2) Fences, walls, retaining walls, and/or screenings in commercial/light industrial districts shall comply with the following height requirements:

(a) No commercial fence shall exceed 10 feet in height.

(b) Any commercial fence exceeding 6 feet in height, (but not to exceed 10 feet in height) shall be a chain-link fence.

(3) Height definitions within this Section shall be defined by the following formula: allowable height = actual height above the immediate natural ground level (if a fence, wall, retaining wall, and/or screening is erected, the height measurement will begin at the true contour - ground level and not any artificially created elevation of same).

### C. *Sight Distances.*

(1) *Generally.* Authorized fences, walls, retaining walls, and/or screenings, whether publically or privately owned, shall not obstruct the clear sight distances at street intersections. A "clear sight triangle" is defined as an area of unobstructed vision at an intersection, defined by lines of sight, between points at a given distance from the intersection of street center lines. The line of sight shall be measured at a level of 36 inches above the pavement to approximate the driver's line of vision.

(2) Sight distances shall be maintained according to the following standards:

(a) *Residential Driveway with a Public Street:* 15 feet from the driveway edge bordering the street, allowing safe stopping distance for the public street, which shall be determined by the Township Engineer.

(b) *Public Street with Public Street:* 150 feet on arterial street and 75

on collector and local streets.

(c) *Commercial, Industrial Driveway with a Public Street*: 150 feet on arterial, and 75 feet on collector or local streets.

Any specified standards may be modified if determined necessary by the Township Engineer.

3. *Special Fences, Trellises and Arbors.*

A. Ornamental open, closed or shadow box fences or picket fences of wood or synthetic material of like appearance, shall be permitted on the rear and side lot lines of any lot, provided that such fence is not more than 6 feet high and provided that any such side fence shall not extend in front beyond the actual front line of the building erected thereon. Ornamental fences shall have equally spaced open and closed sections of the same dimensions. [Ord. 442]

B. A trellis or arbor, as part of landscaping plans, may be installed at any location behind the front building line. If located in the front yard area, approval must be obtained from the Planning Commission after a submission of a landscape plan. No trellis or arbor shall exceed 6 feet in height or 10 feet in length with a minimum of 8 feet between units when viewed perpendicular to the length of the trellis or arbor.

4. *Dangerous Construction Prohibited.*

A. This Section specifically prohibits any construction/alteration which creates a dangerous fence, wall, retaining wall, and/or screening.

B. Regardless of the zoning district, no fence, wall, retaining wall, and/or screening may be constructed or modified to include any sharp or pointed dangerous perimeters including, but not limited to, barbed wire, spikes, and fleur-de-lis.

C. Fences as required by any State or Federal regulation or statute dealing with possession or storage or potentially hazardous material including, but not limited to, liquified petroleum and propane gas, shall be permitted in style and dimension not to exceed the minimum Federal or State regulation or statute, and consistent with this Section.

5. *Miscellaneous.*

A. No fence, wall, retaining wall, and/or screening or planted screen shall be erected in a dedicated street right-of-way.

B. Fences, walls, retaining wall, and/or screenings having a rough or unfinished side or a side showing supports of bases shall be erected so that said rough or unfinished side faces inward toward the interior of the lot and finished side faces outward toward adjoining properties.

C. Every fence, wall, retaining wall, and/or screening shall be maintained in a safe, sound, properly constructed, and/or properly repaired upright condition and in accordance with the approved plan on. [Ord. 436]

D. Any fence, wall, retaining wall, and/or screening in existence under the previous ordinance(s) may continue in existence without compliance with this Section, except that the fence shall be kept painted, where applicable, and in good repair. However, no such fence, destroyed or removed, shall be replaced except in

conformity with this Section.

E. All fences, walls, retaining walls, and/or screenings must be entirely on the property of the applicant.

F. Any retaining wall over 4 feet in height must have a hedge, fence, wall, or screening acceptable to the Building Inspector on top of the retaining wall (of at least 36 inches high) to prevent accidental falling.

G. Pool - related fences, walls, and screenings are covered under the latest revision of *Ord. 268* [Chapter 23, Part 1].

H. A screening which shall be required for a refuse container which must be installed in the rear of any commercial building or may be installed in any multi-family and/or townhouse residential district shall not be over 6 feet high and must meet rear and side yard requirements. Where access to the container is difficult because of the location of the driveways or similar structures or because the rear yards is too small to meet the requirements, a plan showing the proposed location, together with all other structures on the property, shall be submitted to the Zoning Officer for approval. [*Ord. 436*]

4. Closed or solid wood, brick, ornamental block, or stone fence shall be permitted on the rear dividing line between townhouses, provided that they are straight, not over 6 feet high and do not extend more than 8 feet from the rear of the adjacent townhouse extending furthest into the rear area. The same structure, design, and style of fence shall be used for all townhouses in any unit. It is the intent of this Section that should block be used with exposed facing, that same be of a decorative nature.

(*Ord. 1-1953*, 2/9/1953, Art. VII, §705; as amended by *Ord. 260*, 6/7/1977, §1; by *Ord. 310*, 3/6/1985; by *Ord. 332*, 10/4/1988; by *Ord. 337*, 9/5/1989; by *Ord. 403*, 4/2/2002; by *Ord. 436*, 8/7/2007, §1; and by *Ord. 442*, 9/2/2008, §1)

**Part 9****Nonconforming Uses****§27-901. Continuation.**

The lawful use of a building or land existing at the effective date of this Chapter may be continued although such use does not conform with this Chapter, but if such nonconforming use is abandoned for a period of 1 year, any future use of said building or land shall be in conformity with this Chapter, except as otherwise provided in this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. VIII, §800*)

**§27-902. Change in Nonconforming Use.**

A nonconforming use of a building or part thereof, or of land, may not be changed to another nonconforming use of a different nature, except that a change to a more restricted nonconforming use may be authorized as a special exception.

(*Ord. 1-1953, 2/9/1953, Art. VIII, §801*)

**§27-903. Restoration of Damaged or Razed Buildings.**

No building which has been damaged by fire, wind, explosion, or any other cause or causes to the extent of more than 75 percent of its value, and no building or part thereof which has been razed, shall be repaired or rebuilt except in conformity with this Chapter, provided that nothing in this Chapter shall prohibit the use for a single-family dwelling, or for any use accessory thereto, of any portion of any lot held in single and separate ownership on the effective date of this Chapter, which is occupied by a single-family dwelling and/or a private garage on such effective date.

(*Ord. 1-1953, 2/9/1953, Art. VIII, §802*)

**§27-904. Effect of District Change.**

Whenever a district boundary shall be hereafter changed, and unless otherwise provided by the ordinance affecting such change, any then existing use of a building or land which becomes nonconforming by reason of such change shall, as of the date of such change and thereafter be subject to the same regulations as a nonconforming use existing at the effective date of this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. VIII, §803*)



**Part 10****Signs****§27-1001. Purpose and Scope.**

The purpose of this Part shall be to coordinate the type, placement and dimensions of signs within the different land use zones. This Part shall not regulate building design. This Part does not regulate official traffic or government signs, flags of any nation, the display of street numbers, or any display or construction not defined herein as a sign. After adoption of this amendment it shall be unlawful for any person to erect, place or maintain a sign in the Township except in accordance with the provisions of this Part. For purposes of this Part, the owner of property in which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Township.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §1*)

**§27-1002. Prohibited Signs.**

The following types of signs are prohibited in all districts:

- A. Abandoned signs.
- B. Animated signs.
- C. Banners, pendants or search lights except as hereinafter provided.
- D. Flashing signs.
- E. Signs imitating or resembling official traffic or government signs or signals.
- F. Signs on vehicles or trailers parked or located for the primary purpose of displaying said sign.
- G. Off-premises signs.
- H. Rotating signs or signs with any type of movement, mechanical or otherwise.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §2*)

**§27-1003. Permit Required.**

All signs erected after the effective date of this Part shall require a zoning permit, a building permit if required, and payment of required fees. The Township Board of Commissioners may from time to time establish and update fees for sign permits by resolution.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §3; and by Ord. 436, 8/7/2007, §1*)

**§27-1004. Signs Not Requiring Permits.**

The following types of signs do not require permits but must be in conformance with all other requirements of this Part:

- A. Construction signs of 12 square feet or less which are temporary and are

erected or otherwise displayed only during the duration of the work performed by the contractor.

- B. Directional or informational signs of 2 square feet or less.
- C. Name plates of 2 square feet or less.
- D. Signs advocating or imposing the candidacy of any individual or political party or advocating or opposing any question appearing on the municipal ballot.
- E. Real estate signs of 6 square feet or less.
- F. Window signs.
- G. Any sign relating to an emergency during the existence of such emergency.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §4*)

**§27-1005. Maintenance.**

All signs shall be properly maintained. The Zoning Officer shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated and shall have the authority to issue a citation for violation of this Part for failure to properly maintain the sign.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §5*)

**§27-1006. Illumination.**

Unless specified by this Part, all signs may be illuminated subject to the following conditions:

- A. No artificial light or reflecting device shall be used as part of a sign where such light or device interferes with or competes for attention with or may be mistaken for a traffic signal.
- B. Flood lighting shall be arranged so that the source of the light is not visible from any point off the lot and that only the sign is directly illuminated thereby.
- C. Flashing, moving or oscillating light are expressly prohibited.
- D. No revolving beacon lights shall be permitted.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §6*)

**§27-1007. Changeable Copy.**

Any sign herein may use automatic or manual changeable copy to advertise goods or services provided or available on-site only. Copy may be changed no more than once per day.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §7; and by 436, 8/7/2007, §1*)

**§27-1008. Signs Permitted in All Zones.**

1. All signs not requiring permits.
2. Construction signs which do not exceed 12 square feet.
3. Non-illuminated real estate signs.
4. Name plates which do not exceed 2 square feet.

5. One directional and/or informational sign not to exceed 2 square feet and 2½ feet in height per lot.

6. Special event signs and declarations for special events, grand openings or holidays may be erected 10 days prior to a special event or holiday and shall be removed on the day following the event or holiday or the grand opening sign which shall be removed after not more than 10 days.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §8*)

**§27-1009. Signs Permitted in Residential Zones.**

1. All signs as permitted in §27-1008.

2. One identification sign per apartment or condominium complex not to exceed 32 square feet in sign area.

3. For permitted non-residential uses including home occupations one free standing sign not to exceed 4 square feet.

4. All signs shall have a maximum height limit of 2½ feet and a set back minimum of 2 feet from any public right-of-way.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §9*)

**§27-1010. Commercial and Industrial.**

1. All signs permitted in §27-1008.

2. One free standing sign per premises not to exceed 2 square feet in area for each linear foot of building frontage up to a maximum of 60 square feet and not exceeding a height of 35 feet.

3. One wall sign per occupancy not to exceed 2 square feet in sign area for each linear foot of that occupancy building frontage up to a maximum of 60 square feet.

4. One roof sign per premises not to exceed 2 square feet in sign area for each linear foot of building frontage up to a maximum of 60 square feet.

5. One awning sign per occupancy not to exceed 25 percent of the service area of an awning or one marque sign not to exceed 1 square foot in sign area for each linear foot of marque front and side.

6. One under canopy sign per occupancy not to exceed 3 square feet in sign area.

7. Incidental sign not to exceed 1 square foot in aggregate sign area per occupancy.

8. One portable sign per lot not to exceed 18 square feet in sign area or 4 feet in height.

9. The aggregate total area of all signs on each premises shall not exceed 2 square feet per linear foot of building frontage.

10. Every part of all free standing projecting awning marque and under canopy signs shall have a minimum set back of 2 feet from any vehicular public right-of-way and a minimum clearance of 13½ feet over any vehicular use area and 7 feet over any pedestrian use area.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §10*)

**§27-1011. Compliance with Codes.**

All signs shall be constructed in accordance with provisions of this Chapter and any applicable building codes. All signs are subject to inspection by the Township to assure that same have been constructed in accordance with the foregoing requirements. Upon request, any person applying for construction of a new sign or modification of any existing sign shall provide a certification by a licensed and registered engineer of the structural integrity, stability, and strength of the sign.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §11; and by Ord. 436, 8/7/2007, §1*)

**§27-1012. Zoning Officer.**

The Zoning Officer shall process applications for permits and may enforce any and all provisions of this Part and issue citations for violations of this Part.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §12*)

**§27-1013. Applications for Permits.**

Applications shall be on a form as time to time authorized by the Zoning Officer which application shall include at a minimum the name and address of the owner of the sign, the street address or location of the property and/or premises on which the sign is to be located with the name and address of the property, a site plan or drawing showing the proposed location of the sign including locations and square footage areas of all existing signs on the same premises, specifications and scale drawings showing the materials, designs, dimensions, structural supports, electrical components of any proposed sign and the text of the sign.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §13*)

**§27-1014. Issuance and Denial.**

The Zoning Officer shall issue a permit for the erection, alteration or relocation of a sign within 30 days of the receipt of a valid application; provided, that the sign complies with all applicable laws and regulations of the Township. If a permit is denied by the Zoning Officer, he shall give written notice to the applicant including a statement of the reasons for denial. A permit issued under this Part may be suspended or revoked if any false statement or misrepresentation of fact was included in the application.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §14*)

**§27-1015. Conditions of Permit Issuance.**

If a permit is denied, the permit application fee will not be refunded. A permit issued by the Zoning Officer shall be null and void if the sign is not erected or otherwise displayed within 180 days of issuance of the permit.

(*Ord. 1-1953, 2/9/1953, Art. IX; as amended by Ord. 389, 11/4/1998, §15*)

**Part 11****Administration****§27-1101. Zoning Officer; Appointment.**

The Township Zoning Officer shall be appointed by the Township Board of Commissioners and shall hold no elective office in the Township. The Township Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate, to the satisfaction of the Township, a working knowledge of municipal zoning.

(*Ord. 1-1953, 2/9/1953, Art. X, §1000; as amended by Ord. 436, 8/7/2007, §1*)

**§27-1102. Duties of Zoning Officer.**

The Zoning Officer's duties shall include the following:

- A. Administer and enforce the provisions of this Chapter.
- B. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.
- C. Issue zoning certificates, building permits, certificates of occupancy, sign permits, or any other permits required hereunder.
- D. Maintain a permanent file of all zoning certificates, zoning permits, occupancy permits, sign permits, building permits and applications as public records.
- E. Register and record nonconforming uses.
- F. Inspect all land and structures for which a zoning certificate, building permit, occupancy permit or sign permit has been applied for or issued to determine compliance with this Chapter and make all the inspections necessary to enforce the provisions of this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. X, §1001; as amended by Ord. 436, 8/7/2007, §1*)

**§27-1103. Building Permits; When Required.**

It shall be unlawful to commence or to continue any of the following prior to the issuance by the Building Inspector of a building permit: [*Ord. 436*]

- A. Any excavation for foundation.
- B. The erection, construction, or structural alteration of any structure or part thereof, including accessory structures, as provided hereunder or by the Township's then-applicable building code. [*Ord. 436*]
- C. The occupation of a street or alley with building materials or a temporary structure or structures for construction purposes.
- D. A change in the use of any structure erected or constructed before or after the effective date of this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. X, §1002; as amended by Ord. 436, 8/7/2007, §1*)

**§27-1104. Zoning Certificates.**

1. A zoning certificate shall be obtained before any person may:
  - A. Occupy or use any vacant land except for agricultural purposes.
  - B. Occupy or use any structure hereafter constructed, reconstructed, moved altered or enlarged.
  - C. Change the use of a structure or land to a different use.
  - D. Change a nonconforming use.
  - E. Construct, reconstruct, move, structurally alter or enlarge any structure or building, including any accessory structure.
2. Application for a zoning certificate for all uses other than a single-family or two-family dwelling shall be accompanied by a development plan, as defined herein, together with a filing fee in accordance with a schedule affixed from time to time by a resolution of the Township Board of Commissioners.
3. Any proposed use or expansion or change of any existing use which is authorized in a zoning district as a conditional use or use by special exception shall require approval of the conditional use or use by special exception in accordance with the procedures specified in this Chapter as a prerequisite to issuance of a zoning certificate by the Zoning Officer.

(*Ord. 1-1953, 2/9/1953, Art. X, §1003; as amended by Ord. 436, 8/7/2007, §1*)

**§27-1105. Application for Building Permit.**

Each application for a building permit shall be filed with the Zoning Officer and shall contain all the information necessary to enable the Zoning Officer to ascertain whether the proposed excavation, erection, construction, structural alteration, occupation, use, and/or change in use will comply with the provisions of this Chapter. In addition to other necessary data, the application shall be accompanied by a plot plan in duplicate, drawn in scale, showing the land involved, the location of all existing and proposed buildings and other structures thereon, the location of all abutting streets, road, and alleys and the location of all existing buildings and abutting land within 120 feet of the side and rear lot lines of the land involved, and any other information required by the Township's then-applicable building code. The application shall also show the name and address of the applicant. An application for a building permit may be filed by the owner, tenant, lessee, general agent, architect, engineer or building contractor of the building or premises involved. Said application must be signed by the owner and the contractor responsible for construction, excavation, erection, alteration, occupation, use, and/or change in use of the building or premises involved. Said contractor shall present the application to the Zoning Officer only after said application has been signed by both parties.

(*Ord. 1-1953, 2/9/1953, Art. X, §1004; as amended by Ord. 183, 7/3/1967, §1; and by Ord. 436, 8/7/2007, §1*)

**§27-1106. Decision on Permit Application; Time Limit.**

The Zoning Officer shall, within 2 weeks after the filing of an application in proper form, make and file his written decision as to whether or not the proposed excavation, erection, construction, structural alteration, occupation, use, and/or change in use will

comply with the provisions of this Chapter, and shall, within such period, deliver a copy of his decision, together with a copy of the building permit, if any, pursuant to such decision, to the applicant in person or by registered mail directed to the applicant's address as stated in the application.

(*Ord. 1-1953, 2/9/1953, Art. X, §1005*)

**§27-1107. Posting of Permit at Work Site.**

Whenever a building permit is issued to cover any excavation for and/or any erection, construction and/or structural alteration of any building, it shall be the duty of the person applying for such building permit, and of the person in charge of such work, to post such building permit, or a copy thereof, at the site of the work in such a manner that it will be clearly visible to persons on the street nearest to such work, and to maintain it in such a position throughout the course of the work.

(*Ord. 1-1953, 2/9/1953, Art. X, §1006*)

**§27-1108. Conditions for Continuance of Building Permit; Rights Reserved by Township.**

If, after the issuance of a building permit, the operations authorized thereunder are not commenced within 6 months after the date of the permit, or if after the commencement of operations the work is discontinued for a period of 3 months, such permit shall be void, and work may not again be commenced until a new permit shall have been issued. After 1 year, any work, construction, or excavation discontinued must be completed to the point where, in the opinion of the Zoning Officer, it is not a public hazard. The owner is to do this work at his cost, or the Township to do same and bill owner for the costs, and collect the same by lien or suit, as provided by law.

(*Ord. 1-1953, 2/9/1953, Art. X, §1007; as amended by Ord. 1-1956, 3/12/1956, §4*)

**§27-1109. Zoning Permits and Occupancy Permits (Certificate of Occupancy); Inspection of Site.**

1. *General.*

A. No use of land shall be made, no building or structure shall be constructed, reconstructed, altered, remodeled, enlarged, moved, occupied or used, no existing use of a building, structure or lot shall be changed, no nonconforming use shall be changed, enlarged or extended, and no retaining wall shall be constructed, reconstructed, altered or moved until a zoning permit and occupancy permit (certificate of occupancy) has been issued by the Zoning Officer.

B. Applications for said zoning and occupancy permits shall be made at the Municipal Building and upon the payment of the required fee established from time to time by resolution of the Township Board of Commissioners.

C. Where a change in occupancy or use of any structure or lot in any district, whether or not there is any construction, reconstruction, structural alteration or movement of the structure, will generate, on the average, an additional 20 peak hour trips on any adjacent street, the applicant shall comply with applicable requirements of the Township Subdivision and Land Development Ordinance [Chapter 22], which is incorporated herein by reference, prior to the issuance of a

zoning and occupancy permit.

D. Any permit issued in conflict with the provisions of this Chapter shall be null and void.

2. *Permit Application and Issuance Procedure.*

A. Whenever the proposed activity, whether new construction or alteration of an existing use requires a building permit under the Township's then-applicable building code, the application for the zoning and occupancy permit shall be made prior to or simultaneously with the application for the building permit. However, the building permit shall not be issued until the zoning and occupancy permit has been granted.

B. When no building permit is required, the application for the zoning and occupancy permit may be made at any time prior to the use or occupancy of the building, structure or property.

C. Permit applications shall be submitted in writing on such forms or in such format as established by the Township. The Zoning Officer may request any information necessary to determine the application's compliance with any provision of this Chapter and any ordinance of the Township.

D. The Zoning Officer shall not issue the zoning and occupancy permit unless the property complies with all provisions and requirements of this Chapter, the Township Construction Code [Chapter 5, Part 1], the Township Property Maintenance Code [Chapter 5, Part 2], the Township Subdivision and Land Development Ordinance [Chapter 22], and all other applicable Township, County, State and Federal laws, ordinances and regulations, and until all other required approvals and permits have been obtained from applicable Township, County, State and Federal agencies. The applicant shall submit copies of all such required approvals and permits to the Zoning Officer.

E. Where approvals are not required by other Township agencies or governmental entities, the Zoning Officer shall review and approve or disapprove the application. However, the Zoning Officer may seek the advice and recommendations of the Township Solicitor and Engineer on any application.

F. Upon completion of the applied-for work, the applicant shall notify the Zoning Officer who shall examine the building, structure and/or use of the property involved to determine compliance with any conditions of the zoning and occupancy permit, and with the provisions of this Chapter and all other applicable provisions of any Township ordinances.

G. As a precondition to the issuance of any zoning and occupancy permit, a landowner shall permit the Zoning Officer to inspect both the exterior and interior of the property, as deemed necessary by the Zoning Officer. Any failure or refusal to permit such inspection shall result in denial of any application for a zoning and occupancy permit.

3. *Period of Validity.* A zoning and occupancy permit shall become null and void unless the construction, reconstruction, alteration, remodeling, use or occupancy of the subject building, structure and/or property is commenced within 6 months of the date of issuance, unless an extension of this time period is granted in writing by the Zoning Officer. The Zoning Officer may place reasonable conditions on any such written time

extension.

(*Ord. 1-1953*, 2/9/1953, Art. X, §1008; as amended by *Ord. 382*, 8/5/1997; and by *Ord. 436*, 8/7/2007, §1)

**§27-1110. Record of Building Permits, Zoning Permits and Certificates of Occupancy.**

A record and a copy of all applications filed with the Zoning Officer, of all his decisions, and of all building permits, zoning permits and certificates of occupancy and compliance issued by him shall be kept on file as a public record within the Township.

(*Ord. 1-1953*, 2/9/1953, Art. X, §1009; as amended by *Ord. 436*, 8/7/2007, §1)

**§27-1111. Vacancy in Position of Zoning Officer.**

Every vacancy in the position of Zoning Officer shall be filled by appointment of the Township Commissioners, for the unexpired term of office of such Zoning Officer, within 1 month after such vacancy occurs, or as soon thereafter as practicable.

(*Ord. 1-1953*, 2/9/1953, Art. X, §1010; as amended by *Ord. 436*, 8/7/2007, §1)



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**Part 12****Changes and Amendments****§27-1201. Right to Amend or Repeal.**

The Township Commissioners may from time to time amend, supplement, change, modify, or repeal this Chapter, including the Zoning Map, by proceeding in accordance with the rules and procedures as set forth in Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §§10609-10611.

(*Ord. 1-1953, 2/9/1953, Art. XI, §1100; as amended by Ord. 436, 8/7/2007, §1*)

**§27-1202. Public Hearing.**

The Board of Township Commissioners shall fix the time and place of a public hearing on the proposed amendment, supplement, change, modification, or repeal, and give public notice of the time and place of such hearing by publication in an official paper, or a paper of general circulation in the Township as provided by the Municipalities Planning Code or otherwise by law.

(*Ord. 1-1953, 2/9/1953, Art. XI, §1101; as amended by Ord. 436, 8/7/2007, §1*)



**Part 13****Zoning Hearing Board****§27-1301. Establishment; Terms of Office; Removal; Vacancies.**

A Zoning Hearing Board is hereby established. The Zoning Hearing Board shall consist of three members to be appointed by the Township Commissioners whose service, removal for cause, and replacement following vacancy shall be subject to and in accordance with Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*

(*Ord. 1-1953, 2/9/1953, Art. XII, §1200; as amended by Ord. 436, 8/7/2007, §1*)

**§27-1302. Rules and Regulations; Meetings; Record of Proceedings.**

The Zoning Hearing Board shall adopt rules in accordance with the provisions of this Chapter and Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.* Meetings of the Zoning Hearing Board shall be held at the call of the Chairman, and at such other times as the Board may determine. Such Chairman, or in his absence, the Acting Chairman, may administer oaths, and compel the attendance of witnesses. All meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations of the Board and shall be a public record.

(*Ord. 1-1953, 2/9/1953, Art. XII, §1201; as amended by Ord. 436, 8/7/2007, §1*)

**§27-1303. Appeals to the Zoning Hearing Board.**

1. Appeals to the Zoning Hearing Board may be taken by any person aggrieved, or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be taken within 30 days (or such lesser time as prescribed by the Zoning Officer in any notice of violation, enforcement notice, or accompanying order to cease and desist), as provided by the rules of the Zoning Hearing Board, by filing with the officer from whom the appeal is taken, and with the Zoning Hearing Board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Hearing Board all the papers constituting the record upon which the action appealed from was taken.

2. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Zoning Hearing Board, after the notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board, or by a Court of Common Pleas of the County on application, on notice to the officer from whom the appeal is taken, and due cause shown.

3. The Zoning Hearing Board shall fix a time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same. Upon the hearing, any party may appear in person, or by agent or by attorney.

All public hearings before the Zoning Hearing Board shall be conducted within such time, upon such public notice, and otherwise in accordance with Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*

(*Ord. 1-1953, 2/9/1953, Art. XII, §1202; as amended by Ord. 436, 8/7/2007, §1*)

#### **§27-1304. Powers of the Zoning Hearing Board.**

1. The Zoning Hearing Board shall have the following powers. [*Ord. 436*]

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning officer or any other administrative official in the enforcement of this Chapter, or of any ordinance adopted under the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* [*Ord. 436*]

B. To hear and decide special exceptions to the terms of the ordinance which such Zoning Hearing Board is required to pass under this Chapter. [*Ord. 436*]

C. To authorize, upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship, and so that the spirit of this Chapter shall be observed and substantial justice done.

2. In exercising the above mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, relating thereto, and all other applicable laws of the Commonwealth of Pennsylvania, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken. Notice of such decision shall forthwith be given to all parties in interest. [*Ord. 436*]

(*Ord. 1-1953, 2/9/1953, Art. XII, §1203; as amended by Ord. 436, 8/7/2007, §1*)

#### **§27-1305. Fee Schedule.**

1. The Board of Commissioners shall determine and adopt by resolution at a public meeting from time to time a schedule of fees, charges, and expenses, as well as a collection procedure for permits and appeals and other matters pertaining to this Chapter. [*Ord. 436*]

2. The Board of Commissioners is empowered to re-evaluate the fee schedule and make necessary revisions thereto. Such revisions shall not be considered amendments to this Chapter and may be adopted by resolution at any public meeting of the Board.

(*Ord. 1-1953, 2/9/1953, Art. XII, §1204; as amended by Ord. 1-1956, 3/12/1956, §3; as repealed by Ord. 352, 12/1/1992; and as amended by Ord. 436, 8/7/2007, §1*)

#### **§27-1306. Expiration of Approval of Use Granted by Special Exception.**

Approval of a use by special exception shall expire automatically without written notice to the applicant if no application for a grading permit, building permit or zoning certificate to undertake the construction for authorize the occupancy described in the application for approval of the use by special exception is submitted within 12 months

of said approval, unless the Zoning Hearing Board, in their sole discretion, extends approval of the use by special exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one 12-month extension.

(*Ord. 1-1953, 2/9/1953, Art. XII, §1205; as amended by Ord. 436, 8/7/2007, §1*)



**Part 14****General****§27-1401. Buildings Exempt from Regulations.**

This Chapter shall not apply to any building of the Township or extension thereof, or to the use of any premises by the Township, if the Township Commissioners shall, after a public hearing, decide that such building or extension thereof, or such use of any premises, is reasonably necessary for the convenience or welfare of the public; provided, that any municipal recreational building or use may be established by the Board of Commissioners at any location in the Township without holding such public hearing. (*Ord. 1-1953, 2/9/1953, Art. XIII, §1300*)

**§27-1402. Interpretation and Application of Regulations.**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare. Where this Chapter requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of buildings or less number of stories, or requires a greater percentage of lot to be left unoccupied, or imposes other high standards than are required in any statute, other ordinance, or regulation, the provisions of this Chapter shall govern. Wherever the provisions of any statute, other ordinances, or regulation requires a greater width or size of yards, courts, or other open spaces, or require a lower height of building, or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other high standards than are required by this Chapter, the more restrictive provisions of such statute, other ordinance, or regulation shall govern. Nothing in this Chapter shall be deemed to modify or invalidate any provisions of easements, covenants, deeds, or agreements which require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards or greater restrictions upon the use of land and/or building or structures, than are required or imposed by this Chapter.

(*Ord. 1-1953, 2/9/1953, Art. XIII, §1301; as amended by Ord. 436, 8/7/2007, §1*)



**Part 15****Penalties, Enforcement Notices, Remedies, and Severability****§27-1501. Penalties.**

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, or the maximum fine(s) and penalties permitted under then applicable Pennsylvania law, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. [*Ord. 436*]

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

4. Magisterial district judges shall have initial jurisdiction over proceedings brought under this Section.

(*Ord. 1-1953, 2/9/1953, Art. XIV, §1400; as amended by Ord. 427, 4/4/2006; and by Ord. 436, 8/7/2007, §1*)

**§27-1502. Enforcement Notice.**

1. If it appears to the Township that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the Township intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

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 period of 10 days.

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.

*(Ord. 1-1953, 2/9/1953; as added by Ord. 427, 4/4/2006)*

**§27-1503. Remedies.**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Chapter, or of any regulations made pursuant hereto, in addition to other remedies provided by law, any appropriate action or proceedings, whether by legal or equitable process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

*(Ord. 1-1953, 2/9/1953, Art. XV, §1500)*

**Part 16****Conditional Uses****§27-1601. Conditional Use.**

A conditional use is an authorized use of real property which may be granted only by approval of the Board of Commissioners pursuant to express standards and criteria after review and recommendation by the Township Planning Commission and public hearing by the Board of Commissioners. Conditional uses shall be hereafter established by ordinance, amending this Chapter or other appropriate ordinance of the Township. (*Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998*)

**§27-1602. Approval of Conditional Uses.**

The Board of Commissioners shall hear and decide a request for a conditional use within the time periods as prescribed by the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, from the date of submission of a complete and properly filed application for conditional use.

(*Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998; and as amended by Ord. 436, 8/7/2007, §1*)

**§27-1603. Contents and Time for Conditional Use Application.**

A written application for conditional use must be submitted to the Township not less than 10 working days prior to the regular meeting of the Planning Commission. If no regularly scheduled meeting is pending at the time of application, the application shall be transmitted by the Township Secretary/Manager to the Township Engineer, who shall determine the completeness of the application within 10 days of the Township's receipt thereof. Upon the Township Engineer's certification to the Township Manager of the completeness of the application, the Manager shall advise the Planning Commission of same, and the Township Planning shall convene a meeting to review said application within 14 days thereof. The application shall specify the conditional use which the applicant seeks approval for and state the basis upon which such use is requested. The application shall include the following: [*Ord. 436*]

- A. Existing conditions on the property from a current survey prepared by registered land surveyor or professional engineer showing where applicable.
- B. The lot size and square feet boundary by bearings and distances.
- C. Abutting streets, including right-of-way width, pavement width, paving materials, curbs, and sidewalks.
- D. Sanitary sewers, storm sewers, water lines to serve the property including line sizes invert and top elevations of manholes, hydrants, and storm drainage controls.
- E. Gas, electric, telephone lines, and other utility lines and all utility easements across the property.
- F. All other easements across the property by width and use.
- G. Existing structures on the property including walls, buildings, and trees

over a 12-inch caliper.

H. The names of owners of record of adjacent properties, the names of owner or owners of property for which the conditional use is sought and the names of developers if different from the same.

I. The North arrow, date of survey, graphic scale, and seal of engineer or surveyor preparing the survey.

J. The number of dwelling units or square footage of nonresidential space to be developed by floor, building, and total.

K. The location of proposed structures with dimensions of each structure and distances between structures and between structures and lot lines.

L. A proposed access to the lots, interior circulation for vehicles and pedestrians, parking and loading areas, walkways, including grade of paved areas, proposed construction width and number of spaces and parking areas.

M. The proposed connection to public sanitary sewer and water lines or systems where the proposed extension of such systems into the property to serve the structure or structures existing or proposed to be constructed.

N. The proposed storm drainage system in compliance with applicable Township ordinances including connection to existing storm sewer systems, pipe sizes and methods of collecting surface roof and paved area runoff.

O. Proposed grading if any.

P. The proposed screening and landscaping as may be required by the Township ordinance.

Q. A written statement showing compliance with the applicable expressed standards and criteria of this Part for the proposed use.

R. Identification of all properties by tax parcel number of all property or properties included in the application.

S. Any application fee as may from time to time be established by the Board of Commissioners.

T. A traffic impact analysis if recommended by the Planning Commission.

(*Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998; and as amended by Ord. 436, 8/7/2007, §1*)

#### **§27-1604. Review of Application.**

1. The Planning Commission shall review the application and all material accompanying the application. The Planning Commission shall have the authority to require submission of additional data relevant to the application. The Board of Commissioners shall not take any action on the application until the Planning Commission shall have had at least 30 days to review the application after receipt from the applicant. The Board of Commissioners shall conduct a hearing pursuant to public notice within 30 days of receipt of the recommendation of the Planning Commission, but in no event later than 60 days after the Planning Commission's first meeting following filing of the completed application at which meeting the Planning Commission has accepted the application as complete. Notwithstanding any provision herein to the contrary, said public hearing shall be commenced, completed, and conducted, and the

Board's decision rendered and transmitted in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* [Ord. 436]

2. In considering an application for conditional use approval, the Board of Commissioners may require appropriate conditions and safeguards and conformity with the ordinances of the Township and the Municipalities Planning Code, 53 P.S. §10101 *et seq.* A violation of such conditions and safeguards when made part of the terms and conditions under which the conditional use approval is granted shall be deemed a violation of this Part and shall be subject to enforcement as authorized by applicable Township ordinances.

(Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998; and as amended by Ord. 436, 8/7/2007, §1)

#### **§27-1605. Expiration of Conditional Use Approval.**

Conditional use approval shall expire automatically without written notice to the applicant, if no application for a grading permit, building permit, or zoning certificate to undertake the construction or authorize the occupancy described in the application for conditional use approval is submitted within 12 months of said approval unless the Board of Commissioners, in their sole discretion, extend conditional use approval upon written request of the applicant received prior to the expiration. The maximum extension permitted shall be 12 months.

(Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998)

#### **§27-1606. Compliance.**

All applications for conditional use approval shall demonstrate compliance with all of the following general standards and criteria:

A. The use shall not endanger the public health, safety, or welfare and shall not deteriorate the environment. The proposed use must be in substantial conformity with the Township Comprehensive Plan, if any, and is compatible with surrounding land uses. The proposed use may not have a negative impact on air and water quality, noise, potential hazards, illumination and glare, and restrictions to natural light and air circulation. The proposed use must conform to the scale, character, and exterior appearance of existing structures and uses in the zoning district where it is located.

B. The use shall comply with all applicable performance standards of this Part and all other Township ordinances.

C. Ingress, egress, and traffic circulation on the site shall be designed to insure safety and minimize congestion and impact on local streets.

D. Site lighting if proposed shall be shielded and reflected away from adjacent residential properties and public streets.

E. Any ordinance of the Township which designates a specific or particular land use as a conditional use may establish additional standards for approval of such use in addition to the standards contained in this Part.

F. The proposed use complies with all provisions of this Chapter, as amended, unless a variance has been granted by the Zoning Hearing Board.

G. The proposed use is suitable in terms of topography and soils condition

based on the number and frequency of projected users.

H. The proposed use complies with applicable standards for water supply, sanitary sewage disposal, storm water management, prevention of erosion and sedimentation and toxic waste storage and disposal.

(*Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998*)

**§27-1607. Notification.**

The Board of Commissioners, after a public hearing on a conditional use application, shall make a decision and notify the applicant in writing of the decision and the reasons therefore, in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 1-1953, 2/9/1953; as added by Ord. 386, 11/4/1998; and as amended by Ord. 436, 8/7/2007, §1*)

**§27-1608. Establishing Certain Location for Facilities.**

1. *Purpose.* It is the desire of the Township by this Section to protect and maintain the health, safety, and general welfare of its citizens and to preserve the property values and characteristics of surrounding neighborhoods.

2. No drug or alcohol treatment facility shall be located outside the Commercial and Industrial District, in which such use is a conditional use, subject to the requirements of §§27-1601 through 27-1607 of this Part.

3. *Definition.* A drug or alcohol treatment facility is any business, entity or other facility that exclusively or primarily provides treatment of alcohol and/or drug abuse or addiction. This includes medical, psychiatric, or psychological treatment and/or individual or group counseling, either on an in-patient or out-patient basis. This includes facilities operated by for profit businesses, not for profit entities, including taxable or tax exempt entities, private businesses, corporations, partnerships, unincorporated associations or individuals and government agencies.

4. A drug or alcohol treatment facility is a conditional use in the Commercial Industrial District and an application for such conditional use shall be as prescribed in §§27-1601 through 27-1607 of this Part. An application for a permit for a drug or alcohol treatment facility may be made only after the Board of Commissioners has approved the drug or alcohol treatment facility as a conditional use.

5. *Location Requirements.*

A. No drug or alcohol treatment facility shall be located outside the Commercial and Industrial District, in which such uses are a conditional use, subject to the requirements of §§27-1601 through 27-1607 of this Part.

B. No drug or alcohol treatment facility shall be located within 200 feet of:

- (1) Churches.
- (2) Schools.
- (3) Libraries.
- (4) Child care facility.
- (5) Nursery school.

- (6) Park.
- (7) Playground.
- (8) Municipal building or community center.
- (9) Any residential district.

C. No drug or alcohol treatment facility shall be located within 1,000 feet of another drug or alcohol treatment facility.

(Ord. 1-1953, 2/9/1953; as added by Ord. 388, 11/4/1998)

### **§27-1609. Adult Entertainment Establishments.**

1. *Purpose.* It is the intent of this Section to minimize and control the effects of adult entertain establishments upon the quality of life of the neighborhood in which such establishment may be located. It is the desire of the Township to protect and maintain the health, safety, and general welfare of its citizens and to preserve the property values and characteristics of surrounding neighborhoods.

2. No adult entertainment establishment shall be located outside the Commercial and Industrial District, in which such uses are a conditional use, subject to the requirements of Part 16 of this Chapter. The following businesses are included in the "adult entertainment establishment" classification:

- A. Adult arcades.
- B. Adult bookstore and/or video store.
- C. Adult cabaret.
- D. Adult motel.
- E. Adult motion picture theater.
- F. Adult theater.
- G. Escort agency.
- H. Massage establishment.
- I. Nude model studios.
- J. Sexual encounter center.

3. *Definitions.* The specific terms used for the purpose of this Section are defined as follows:

*Adult arcade* - any place to which the public is permitted, or invited, wherein coin-operated as slug-operated; or electronically or mechanically-controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

*Adult bookstore or video store* - any commercial establishment which, as its principal business purposes, offers for sale or rental, for any form of consideration, any one, or more, of the following:

- (1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or reproductions, slides or other visual representations which depict or describe "specified sexual activities" or

"specified anatomical areas."

(2) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

Any commercial establishment which has other principal business purposes, in addition to those in subparagraph (1) or (2) above shall not be exempt from this Section and shall be categorized as an adult bookstore or adult video store.

*Adult cabaret* - a restaurant, nightclub, bar or similar commercial or non-commercial establishment, private or social club, whether owned and/or operated by an individual, partnership, corporation or other entity, whether or not an admission fee, membership fee or similar fee of any kind is charged to patrons or, whether or not licensed to sell and/or serve alcoholic beverages and which if not licensed to sell and or serve alcoholic beverages, allows or permits patrons to bring alcoholic beverages into the establishment or which provides alcoholic beverages to patrons with or without charge; which regularly features:

(1) Performers, employees, independent contractors or other persons who at any time appear nude or semi-nude.

(2) Live performances which are characterized by the exposure of or exhibition of "specified anatomical areas" or by "specified sexual activities."

(3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," which if not licensed to sell and or serve alcoholic beverages, allows or permits patrons to bring alcoholic beverages into the establishment or which provides alcoholic beverages to patrons with or without charge.

[Ord. 393]

*Adult motel* - any hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons which closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions.

(2) Offers sleeping rooms for rent, four or more times in 1 calendar year, during 5 or more calendar days in any continuous 30 day period.

*Adult motion picture theater* - any commercial establishment where for any form of consideration, films, motion pictures, video cassettes or other photographic reproductions are shown on a regular continuing basis, which are rated "X" by the Motion Picture Association of America, or its successors, or which are advertised as "X", "XX", or "XXX", or which are predominately characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." Any commercial establishment where for any form of consideration, films, motion pictures, video cassettes or other photographic reproductions are shown on a regular continuing basis, which are rated "R" or "NC-17" by the Motion Picture Association of America, or its successors, shall not be defined as an adult motion

picture theater.

*Adult theater* - any theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."

*Escort* - a person who, for consideration, agrees or offers to, act as a companion, guide or date for another person, who agrees or offers, to privately model lingerie or to privately perform a "strip tease" for another person.

*Escort agency* - any person or business association, who furnishes offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration. Any person, partnership, corporation or agency that furnishes adult or child day care as its principal business, shall not be defined as an escort agency.

*Massage establishment* - any establishment or business which provides the services of massage and/or body manipulation, including exercise, heat, light treatment, water treatment of the body and all forms and methods of physiotherapy unless operated or supervised by a medical practitioner, including a medical doctor, doctor of osteopathy, chiropractor or a physical therapist licensed by the Commonwealth of Pennsylvania.

*Nude model studio* - any place where a person who appears in a state of nudity, or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

*Nude / nudity / state of nudity* - the appearance of a bare human buttock, anus, male genitals, female genitals, or female breast.

*Permitted / licensee* - a person in whose name a permit and/or license to operate an adult entertainment establishment, has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

*Person* - an individual proprietorship, partnership, corporation, association or other legal entity.

*Semi-nude* - a state of dress in which clothing covers no more than the genitals of male performers or no more than the genitals, pubic region and areola of female performers, as well as portions of the body covered by supporting straps and devices.

*Sexual encounter center* - any business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

(1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex.

(2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

*Sexually-oriented business* - any adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage establishment, nude model studio, or sexual encounter center.

*Specified anatomical areas* - the male genitals in a state of sexual arousal

and/or the vulva or more intimate parts of the female genitals.

*Specified sexual activities* - means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.
- (3) Actual or simulated sexual intercourse, oral copulation, anal intercourse, sodomy or other sexual acts.
- (4) Masturbation, actual or simulated.
- (5) Human excretion, urination, menstruation, vaginal anal irrigation as part of, or in connection with any of the activities set forth in subparagraphs (1) through (4) above.

*Strip tease* - the act of removing ones clothing in front of an audience, or a person, usually item by item.

*Substantial enlargement* - any increase of the floor area occupied by an adult entertainment establishment, or more than 25 percent as the floor area existing on the date of enactment of this Section.

#### 4. *Permits Required.*

A. No person may operate an adult entertainment establishment without a valid license issued by the Township of Baldwin. Individuals, partnerships, corporations or others who intend to operate an adult business shall obtain a license to operate from the Township and shall pay a \$1,000 fee to the Township for review and investigation of the application to operate an adult business. This fee shall be used to pay fees or expenses the Township incurs in review and investigation of the application. The applicant or applicants shall provide detailed information regarding ownership and financing of the proposed adult business.

Applications shall be submitted to the Township Secretary. Applications shall be on a form as prepared or approved by the Township Secretary and shall include names and addresses of all applicants and all who have any legal or equitable interest in the proposed adult business, shall identify all mortgage holders or other lenders, shall identify any other adult businesses owned or operated by the applicant or applicants or other parties with a legal or equitable interest in the proposed adult business and shall include such other information as the Township Secretary shall require for review and investigation of the application. A license to operate an adult business when issued shall be valid through December 31 of the year in which initially issued. For each year thereafter that the business intends to continue, the owner or operator shall make application for a renewal of the license by November 1 of the year preceding the year for which the license is sought. The lack of a license or the failure to renew such license in a timely manner shall result in the denial of an occupancy permit or the revocation of an occupancy permit previously issued for an adult business. A license to operate an adult business must be obtained before an application for an occupancy permit may be submitted. This license is not transferrable nor assignable and expires upon sale of, sale of a controlling interest or a sale of the assets of an adult business. The license to operate an adult business expires upon the failure of the adult business

to file and pay any taxes levied by the Township. Any occupancy permit issued for an adult business expires upon the failure of the adult business to pay any taxes levied by the Township.

B. An application for an occupancy permit to operate an adult entertainment establishment must be made to the Township as provided for in this Section in addition to any other permits required by this Section or any other Ordinances of the Township."

[Ord. 393]

5. *Location Requirements.*

A. No adult entertainment establishment shall be located outside the Commercial and Industrial District, in which such uses are a conditional use.

B. No adult entertainment establishment shall be located within 400 feet of a school bus stop.

C. No adult entertainment establishment shall be located within 400 feet of the following specified land uses:

- (1) Churches.
- (2) Schools.
- (3) Libraries.
- (4) Child care facility.
- (5) Nursery school.
- (6) Park.
- (7) Playground.
- (8) Municipal building or community center.
- (9) Any residential district.

D. No adult entertainment establishment shall be located within 1,000 feet of another adult entertainment establishment.

E. The distance between any two adult entertainment establishments shall be measured in a straight line, regardless of intervening structures. The distance between an adult entertainment establishment and a use identified in paragraph C above shall be measured in a straight line from the closest point on the exterior parcel line of the use to the closest exterior lot line of the adult entertainment establishment.

6. *Visibility from Street.* No person operating an adult entertainment establishment shall permit, or cause to be permitted, any stock in trade which depicts, describes or related to "specified sexual activities" and/or "specified anatomical areas," as defined herein, to be viewed from the street, sidewalk or highway.

7. *Signage.* No person shall place, or cause to be placed, or maintained in such a location as can be viewed by persons on any public street, any sign or signs, photographic, pictorial or other graphic representation, that depict, in whole or in part, any "specified sexual activity" and/or "specified anatomical area."

8. If any word, phrase, clause, sentence, paragraph or section of this Section shall be invalidated for any reason by any Court, the balance of this Section shall remain in

full force and effect, it being the intent of the Board of Commissioners that this Section would have been enacted without the word, phrase, clause, sentence, paragraph or section of this Section found to invalid by the Court. [*Ord. 393*]

(*Ord. 1-1953, 2/9/1953*; as added by *Ord. 387, 11/4/1998, §§1-7*; as amended by *Ord. 393, 9/20/1999, §§I-III*)

**Part 17****Supplemental Regulations  
Allegheny County Airport Overlay Zoning District****§27-1701. Purpose.**

The purpose of this Part is to fulfill the Township's obligation to create an Airport Overlay Zoning District around the Allegheny County Airport, to establish such zone and the boundaries thereof to enact associated regulations and height restrictions for constructed structures and objects of natural growth, to provide for variances as to the restrictions and boundaries of such zones, and to establish a permitting process for use within said zones.

(*Ord. 460, 6/25/2012, §II*)

**§27-1702. Purpose; Relation to Other Zone Districts.**

The Airport Overlay Zoning District established hereunder shall not modify the boundaries of any underlying zoning district. Where identified, the Airport Overlay Zoning District shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

(*Ord. 460, 6/25/2012, §II*)

**§27-1703. Establishment of Allegheny County Airport Overlay Zoning District.**

The regulations in this Section shall apply to uses and structures located within areas illustrated on the Allegheny County Airport (AGC) Airspace Plan (as reflected, in part, in Drawing 6 of 14, and, in part, in Drawing 7 of 14, of the AGC Airport Master Plan, as amended), which include the following zones as defined in Part 2 of this Chapter and as further described and depicted in Figures 27-1 and 27-2 of this Part.

- A. Approach Surface Zone.
- B. Conical Surface Zone.
- C. Horizontal Surface Zone.
- D. Primary Surface Zone.
- E. Transitional Surface Zone.

Said Drawing 6 of 14 and Drawing 7 of 14 of the AGC Airport Master Plan, as amended, as referenced in this Section and otherwise in this Part, are hereby incorporated herein by reference and made a part hereof Figure 27-1 and Figure 27-2, attached hereto, incorporated herein, and made a part hereof are derived from Drawings 6 of 14 and 7 of 14, and depict those portions of the AGC Airspace Plan that are situate within Baldwin Township and which shall comprise the Baldwin Township Allegheny County Airport Overlay Zoning District as created by this Part. Said Drawings 6 of 14 and 7 of 14, and Figure 27-1 and Figure 27-2, as may be modified or amended hereafter from time to time, shall comprise the Baldwin Township Allegheny County Airport Overlay Zoning District as created by this Part.

(*Ord. 460, 6/25/2012, §II*)

**§27-1704. Permit Applications.**

As regulated by Act 164 and defined by 14 CFR Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered to be in compliance with the intent of this Section. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined herein at §27-1705.

A. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

B. No notice or review under this Section is required for any of the following construction or alteration:

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

(2) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

(3) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by functional purpose.

(4) Any construction or alteration for which notice is required by any other FAA regulation.

(Ord. 460, 6/25/2012, §II)

**§27-1705. Variance.**

Any request for a variance shall include documentation in compliance with 14 CFR Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

A. *No Objection.* The subject construction is determined to not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.

B. *Conditional Determination.* The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described herein at §27-1708.

C. *Objectionable.* The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Part.

(*Ord. 460, 6/25/2012, §II*)

#### **§27-1706. Use Restrictions.**

Notwithstanding any other provisions of this Chapter, no use shall be made of land or water within those portions of the Township lying within the Baldwin Township Airport Overlay Zoning District established hereby, being those areas described in §27-1703 and as further illustrated on AGC Airspace Plan (see Drawing 7b of 14 of the AGC Airport Master Plan, as amended), in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Allegheny County Airport.

(*Ord. 460, 6/25/2012, §II*)

#### **§27-1707. Pre-Existing Nonconforming Uses.**

The regulations prescribed by this Part shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part, or otherwise interfere with the continuance of a nonconforming use. No nonconforming use shall be structurally altered or permitted to grow higher, so as to increase the nonconformity, and a nonconforming use, once substantially abated (subject to the underlying zoning ordinance), may only be reestablished consistent with the provisions herein.

(*Ord. 460, 6/25/2012, §II*)

#### **§27-1708. Obstruction Marking and Lighting.**

Any permit or variance granted pursuant to the provisions of this Part may be conditioned according to the conditional determination process described in §27-1705 to require the owner of the structure or object of natural growth in question to permit the Township, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

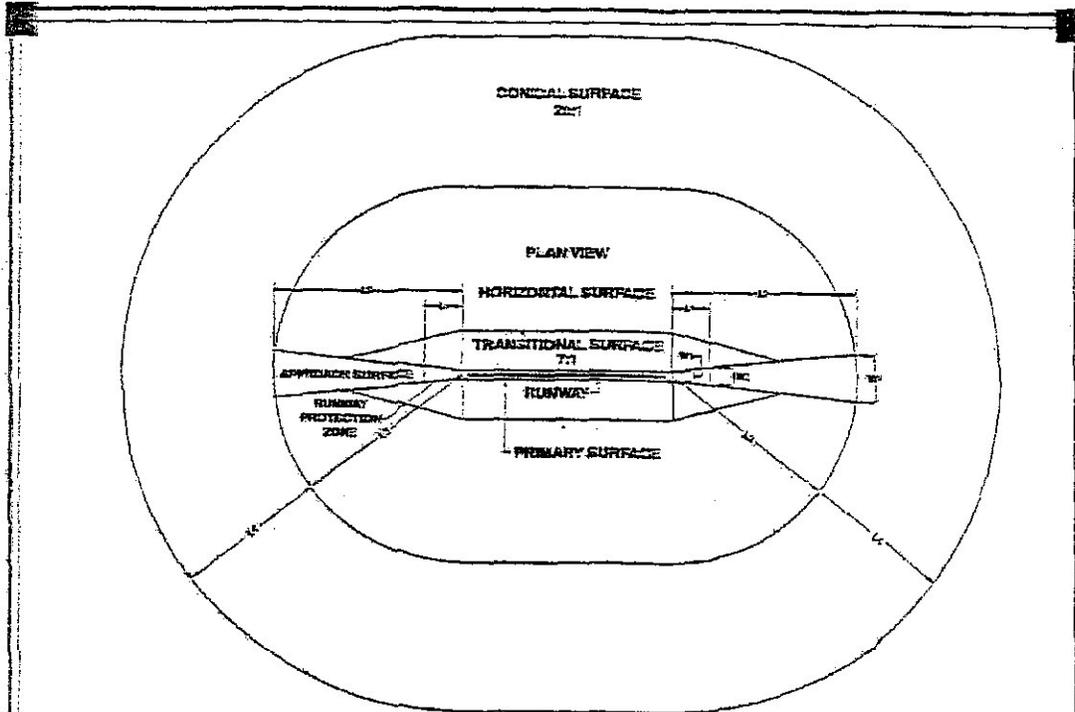
(*Ord. 460, 6/25/2012, §II*)

**§27-1709. Conflicting Regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this Part and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

*(Ord. 460, 6/25/2012, §II)*

Figure 27-1: Part 77 Surface Areas



**FAR PART 77 "IMAGINARY SURFACES" DIMENSION REQUIREMENTS**

Runway Type	Runway End		Conical Surface (L)	Horizontal Surface (L)	Approach Surface			Approach Slope	Primary Surface Width	Transitional Surface
	Approach	Other			Length (L)	Inner Width (W1)	Outer Width (W2)			
Small Airplanes	V	V	4,000	5,000	5,000	250	1,250	20:1	250	7:1
		NP	4,000	5,000	5,000	300	1,250	20:1	500	7:1
		NP/SA	4,000	5,000	5,000	1,000	1,250	20:1	1,000	7:1
	NP	V	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP	4,000	5,000	5,000	500	2,000	20:1	500	7:1
		NP/SA	4,000	5,000	5,000	1,000	2,000	20:1	1,000	7:1
Large Airplanes	V	V	4,000	5,000	5,000	500	1,500	20:1	500	7:1
		NP	4,000	10,000	5,000	500	1,500	20:1	500	7:1
		NP/SA	4,000	10,000	5,000	1,000	1,500	20:1	1,000	7:1
	NP	V	4,000	10,000	10,000	500	3,500	20:1	500	7:1
		NP	4,000	10,000	10,000	500	3,500	20:1	500	7:1
		NP/SA	4,000	10,000	10,000	1,000	3,500	20:1	1,000	7:1
Largest Small Airplanes	NP/SA	V	4,000	10,000	10,000	1,000	4,000	20:1	1,000	7:1
		NP	4,000	10,000	10,000	1,000	4,000	20:1	1,000	7:1
		NP/SA	4,000	10,000	10,000	1,000	4,000	20:1	1,000	7:1
	P	V	4,000	10,000	10,000/40,000	1,000	4,000/15,000	50:1/40:1	1,000	7:1
		NP	4,000	10,000	10,000/40,000	1,000	4,000/15,000	50:1/40:1	1,000	7:1
		NP/SA	4,000	10,000	10,000/40,000	1,000	4,000/15,000	50:1/40:1	1,000	7:1

1 - In Feet  
 2 - Less than 12,500 lbs maximum certified takeoff weight  
 3 - Greater than 12,500 lbs maximum certified takeoff weight  
 4 - Visual approach 20:1  
 5 - Nonprecision approach 20:1  
 6 - Precision approach 20:1  
 Note: L1 is the length of the RPZ and W2 is the outer width of the RPZ as defined by approach visibility minimums.

Source: Federal Aviation Administration

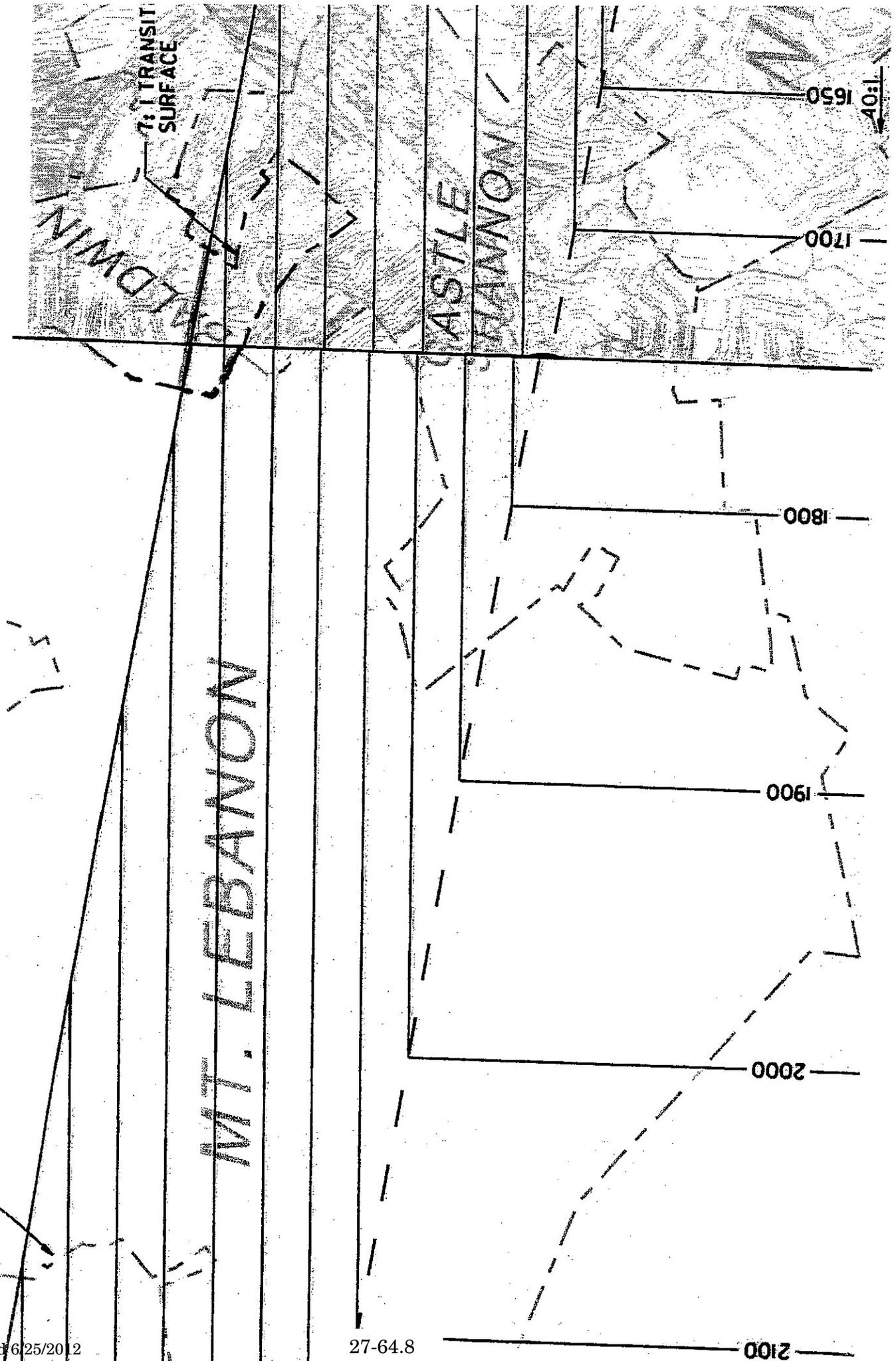
Pennsylvania Land Use  
 Compatibility  
 Guidelines

**FAR PART 77 SURFACES  
AND DIMENSION REQUIREMENTS**

Exhibit  
 3



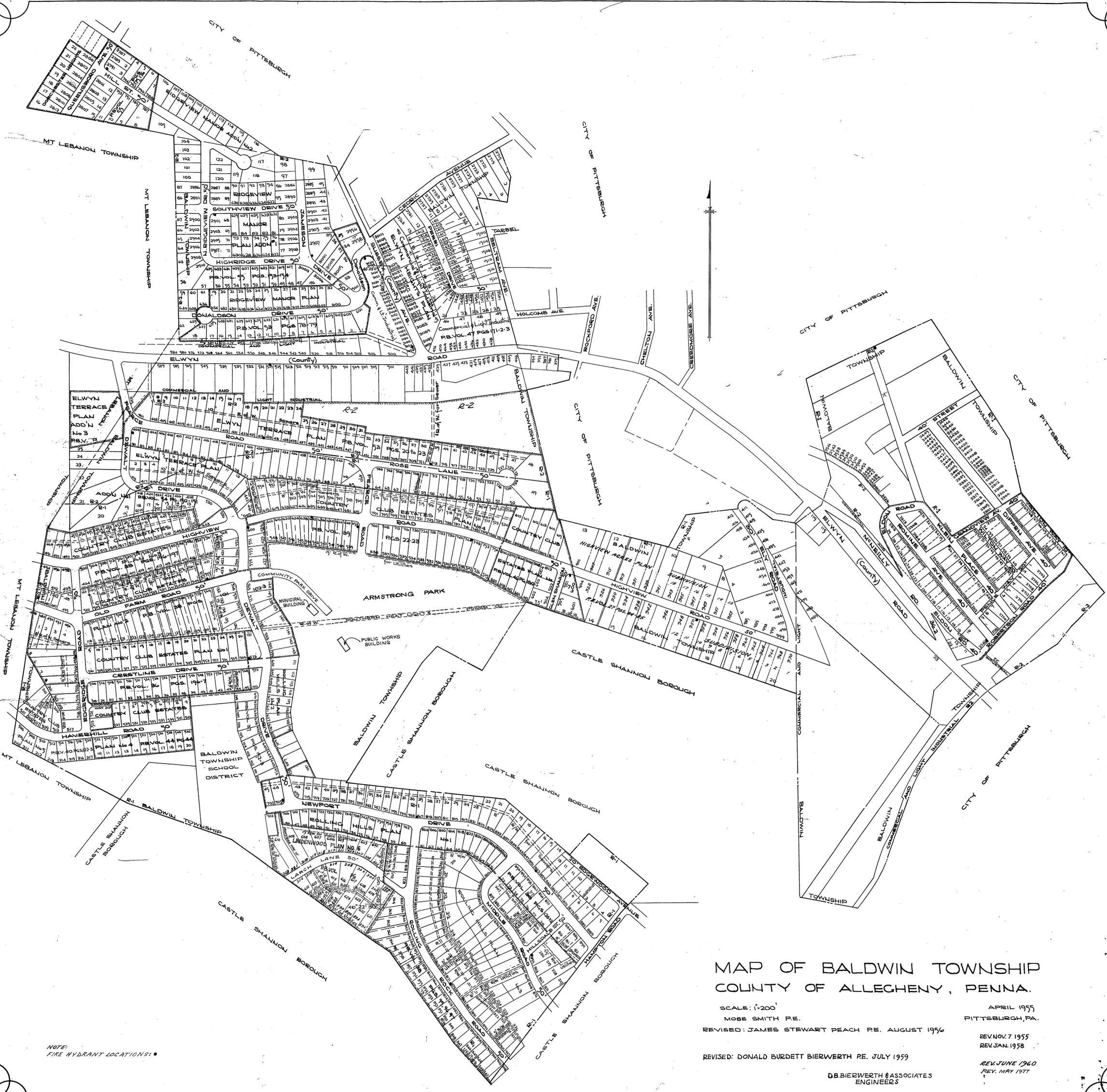




## Zoning Map Amendments

<b>Ord./Res.</b>	<b>Date</b>	<b>Subject</b>
4-1954	4/12/1954	Rezoning and reclassifying tract of ground belonging to C.G. Alberts from R-2 Residence District to C-Commercial District
5-1954	4/12/1954	Rezoning and reclassifying tract of ground belonging to Felice Perri and Sons, from R-2 Residence District to C-Commercial District
8-1955	11/28/1955	Rezoning and reclassifying tract of ground belonging Felice Perri and Sons from R-2 Residence District to C-Commercial District
3-1957	5/13/1957	Rezoning and reclassifying piece or parcel of ground belonging Felice Perri and Sons from C-Commercial District to R-2 Residence District
4-1958	9/8/1958	Rezoning and reclassifying tract of ground belonging to Elwood Homes, Inc. from R-2 Residence District to C-Commercial District
6-1959	9/14/1959	Rezoning and reclassifying northerly line of Grandview Avenue and the dividing line between the Township of Baldwin and 32 <sup>nd</sup> Ward, City of Pittsburgh from Residence District R-2 to Residence District R-1.
277	3/6/1979	Rezoning a common to the boundaries between the Townships of Baldwin and Mt. Lebanon and the Borough of Castle Shannon from Residential District R-1 to Residential District R-3, Townhouses.





MAP OF BALDWIN TOWNSHIP  
 COUNTY OF ALLEGHENY, PENNA.

SCALE: 1"=200'  
 MOSE SMITH P.E.  
 REVISED: JAMES STEWART PEACH P.E. AUGUST 1956  
 REVISED: DONALD BURDETT BIERWERTH P.E. JULY 1959  
 DB. BIERWERTH & ASSOCIATES  
 ENGINEERS

APRIL 1955  
 PITTSBURGH, PA.  
 REV. NOV. 7 1955  
 REV. JAN. 1958  
 REV. JUNE 1960  
 REV. MAY 1977

NOTE:  
 FIRE HYDRANT LOCATIONS: ●