

**ZONING ORDINANCE  
CUMBERLAND TOWNSHIP, PENNSYLVANIA**

**Enacted  
April 2018**

**CUMBERLAND TOWNSHIP  
COUNTY OF GREENE  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 1-2018**

**CONCERNING APPROVAL, ADOPTION AND ENACTMENT OF THE CUMBERLAND  
TOWNSHIP ZONING ORDINANCE OF 2018 AND ZONING MAP.**

**WHEREAS**, Cumberland Township is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania and,

**WHEREAS**, in accordance with the Pennsylvania Municipalities Planning Code, the Cumberland Township staff prepared an update to the zoning ordinance and map in 2018; and,

**WHEREAS**, the Cumberland Township Planning Commission held a public meeting on the zoning update on March 5, 2018 and presented the updated zoning ordinance and map to Township Supervisors on March 6, 2018; and,

**WHEREAS**, Cumberland Township sent the proposed zoning ordinance update to the Greene County Planning Commission for review and comment on February 12, 2018; and,

**WHEREAS**, on April 2, 2018, the Township Supervisors held a public hearing, pursuant to public notice, concerning the proposed zoning ordinance update and no comments were received; and,

**WHEREAS**, having made no amendments to the zoning ordinance and map proposed by the Planning Commission and Staff, the Township desires to enact said proposed zoning ordinance and map.

**NOW, THEREFORE, BE IT ORDAINED**, by the Supervisors of Cumberland Township that:

**SECTION I:** The Cumberland Township Zoning Ordinance of 2018 and accompanying map are enacted and adopted under the authority of the laws of the Commonwealth of Pennsylvania and shall take effect immediately upon final enactment and remain in effect hereafter until revised, amended or revoked by action of the Supervisors of Cumberland Township.

**SECTION II:** Township officials, appointees and employees are authorized to take all action necessary to ensure implementation of and effect the purpose hereof.

**SECTION III:** Any and all other zoning ordinances, amendments and/or resolutions, or parts thereof, and zoning maps conflicting herewith are repealed insofar as the matters herein are affected.

**SECTION IV:** The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or

unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Township Supervisors that this ordinance would have been enacted if such illegal, invalid or unconstitutional clause, sentence subsection or section had not been included therein.

**SECTION V:** This ordinance shall be effective immediately upon final enactment.

**ENACTED** this 2<sup>nd</sup> day of April, 2018, after a motion to approve passed by the Supervisor of Cumberland Township at a duly called and advertised public Supervisors meeting.



William C. Groves, Chairman

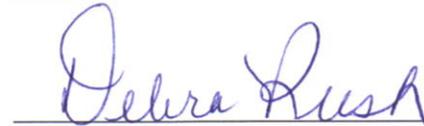


William H. Nicholson, Supervisor



James M. Sokol, Supervisor

ATTEST

  
Debra Rush, Secretary

## TABLE OF CONTENTS

|   |            |
|---|------------|
| <b>PART 1: General Provisions .....</b>       | <b>1-1</b> |
| Title   |            |
| Interpretation                                |            |
| Community Development Objectives              |            |
| Severability                                  |            |
| Compliance                                    |            |
| Repealer                                      |            |
| Effective Date                                |            |
| <b>Part 2: Definitions .....</b>              | <b>2-1</b> |
| Construction                                  |            |
| Terminology                                   |            |
| <b>Part 3: Districts .....</b>                | <b>3-1</b> |
| Establishments of Districts                   |            |
| Zoning Map                                    |            |
| Interpretation of Boundaries                  |            |
| Application of Regulations                    |            |
| A-1: Agricultural District                    |            |
| R-1: Low Density Residential District         |            |
| R-2: Medium Density Residential District      |            |
| R-3: High Density Residential District        |            |
| C-1: Commercial District                      |            |
| I-1: Industrial District                      |            |
| V-1: Village District                         |            |
| <b>Part 4: General Regulations .....</b>      | <b>4-1</b> |
| Purpose                                       |            |
| Off-Street Parking and Loading                |            |
| Signs   |            |
| Fences  |            |
| <b>Part 5: Supplemental Regulations .....</b> | <b>5-1</b> |
| Special Exceptions                            |            |
| Industrial Performance Standards              |            |
| Specific Uses                                 |            |
| <b>Part 6: Nonconformities .....</b>          | <b>6-1</b> |
| Purpose                                       |            |
| Nonconforming Lots of Record                  |            |

Nonconforming Uses  
Nonconforming Structures  
Repairs and Maintenance

**Part 7: Administration and Enforcement .....7-1**

Zoning Officer: Appointment and Powers  
Zoning Officer: Duties  
Township Supervisors: Jurisdiction  
Zoning Permits Required  
Zoning Permits: Application Requirements  
Fee and Escrow Deposits  
Life of a Permit  
Certificate of Occupancy  
Zoning Ordinance Amendments  
Landowner Curative Amendments: Procedure  
Township Curative Amendments: Procedure  
Enforcement Notice  
Causes of Action  
Enforcement Remedies

**Part 8: Zoning Hearing Board .....8-1**

Purpose  
Membership  
Jurisdiction  
Variances  
Special Exceptions  
Notice and Conduct of Hearings  
Mediation Option  
Time Limitations  
Stay of Procedures

**Appendix**

Use Table  
Township Zoning Map

## ORDINANCE

AN ORDINANCE OF CUMBERLAND TOWNSHIP DEFINING AND REGULATING THE LOCATION, HEIGHT, BULK, ERECTION, CONSTRUCTION, ALTERATION, RAZING, REMOVAL AND SIZE OF STRUCTURES; THE PERCENTAGE OF LOT WHICH MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES; THE DENSITY AND DISTRIBUTION OF THE POPULATION; THE INTENSITY OF THE USE OR PROPOSED USE OF LAND OR BODIES OF WATER FOR AGRICULTURE, BUSINESS, ENVIRONMENT, INDUSTRY, RESIDENCE, PUBLIC SERVICES OR OTHER PURPOSES; ESTABLISHING LEGISLATIVE, ADMINISTRATIVE ENFORCEMENT AND APPEAL PROCEDURES; AND PRESCRIBING REMEDIES FOR VIOLATIONS.

### PART 1 – GENERAL PROVISIONS

#### **Section 100 TITLE.**

100.1 This Ordinance shall be known as and may be cited as the Cumberland Township Zoning Ordinance.

#### **Section 101 INTERPRETATION.**

101.1 In interpreting and applying the provisions of this Zoning Ordinance, the provision shall be held to the minimum requirements adopted for the promotion of the public health, safety, and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform to all regulations for the zoning district in which it is located and with all other pertinent regulations of this Ordinance. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

#### **Section 102 COMMUNITY DEVELOPMENT OBJECTIVES.**

102.1 The purpose of this Ordinance is the implementation of the Township Comprehensive Plan and the promotion of the health, safety, morals, convenience, order and welfare of present and future inhabitants of Cumberland Township by:

- A. Providing standards to control the amount of open space and impervious surfaces within a development and to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.

- B. Providing methods to implement Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania, which decrees that the people have a right to clean air, to pure water, to the preservation of the natural, scenic, historic and aesthetic values of the environment, and to protect the natural resources which are a part of the ecological system to which we are all bound and, which is, therefore, the common property of all the people, including generations yet to come, and must be protected to insure the health, safety and welfare of all the people.
- C. Providing standards for all types of dwelling units so that all the people may have access to decent, sound and sanitary housing, and to meet the goals of the Federal Housing Act of 1968, as amended, providing adequate zoning to meet a fair share of the region's housing need
- D. Controlling and regulating the growth of Cumberland Township in terms of the community's facilities and utilities.
- E. Lessening the danger and congestion of traffic on the roads and highways and reducing the excessive numbers of roads.
- F. Securing safety from fire, panic, flood, and other dangers.
- G. Providing adequate air and light.
- H. Protecting the tax base.
- I. Securing economy in local government expenditures.

**Section 103 SEVERABILITY.**

103.1 It is hereby declared to be in the intent of the Cumberland Township Supervisors that:

- A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision

or provisions of this Ordinance to any lot, building or any other structure or tract of land to be invalid or ineffective, in whole or in part, the effect of such a decision shall be limited to the person, property or situation immediately involved in the controversy; the application of any such provision to other persons, property or situations shall not be affected.

**Section 104 COMPLIANCE.**

104.1 No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure or land be used or designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

**Section 105 REPEALER.**

105.1 All ordinances inconsistent herewith are hereby repealed.

**Section 106 EFFECTIVE DATE.**

106.1 This Ordinance shall become effective, as amended on April 2, 2018.

## PART 2 - DEFINITIONS

### Section 200. CONSTRUCTION.

200.1 All words used in this Ordinance shall carry their customary dictionary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. Words used in the present tense include the future; the singular includes the plural and the plural the singular; the word "shall" is always mandatory; the terms "occupied" or "used" as applied to any buildings shall be construed to be followed by the words "or intended, arranged, or designed to be occupied or used". The masculine shall include the feminine and the neuter. The word "person" shall include the individual, corporation, partnership, incorporated association or any other entity. The word "lot" includes the word "plot" or "parcel." The words "includes" and "including" shall not limit the defined term to the specific examples, but are intended to extend the terms meaning to other instances of like kind and character.

### Section 201. TERMINOLOGY.

ABANDONMENT – To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.

ACCESS DRIVE - a paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

ACCESS LANE - the driveway within a parking lot designed to provide vehicular connection between parking spaces and a public street.

ACCESSORY USE OR STRUCTURE - A subordinate use which is clearly incidental and related to that of a main structure or main use of land.

ACTIVE SOLAR ENERGY SYSTEM - a solar energy system that requires external mechanical power to move collected heat.

ADULT-ORIENTED USE- the definition for this term and for all uses related to this term shall apply as are provided in Title 68, Part II, Subpart E, Chapter 55, Section 5502 of the Pennsylvania Consolidated Statutes, as amended. Such definitions in Pennsylvania Statues are hereby included by reference, including but not limited to, the definitions for "Adult Bookstore," "Adult Entertainment," "Adult Mini-Motion Picture Theater," "Adult Motion

Picture Theater,” “Sexual Activities,” “Specified Anatomical Areas,” and “Specified Sexual Activities.”

AGENT-any person, other than the developer, who, acting for the developer, submits plans to the Building or Zoning Official, the Planning Commission or the Township Supervisors for the purpose of obtaining approval of a permit of any kind.

AGRICULTURE USE-any use of land, buildings or structures for farming, dairying, pasturage, forestry, or animal husbandry including the sale of agricultural products and services.

- A. AGRICULTURE, FARMING - the production of agricultural, horticultural, arboricultural, viticultural, and dairy products; and animal husbandry including the keeping of livestock, poultry, and bee-raising.
- B. AGRICULTURE, COMMERCIAL - the retail sale of agricultural services or products on the premises including animal hospitals, kennels and roadside stands.
- C. AGRICULTURE, INTENSIVE - the use of land and structures for green houses, mushroom houses, feedlots, confinement livestock or poultry operations taking place in structures or closed pens.

AIRPORT-an improved airstrip/landing strip where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair, accommodations for passengers, freight, etc.

AISLE-a corridor used for access within a parking lot by motor vehicles to the parking spaces.

ALLEY-a public or private right-of-way having a right-of-way width of twenty feet (20') or less, which affords a secondary means of access to the rear or side of abutting property and is not intended for general traffic circulation. An alley may also be known as a court, place, or lane.

ALTERATIONS, MINOR-all incidental changes or replacement in the non-structural parts of a building or other structure; changes or replacement in the structural parts of a building or other structure.

ALTERATIONS, STRUCTURAL - as applied to a building or structure, a major change or rearrangement in the structural parts of a structure including the walls, columns, beams, girders, floors, roof or ceiling; or an enlargement whether by extending on a side or by increasing in height; or the moving from one location or position to another; but not including normal maintenance or minor repairs or improvements.

AMENDMENT-any change or revision of the text of the Zoning ordinance or the Zoning Map pursuant to the procedures specified in this ordinance.

AMUSEMENT - a theater, stadium, arena, bowling alley, or related facility for the presentation of musical, theatrical or sporting events where the number of spectators normally is greater than the number of players and where such use is not accessory to a school or church.

ANIMAL, DOMESTIC-an animal which is commonly kept within the household as a pet, including a dog, cat, parakeet, and hamster. "Domestic animal" does not include animals which can be or have been domesticated, but which are not commonly regarded as pets.

ANIMAL HOSPITAL-a building used by a veterinarian for the treatment, housing, and boarding of small domestic animals such as dogs, cats, rabbits, birds, and fowl.

APARTMENT - a room or suite of rooms, intended, designed or used as a residence in a building with its own cooking, food storage, bathing and toilet facilities and with access directly or via a common hall to the outside.

APARTMENT COMPLEX - a group of two or more buildings occupying a lot in single ownership, with each building used by three or more families.

APARTMENT, CONVERSION – a dwelling unit within a multiple dwelling formed by the conversion of an existing single-family detached or semi-detached dwelling.

APPLICANT - a land owner, or developer, as hereinafter defined, who has filed, and application for development including his heirs, successors, and assigns.

ATHLETIC/HEALTH SPA-an indoor facility for court games such as racquetball, handball, squash, tennis, basketball, and volleyball, as well as facilities and equipment for exercise including swimming.

ATTIC-the space between the ceiling beams of the top habitable story and the roof rafters.

AUDITORIUM - any place of assembly for the purpose of spectator presentations such as concerts, theatrical performances, lectures, or similar cultural events.

AUTOMOBILE SALVAGING - the dismantling or disassembling of used motor vehicles or

trailer, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTOMOBILE BODY SHOP - building that is used for the repair and/or painting of bodies, chassis, wheels, fender, bumpers, and/or accessories of automobiles or other vehicles for conveyance.

AUTOMOBILE OR MOBILE HOME SALES LOT - an open lot used primarily for the outdoor display or sale of new or used motor vehicles or mobile homes.

AUTOMOBILE WASHING (CAR WASH)- a building designed or used primarily for the washing and polishing of automobiles.

AUTOMOTIVE REPAIR - engine maintenance, repair or reconditioning, collision repair, including straightening and repainting, replacement of parts and incidental services.

AWNING-a cover of canvas, etc., to shelter from the sun or wind.

BASEMENT - a story partly underground but having at least one-half (1/2) of its height above the average level of the adjoining ground.

BOARD - anybody granted jurisdiction under a land use ordinance or under this ordinance to render final adjudications.

BOARDING HOUSE-a dwelling in which at least two (2) rooms are offered for rent, payable in money or other consideration, where meals are generally furnished to lodgers, and in which individuals are accommodated by a common access way.

BOUNDARY - a line marking the limit, or border, of a lot or district.

BUFFER AREA - a strip of land which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no structure or building is permitted except a wall or fence. A buffer area may be a right of way.

BUILDING - any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels, and including covered porches or bay windows and chimneys.

BUILDING, ATTACHED - a building which has two (2) party walls in common.

BUILDING COVERAGE - that percentage of the plot or lot area covered by the building area including principal and accessory structures.

BUILDING COVERAGE, MAXIMUM - the maximum ratio obtained by dividing the ground

floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located.

BUILDING, DETACHED - a building which has no party wall.

BUILDING, ENCLOSED - a building in which all exterior walls are solid except for windows and doors.

BUILDING, OFFICE - a building designed or primarily used for office purposes, no part of which is used for manufacturing or a dwelling, other than living quarters for a watchmen or custodian.

BUILDING, PRINCIPAL - a non-accessory structure in which a principal use of the lot on which it is located is conducted.

BUILDING, PUBLIC - a structure owned or leased and operated by a governmental agency.

BUILDING, SEMI-DETACHED - a building which has only one (1) party wall in common.

BULK - the size and shape of building uses and the exterior relationship of their exterior walls, or their location, to lot lines and other buildings or other walls of the same building; and all open spaces required in connection with a building. Bulk regulations include, but are not limited to, regulations dealing with lot size, lot area per dwelling unit, lot width and depth, building height, required yards, building coverage, courts, usable open space, floor area ratio, spacing between buildings on a single lot and the length of the buildings in a row.

BUSINESS DEVELOPMENT, LARGE SCALE - a tract of land not less than five (5) acres of nonresidential development, and which is planned for development in units under single ownership and/or control.

BUSINESS, LOCAL RETAIL - any retail establishment which caters to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise or other objectionable influences.

BUSINESS OFFICE - a room area or series of areas, occupied by person or persons separate from surrounding areas, normally used in the operation of or in conjunction with a business or profession. Retail and wholesale sales and inventories are not included under this classification.

BUSINESS/OFFICE PARK - a planned development of office and related uses in a park-like setting and utilizing an internal street system, and which includes improvements for landscaping, buffering, and coordinated utilities.

**BUSINESS SERVICES** - any use of land, buildings and structures providing wholesale services to business, commercial or public enterprises including advertising, credit reporting, data processing, mailing, news, personnel, reproduction, stenographic and miscellaneous services such as equipment leasing, management, protective, photo-finishing, public relations and research and development.

**BUSINESS USE** - any use of land, buildings and structures by service oriented businesses including financial, professional and retail service enterprises as well as office buildings and office or business parks and developments.

**CAMPS AND CAMPING GROUNDS** - the use of land and structures by campers for seasonal, recreational, and temporary living purposes in cabins, tents, or outdoor recreational vehicles but not including a mobile home park.

**CAMP, TRAILER**-a parcel of land under single ownership which has been planned and improved for the placement of two (2) or more travel trailers for temporary dwelling for travel, recreation and vacation use, on travel trailer lots rented for such use.

**CARE FACILITY, DEPENDENT**-a facility in which room and/or board are provided to any person having limited or diminished ability to care for themselves due to conditions of age. A dependent care facility shall include rest home, nursing home and convalescent home.

**CARE FACILITY, FAMILY** - a facility which provides resident service in a private residence to five (5) or fewer individuals who are not related to the resident household. These individuals are handicapped, developmentally disabled, mentally ill, or otherwise in need of adult supervision and provided service in accordance with their individual needs. This category includes foster or boarding houses for children, group homes and halfway houses.

**CARE FACILITY, GROUP** - a facility which is licensed and inspected by an agency of the state which provides residential services to at least six (6) residents who are handicapped, developmentally disabled, mentally ill; including, residents who are serving the sentence of a court of law, but not requiring or receiving skilled or intermediate nursing care or psychiatric or correctional treatment normally provided in an institutional setting, including rehabilitation homes.

**CARPORT** - a completely or partially open space for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is an accessory building or extension.

**CARTWAY** - the portion of a street right-of-way designed or intended for vehicular use.

**CELLAR** - a story partly underground but having less than one-half (1/2) of its height above

the average level of the adjoining ground. A cellar is not counted as a story for the purposes of height measurement or for the determination of square footage or floor area, unless the cellar is used for dwelling, office or business purposes.

CEMETERY - a burial place or ground; a graveyard, including mausoleums, crematories and columbarium's.

CENTERLINE OF STREET (ROAD) - a line which is at an equal distance from both edges of the improved portion of the street or established right of way.

CHILD CARE CENTER – any place, home or institution which cares for six (6) or more children under the age of sixteen (16) years provided, however, that the term "child care center" shall not include or apply to bona fide schools, custody fixed by a court, children related by blood or marriage within the third degree of the custodial person, or churches and other religious or public institutions caring for children within an institutional building.

CHURCHES AND OTHER PLACES OF WORSHIP - the use of land and structures for religious worship, education, and related activities; includes chapels, cathedrals, temples, synagogues, and the like.

CLEAR SIGHT TRIANGLE - a triangular area of unobstructed vision at the intersection of two street or of a driveway and a street defined by the line of sight a given distance from the intersection of the center lines of two streets or the center lines of the driveway and street.

CLINIC - an individual building or cluster of buildings (on a lot in single or common ownership) operated by one (1) or more licensed medical or dental practitioners for the purpose of providing medical or dental treatment to the public on an outpatient basis.

CLUB, PRIVATE - a non-commercial facility operated by and for its members and providing recreational facilities for the use of members and their guests.

CLUSTER DEVELOPMENT (*RESIDENTIAL*) - the development of an area of land as a single entity, for a variety of housing types and related uses, under specified performance and dimensional requirements, which permit specified variations to standard zoning regulations which apply to the zoning district in which the cluster development is permitted.

COMMERCIAL PARKING - the business of renting or leasing space for the parking of vehicles owned by persons other than the owner of the lot in question.

COMMERCIAL USE - any use of land, buildings or structures in an enterprise, activity or other undertaking related to or connected with wholesale or retail trade and traffic or commerce in goods.

- A. COMMERCIAL, RETAIL - any business whose primary activities involve the display and sale of goods and products to the general public. This term shall not include adult related uses as defined herein.
- B. COMMERCIAL, WHOLESALE - an establishment engaged in selling merchandise to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public, or acting as a broker for such merchandise sales.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of occupants or residents of a development, not including streets, off-street parking areas, or areas set aside for public facilities.

COMMUNITY CENTER - any building or buildings and the lot upon which they are located which is publicly owned or operated to serve the community in which it is located. Such use may include indoor and outdoor recreational facilities, public meeting rooms, libraries, and rooms for the dispensing of counseling, guidance, or clinical services, but may not include residential uses.

COMPREHENSIVE PLAN - the adopted Southeastern Greene County Cooperative Communities Comprehensive Plan.

CONDOMINIUM AND COOPERATIVE - a method of ownership which, when applied to a multi-family dwelling, provides for separate ownership for each unit, title of which shall consist of ownership of the unit together with an undivided interest in the common element.

CONTRACTOR'S YARD - a commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods, but not including the wrecking, salvaging, dismantling or storage of junked automobiles and similar vehicles.

CONVALESCENT HOME - a building in which accommodations are provided for the full-time care of aged, disabled, infirm or invalid persons. The term "nursing home" may be used interchangeably with the term "convalescent home", and shall have the meaning set forth in this section.

CONVENIENCE STORE - small stores offering a limited selection of grocery, household and personal items for quick purchase.

COURT - an unoccupied open space, other than a yard, bounded on two (2) or more sides with a building, and beginning at the main floor or grade level unless otherwise permitted.

CROSSWALK - a right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

CURB LEVEL - for an interior lot, the mean level of the curb in front of the building or portion thereof. For a corner lot, the mean level of curb on the street of the greatest cartway width, where it abuts the lot. Where no curb line has been established, or where the building does not abut the street or is built upon a terrace, the average elevation of the street where it abuts the lot, or of the ground along the perimeter of the building, as applicable.

DECISION - final adjudication of any board or other body granted jurisdiction under any land use ordinance or this ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Township lies.

DENSITY - a measure of the number of dwelling units per unit of area.

DEVELOPER - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT - any man-made change to improved or unimproved real estate, including but not limited to the construction or placement of buildings or other structures, mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land. When used with the words Business, Commercial, Industrial, Public Service and Residential, this definition shall include more than one (1) building on the same lot in common ownership.

DEVELOPMENT PLAN - the provisions for a development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open-space and public facilities. The phrase "provisions of the development plan" when used in this ordinance shall mean written and graphic materials referred to in this definition.

DIMENSIONAL STANDARDS - any regulations of land, buildings and structures requiring measurements of coverage, density, floor area, height, impervious coverage, lot area, open space and yard setbacks as well as required off-street parking and loading space.

DIRECT RAYS - when used in regard to illumination, that form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.

DORMITORY - a building occupied by and maintained exclusively for faculty, students, employees, staff members and other persons affiliated with a school, church, recreational or educational facility or other recognized institution.

DRAINAGE-WAY - an area of land, in its natural state or disturbed, within which storm water runoff flows. Usually long, channel-like topography, but can be a low lying flat area which collects storm water. May or may not be well defined.

DRIVE-IN ESTABLISHMENT - the use of land and structures in which goods or services are dispensed directly to the patron in a motor vehicle by any means which eliminates the necessity for the patron to exit the motor vehicle.

DRIVEWAY - a private passageway for vehicle ingress and egress between a street and a parking area or a garage on a lot.

DWELLING - a structure or portion thereof which is used exclusively for human habitation. Dwelling types are as follows:

- A. SINGLE-FAMILY ATTACHED DWELLING (OR TOWNHOUSE) - a dwelling designed for and occupied exclusively by one family, and having no more than two party walls in common with any other dwelling.
- B. SINGLE-FAMILY DETACHED DWELLING - a dwelling designed for and occupied exclusively by one family and having no party wall in common with an adjoining building
- C. MULTI-FAMILY DWELLING (*APARTMENT BUILDING*)-a dwelling designed for and occupied exclusively by more than two (2) families.
  1. GARDEN APARTMENT-a multi-family dwelling of three stories or less in height.
  2. MID-RISE APARTMENT-a multi-family dwelling of four full stories, but no more than six stories ~~or more~~ in height.
  3. HIGH-RISE APARTMENT-a multi-family dwelling of seven full stories or more in height excluding residential conversions.
  4. TWO-FAMILY DETACHED DWELLING-a dwelling designed for and occupied exclusively as a dwelling by two families living independently of each other. Each dwelling has a separate entrance directly to the outside. This definition includes double houses and duplexes.

DWELLING, SEASONAL - a single family detached dwelling used for seasonal and temporary living purposes during any season by persons engaged in recreational pursuits.

DWELLING, TEMPORARY - dwellings which are occupied as the temporary abiding place of individuals who are lodged, generally, with meals and in which the rooms are generally occupied by more than one individual. This classification includes rooming houses, lodging houses, furnished guest houses, and residential hotels.

DWELLING UNIT (*DU*) - two or more rooms used exclusively for occupancy by one family, containing living, sleeping, cooking, and bath facilities for the exclusive use of the occupants.

EASEMENT- a right-of-way or other right to use property granted by the property owner to another, such as for access, drainage, utility lines, slope or other purpose.

ELECTRONIC NOTICE - a notice given by a municipality, through the internet, of the time and place of a public hearing and the particular nature of the matter to be considered at the public hearing.

ELECTRIC SUBSTATION - an assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of any land use.

ENERGY STORAGE FACILITY - equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (*including fluids, gases or solids*), controls, and related structural support for transporting and storing collected energy (*from solar energy systems*), including structural elements designed for use in passive solar energy systems.

ENGINEER, MUNICIPAL - the duly appointed and licensed engineer of the Township.

ENGINEERING SPECIFICATIONS - the engineering criteria of the Township regulating the installation of any improvement or facility.

ENLARGEMENT - an addition to the floor area of an existing building, an increase in the size of another structure or an increase in that portion of a tract of land occupied by an existing use.

ERECTION - construction or assembly.

EROSION - the process by which the land surface and/or sub-surface is worn away by the action of natural elements.

ESSENTIAL SERVICES - Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area where they are located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals.

EXTRACTIVE INDUSTRIES - Any mining, quarrying, or processing of coal, limestone, clay, sand, gravel, or other mineral resources for sale or otherwise used for commercial purpose; including drilling and other activity related to the extractive process.

FAMILY - One or more individuals who are "related" to each other by blood, marriage, or adoption (including persons receiving formal foster care) or up to five unrelated individuals who maintain a common household with common cooking facilities and certain rooms in common, and who live within one dwelling unit.

FARM - a tract or parcel of land containing at least 25 acres, devoted primarily to agricultural uses, together with a farm dwelling and/or accessory uses.

FENCE - any outdoor barrier of either natural living vegetation or composed of fabricated materials, which is placed or arranged as a line of demarcation between lots, or to enclose a lot or a part of a lot. A fence is a boundary line fence when the average center line of the fence is established on the lot within two feet (2') of a property and/or lot line. The height of any fence shall be the distance measured from the existing grade of the natural surface to the top of the fence.

FINANCIAL SERVICES USE - the use of land, buildings or structures as a bank, savings and loan association and credit union; mortgage banks and brokers; securities/commodity brokers and services; insurance carriers, agents and brokers; real estate agency and brokers and other financial institutions including holding and investment offices.

FLOOD-a temporary inundation of normally dry land areas.

FLOOD PLAIN - *see Cumberland Township Subdivision and Land Development Ordinance.*

FLOOR AREA - sum of the gross livable area of all floors of a building or buildings measured from the face of exterior walls, or from center-lines of walls separating two buildings.

FLOOR AREA, HABITABLE - the sum of the floor area of all heated, finished rooms, within a dwelling unit, used on a daily basis for habitation.

FLOOR AREA, GROSS - the sum of the horizontal area of all the floors of a structure and its accessory buildings as measured between the exterior faces of walls.

FLOOR AREA RATIO - determined by dividing the total floor area of a building(s) by the area of the lot on which it is located.

FOUNDATION, PERMANENT- A full perimeter substructure designed to support a building, constructed with a footer, block walls of mortar points, concrete or other masonry materials.

FRONTAGE - a width of a lot along the street that provides the principal access to the lot.

FRONTAGE, BLOCK - the number of lineal feet of land abutting upon a street, measured between two parallel intersecting streets.

FUEL FACILITY - an establishment for the storage and distribution of fuel oil, coal and bottled gas.

FUNERAL HOME OR MORTUARY - an establishment for the preparation of the deceased for burial, the display of the decedent and any ceremonies connected therewith before such burial or cremation.

GARAGE - a building or part thereof used for the storage of one (1) or more vehicles.

GARAGE, AUTOMOBILE OR MOBILE HOME SALES - a building designed and used primarily for the display or sale of new and used motor vehicles and mobile homes where mechanical repairs and body work may be conducted as an accessory use incidental to primary use.

GARAGE, MUNICIPAL - a structure of two or more stories for the short term storage of motor vehicles, owned or operated by the Township or its agents.

GARAGE, PRIVATE - a building or structure which is accessory to the principal dwelling, which provides for the storage of motor vehicles of the families residing on the premises and in which no occupation, business or service for profit is conducted.

GARAGE, REPAIR - a structure, building or area of land or any portion thereof used primarily for the servicing and repair of automotive vehicles. A repair garage may provide one (1) or more of the following services: general mechanical repair of motor vehicles including state inspection, lubrication, washing, or sale of accessories. Uses permissible as a repair garage do not include body work, straightening of body parts, painting, welding, and storage of certain vehicles with expired registration or inspection. A repair garage is not an automobile body shop or a retail automotive parts store and does not dispense fuel.

GARAGE, STORAGE - a building, not a private or repair garage, one (1) story in height, used solely for the storage of motor vehicles (*other than trucks*), but not for the service or repair thereof nor for the sale of fuel, accessories, or supplies.

GARDEN STRUCTURE - any accessory structure ordinarily erected, maintained or used for ornament or for the private recreation and enjoyment of persons residing in the building to which the same relates. Unscreened, unroofed, unwallled or unfenced patios, bird baths, ornamental pools, swimming pools, garages, carports and porches are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

GASOLINE STATION - a structure, building or area of land or any portion thereof having pumps and storage tanks where fuel, gasoline, oil or other similar products are dispensed, sold or offered for sale at retail only; vehicle service is minor and incidental; and accessory uses may include a convenience store. Said use shall not include the sale of automotive parts, tires, polishing or washing.

GOVERNING BODY - the Township Supervisors of the Township of Cumberland.

GRADE - the average elevation of the proposed finished grade line of the ground at the front or street side of the proposed building.

GRADE, BASE - the average elevation of the proposed grade line of the ground at the front of the structure as shown on the construction plans; in the case of a structure abutting the front property line, the elevation of the curb in front of the center of the structure, or if there be no curb, the elevation of the proposed grade line at the center of the front lot line; in case no grade line is established, the actual existing grade of the travelled roadway shall apply.

GRADE, FINISHED - the completed surfaces of lawns, walks, or streets brought to the grades shown on official plans, drawings or designs relating thereto.

GRADING - is the stripping or excavation of any material; the filling of any existing ground with natural or man-made material; and/or the relocation on any lot, tract or parcel of earth or other material. Except for the surface stripping of coal, topsoil, rock, and other commonly mined substances, such grading constitutes a change in use of the land.

GROUND FLOOR - the floor of a building closest to the average elevation of the finished grade along the entire front of the building.

GUEST - a person occupying a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes,

and paying compensation for such occupancy either without prearrangement or for less than a week at a time.

**HABITABLE AREA:**

1. **HABITABLE FLOOR** - any floor usable for living purposes which includes sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage purposes is not a "habitable floor".
2. **HABITABLE ROOM OR SPACE** - space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, foyers, halls, storage or utility space, and similar areas are not considered habitable space.

**HALF-WAY HOUSE** - a residential facility that provides a supervised environment to ease the transition of its residents between institution living and independent living, and is conducted under regulations of the State and the auspices of a social service agency.

**HEARING** - an administrative proceeding conducted by a board pursuant to section 909.1 of the Pennsylvania Municipalities Planning Code.

**HEIGHT** - the vertical distance of a structure measured from the average elevation of the ground surrounding the structure to its highest point.

**HEIGHT OF BUILDING** - the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point on the roof for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip, and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy, shall not be included in calculating the height. If there are two (2) or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

**HISTORIC BUILDING OR SITE** - any building or site which is included in the National Register of Historic Places or catalogued by the State, County, or Township as an historic building or site.

**HOME GARDENING** - the cultivation of herbs, fruits, flowers or vegetables on a piece of ground adjoining the dwelling.

**HOME OCCUPATION, ACCESSORY** - an accessory use of a service character, conducted entirely within a dwelling by the residents thereof, which shall be clearly subordinate to the existing residential use of the property and does not, in any way, change the character of the dwelling.

1. **FAMILY DAY CARE** - a facility licensed or approved by the Commonwealth in which care is provided for no more than five (5) children at any one time, who are not relatives of the

caregiver, and where such use shall be secondary to the use of the dwelling for living purposes.

2. HOME CRAFTS - business activities whereby the commodity for sale is completely manufactured and may be sold on the site by the resident craftsman.
3. INSTRUCTIONAL SERVICES-a home occupation in which the practitioner provides the client with special instruction in a specific area of study.
4. PERSONAL SERVICES-a service-oriented business, including, but not limited to, barbers, beauticians or photographers.
5. PROFESSIONAL SERVICES-a service-oriented business use conducted within an enclosed area specifically designed for functional needs for the use, and wherein the professional services of the practitioner is the saleable commodity offered to the client.
6. REPAIRS SERVICES AND OTHER HOME OCCUPATIONS-a repair shop for watches, locks, small business machines and other goods, as well as other home occupations not specified in Uses 1 through 6, above. This use does not include automobile, truck and motorcycle repairs.

HOMEOWNERS' ASSOCIATION - an organization of all the property owners in a planned residential development with responsibility to maintain all those areas of, and facilities within the plan held in common by the property owners.

HORTICULTURE - any use of a lot or parcel of land to cultivate, propagate, and grow trees, shrubs, vines and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principle use.

HOSPITAL - any institution licensed by the Commonwealth to receive inpatients and rendering medical, surgical and/or obstetrical care.

HOTEL - a building providing transient lodging accommodations to the general public for compensation and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services and recreational facilities.

HOTEL, RESIDENTIAL - a hotel or motel unit with accommodations for sleeping along with in-unit full kitchen facilities.

HOUSE, BOARDING OR ROOMING - (*see Boarding or Rooming House*).

HOUSE BOAT - a device so conceived for human habitation and designed for either sleeping, cooking and eating facilities and accessible pleasures of relaxation that can be motivated on water by motor power and transported over land by a subordinate method of wheel arrangements. (*see also Recreational Use*).

IMPERVIOUS COVERAGE - that portion or percentage of the plot or lot area covered by impervious surfaces (*see also Dimensional Standards*).

IMPERVIOUS SURFACE - those surfaces with a coefficient of runoff greater than 0.85, including all buildings, parking areas, driveways, roads and sidewalks, whether paved or not, and any other areas determined by the Township Engineer to be impervious within the meaning of this definition (*see also Dimensional Standards*).

IMPERVIOUS SURFACE RATIO - a measure of the intensity of use of a tract of land. It is measured by dividing the total area of all impervious surfaces within the site by the site area. (*see also Dimensional Standards*).

IMPROVEMENT, SUBSTANTIAL - (*see Substantial Improvement*).

INDUSTRIAL PARK - a tract of land laid out in accordance with an overall plan for a group of industries, having separate building sites designed and arranged on streets, utility services, setbacks, side yards, landscaped yards and covenants controlling or restricting uses and the architecture or design of buildings and structures. (*see also Industrial Use*).

INDUSTRIAL USE - any use of land, buildings or structures for construction, manufacturing, mining and transportation uses as well as junk or salvage yards and any customary accessory buildings or structures that belong thereto.

INTERIOR ISLAND PLANTING - a durable landscaped planting area located within a vehicular use area or parking lot. Design and location shall provide shade and visual separation of parking and pedestrian areas, improve air quality, and control storm water runoff from large paved areas.

INTERIOR LOT - (*see Lot, Interior*).

INTERIOR YARD - (*see Yard, Interior*).

INTERNAL ILLUMINATION - (*see Signs*).

INTERSTATE HIGHWAY STREET - (*see Street, Interstate Highway*).

JUNK - any discarded material or article and shall include, but not be limited to, scrap, metal, abandoned or junked motor vehicles or vehicle parts, machinery or machinery parts, papers, glass and related items, containers, or partially dismantled structures or parts thereof. It shall also include a partially dismantled motor vehicle not bearing current registration plates and which is not in the process of on-going and immediate repair. It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal. (*see also Junk Yard*).

JUNK YARD - the use of any lot for storage, keeping or abandonment of junk.

KENNEL – a structure and/or premises where dogs, cats or other domestic pets are kept, bred, trained or boarded for profit.

LAND DEVELOPMENT-any of the following activities:

1. The improvement of one (1) lot, or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
  - B. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
2. A subdivision of land.

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

LANDSCAPED AREA - may include, but is not limited to, lawns, decorative plantings, sidewalks, active and passive recreational area including children's playgrounds and tot-lots.

LAUNDROMAT - a business premises equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in a multi-family housing development or residential hotel. (*see also, Retail Service Use*).

LINE COURT - a court extending to a rear or side yard abutting interior lot lines of adjoining lots. (*see also Open Space*).

LIVESTOCK - any member of the bovine, equine, porcine, or ovine species, including but not limited to cows, steers, horses, ponies, pigs, sheep, and goats. (*see also Animal Husbandry*).

LOADING SPACE - an off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts on a street or other appropriate means of access. (*see also Dimensional Standards*).

LOCAL RETAIL BUSINESS - (*see Business, Local Retail*).

LODGES AND FRATERNAL ORGANIZATIONS-the non-profit use of land and structures for social activities among group members and their guests. *(see also Recreational Use)*.

LODGING HOUSE - a building or a portion thereof which contains not more than one dwelling unit where lodging without meals is provided for two or more persons in addition to the family living in the dwelling unit. *(see also Dwelling, Transient)*.

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

1. LOT AREA - the total area within the lot lines, excluding the area within any street right-of-way.
2. LOT, CORNER-a lot which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than one hundred and thirty-five (135) degrees. *(see also Dimensional Standards)*.
3. LOT, DEPTH-the mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards. *(see also Dimensional Standards)*.
4. LOT OF RECORD-a lot which has been recorded in the Office of the Recorder of Deeds.
5. LOT, INTERIOR-a lot, the side lot lines of which do not abut on a street. *(see also Dimensional Standards)*.
6. LOT, MINIMUM WIDTH-the minimum lot width at the building setback line. *(see also Dimensional Standards)*.
7. LOT, NONCONFORMING-*(see Nonconforming Lot)*.
8. LOT, REVERSE FRONTAGE-a lot which abuts upon both a street and either an arterial or a collector street, with vehicular access solely from the former. *(see also Dimensional Standards)*.
9. LOT, THROUGH-an interior lot having frontage on two (2) parallel or approximately parallel streets. *(see also Dimensional Standards)*.
10. LOT, TRIANGULAR-a lot having three (3) lot lines, but which does not qualify as a corner lot. *(see also Dimensional Standards)*.

11. LOT, WIDTH-the distance measured between the side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot line or street line. *(see also Dimensional Standards)*.

LOT BUILDING - *(see Building Site or Lot)*.

LOT LINES:

1. LOT LINE, FRONT - any boundary line of a lot.
2. LOT LINE, FRONT - the dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way provided where a future right-of-way width for a road or street has been established, that width shall determine the location of the street lot line. *(see also Dimensional Standards)*.
3. LOT LINE, SIDE - any lot line which is not a street lot line or a rear lot line. In the case of a triangular lot those lot lines other than the street lot line shall be considered side lot lines. *(see also Dimensional Standards)*.
4. LOT LINE, REAR - any lot line which is generally opposite the front lot line.

MANUFACTURING USE - the processing and/or converting of raw unfinished materials or finished materials or products, or any combination of them, into an article or substance of different character, or for use for a different purpose.

MARINA OR BOAT BASIN - any premises containing one *(1)* or more piers, docks, moorings, bulkheads, buildings, slips, basins, or land under water designed, used, or intended to be used primarily for the docking or mooring of boats for compensation. *(see Community Use)*.

MAUSOLEUM - *(see Cemetery)*.

MAXIMUM BUILDING COVERAGE - *(see Building Coverage, Maximum)*.

MINING USE - the use of land for the purpose of extracting rocks, metals, minerals, petroleum and natural gas for sale, including customary accessory buildings and structures. *(see also Industrial Use)*.

MIXED OCCUPANCY - occupancy of a building or land for more than one use.

MOBILE HOME - a transportable, single family dwelling intended for permanent occupancy, contained in one *(1)* unit or in two *(2)* or more units designed to be joined into one *(1)* integral unit capable of again being separated for repeated towing, which arrives at a site complete and

ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MODULAR HOME - a sectional, single family dwelling, intended for permanent occupancy, contained in two (2) or more units designed to be permanently joined into one (1) integral unit, which arrives at a site complete and ready for occupancy except for assembly operations and construction of the necessary permanent foundation. For the purposes of these regulations, modular homes shall be treated the same as conventional stick-built single family dwellings. (*see also Dwelling, Single Family Detached*).

MOTEL - a building or group of buildings, whether detached or in connected units, used as individual sleeping or lodging units, designed with separate entrances and designed for occupancy, primarily for transient travelers, and provided with accessory off-street parking facilities. The classification "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, automobile courts, and similar terms, but shall not be construed to include mobile or immobile trailers or homes.

MULTI-FAMILY DWELLING - (*see Dwelling, Multi-family*).

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (*P.L. 382, No. 164*), known as the "Municipalities Authority Act of 1945".

MUSEUM - a use or a building which contains objects of art or history for public education where admission is generally charged. (*see also Recreational Use*).

MUNICIPAL WASTE LANDFILL - any facility that is designed, operated or maintained for the disposal of municipal waste, whether or not such facility possesses a permit from the department under the Solid Waste Management Act. The term does not include any facility that is used exclusively for disposal of construction/demolition waste or sludge from sewage treatment plants or water supply treatments plants. (*see also Community Use*).

MUNICIPALITY - the municipal corporation known as the Township of Cumberland, Greene County, Pennsylvania.

NOISE, CONTINUOUS - any noise which is steady state, fluctuating, or intermittent with a recurrence greater than one time in any one-hour interval.

NOISE, IMPULSIVE-any noise of short duration with an abrupt onset and rapid decay and an occurrence of not more than one time in any one-hour interval.

NONCONFORMING LOT-a lot the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING SIGN - (*see Signs*).

NONCONFORMING STRUCTURE-a structure or part of a structure that does not comply with the area and bulk provisions of this ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this ordinance or amendment or prior to the application of this ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE-a use, whether of land or of structure, which does not comply with the applicable use provisions of this ordinance or amendment theretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this ordinance or amendment, or prior to the application of this ordinance or amendment to its location by reason or annexation.

OCCUPANCY CERTIFICATE - (*see Permit*).

OFFICE BUILDING - (*see Building, Office*).

OFF-STREET LOADING SPACE - (*see Loading Space*).

OIL AND GAS COMPRESSOR STATION - A facility or location that contains a compressor, compressors and all related components to facilitate the movement of oil and/or natural gas and/or its by-products through a pipeline.

OIL AND GAS METERING STATIONS/ABOVEGROUND GATHERING FACILITIES - A system used to measure all oil and/or natural gas entering or exiting the pipeline system to provide accurate and continuous gas measurements and/or regulate gas pressure and delivery volumes.

OIL AND GAS PIPELINES -

- 1) PIPELINE: as defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3
- 2) TRANSMISSION PIPELINES: transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas," except a "service line," as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included are pipelines designed for the transmission of a "hazardous liquid," as defined by Title 49, Code of Federal Regulations, Section 195.2.

OIL AND GAS PROCESSING FACILITY - A facility that receives oil and/or natural gas and associated hydrocarbons from a truck, railway car, or pipeline system serving one or more wells, which processes, compresses, condenses, pressurizes, deals with dew point control or gas quality related issues or otherwise treats oil and/or natural gas making it suitable for, among other things, pipeline transmission, or which removes and separates or adds other materials, products, and impurities to or from the oil or gas, and which may or may not include compressor stations, cooling facilities, storage tanks and related equipment and facilities.

OIL AND GAS RELATED IMPOUNDMENT – A natural topographic depression, manmade excavation or diked area formed primarily of earthen materials, which is designed to hold fluids or semi-fluids associated with oil and gas activities, including freshwater, wastewater, flowback and mine influenced water. A tank, situated above the surface of the ground, is not to be considered as an impoundment for purposes of this Ordinance.

OIL AND GAS WELLS - The removal of oil and natural gas resources for sale or other commercial purposes, including the structures and equipment necessary to accomplish the removal.

OPEN SPACE - land use for recreation, resource protection, amenities, or buffers, protected by the provisions of this ordinance and the Subdivision and Land Development Ordinance to ensure that it remains in such uses. (see also Environmental Use).

OPEN SPACE RATIO - a measure of the intensity of land use arrived at by dividing the total amount of open space within the site by the site area. (see also *Dimensional Standards*).

PARK - a parcel of land designated for outdoor enjoyment that is open and may include such facilities as play area, bike trails, hiking paths and family picnic area. (see also *Community Use*).

PARKING AREA - portion of a lot designated for the parking of motor vehicles in accordance with the requirements of this ordinance.

PARKING, COMMERCIAL - (see *Commercial Parking*).

PARKING LOT – (see *Parking Area*).

PARKING LOT, PUBLIC - any lot municipally or privately owned and used for off-street parking or for the transient storage of motor vehicles, whether or not such parking is provided as a free service or for a fee. (see also *Transportation Structure*).

PARKING SPACE - a portion of a garage or parking area designated for the parking of one motor vehicle in accordance with the requirements of this ordinance.

PATIO - a surfaced area or courtyard or a deck less than one foot (1') above ground elevation designed for outdoor living purposes as an accessory use to a structure, which shall be completely

unenclosed except for any side which may adjoin a structure or for any fences or walls four feet (4') or less in height, or shrubs or hedges. Outdoor areas which are screened or enclosed by a roof or awning shall be considered to be a structure. (*see also Residential Accessory Structure*).

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - Act of July 31, 1968, P.L. 805, No. 246, as amended.

PERMIT - a document issued by the proper authority of the *Municipality* authorizing an applicant to undertake certain activities, as further defined below:

1. BUILDING PERMIT-a permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of a Building Code which may be adopted by the *Municipality* and authorizing an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy certificate as may be required under the terms of the ordinance.
2. OCCUPANCY CERTIFICATE-a certificate issued upon completion of the construction of a structure, or changes in use of structure or parcel of land indicating that the premises comply with the provisions of the ordinance and may be used for the purposes set forth in the Occupancy Certificate.
3. ZONING PERMIT-a permit issued indicating that a proposed use, building or structure is in accordance with the provisions of the zoning ordinance or with an order of the Zoning Hearing Board and authorizing an applicant to proceed with said use, building or structure.

PERSON - an individual, partnership, corporation, or other legally recognized entity.

PERSONAL SERVICES USE - any use of land, buildings and structures which provides services pertaining to the individual, his apparel or personal effects.

PETS, DOMESTIC - (*see Domestic Animal*).

PHILANTHROPIC USE - limited to public and semi-public activities which involve and relate exclusively to charitable, benevolent and public-oriented service functions, such as provided by public or semi-public organizations or similar groups.

PLACES OF WORSHIP - (*see Churches*).

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

PLANNING AGENCY - the Planning Commission of Cumberland Township, Greene, Pennsylvania.

PLAYGROUND - a parcel of land used for recreational activities and containing recreational facilities such as play apparatus and courts such as basketball, tennis, etc. (*see also Community Use*).

PORCH - a roofed, accessory structure without walls projecting from the side, front or rear wall of a building with direct access to and from the principal building.

PREMISES - any lot and any structure constructed thereon. (*see also Lot*).

PRINCIPAL ARTERIAL STREET - (*see Street, Principal Arterial*).

PRINCIPAL BUILDING - (*see Building, Principal*).

PRINCIPAL USE - (*see Use, Principal*).

PRINTING - printing, publishing, and binding.

PRIVATE- owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members and their guests.

PRIVATE CLUB - (*see Club, Private*).

PRIVATE GARAGE - (*see Garage, Private*).

PRIVATE RECREATION - (*see Recreation*).

PRIVATE ROAD - an easement or right-of-way not dedicated for public use which provides access to a lot in private ownership. (*see also Transportation Structure*).

PROFESSIONAL SERVICES USE - any use of land, buildings or structures for those licensed to practice a profession by the Commonwealth of Pennsylvania, including medical or dental laboratories. This classification includes, but is not limited to, any practicing physician, surgeon, osteopath, chiropractor, dentist, engineer, surveyor, optician, optometrist, architect, landscape architect, attorney, city planner and accountant. (*see also Business Use*).

PROHIBITED USE - (*see Use, Prohibited*).

PROPERTY LINE - a line forming the front, rear or sides of lots or parcels of property as described in the recorded title.

PUBLIC - owned, operated, or controlled by a government or quasi-government agency.

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Township Supervisor or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.

PUBLIC MEETING - a forum held pursuant to notice.

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC STREET - (*see Street, Public*).

PUBLIC SERVICE USE - any use of land, buildings and structures for public or quasi-public purposes including community, institutional and public utility uses and their customary accessory uses.

PUBLIC UTILITY USE - the use of land, buildings or structures and their accessory equipment for the transmission, distribution or exchange of telephone, radio telephone, gas, power, sewer, steam and water service by a publicly regulated utility. (*see also Public Service Use*).

PUBLIC WATER - (*see Water, Public*).

RACE TRACK - a commercial establishment for the racing of animals or motor vehicles. (*see also Recreational Use*).

RECREATION - for purposes of this ordinance, recreation shall be defined as follows:

1. PUBLIC RECREATION-developed or undeveloped open spaces and/or structures and facilities which are provided by a governmental body for public use for the purposes of play, amusement or relaxation. Such uses may include sport facilities, parks, assembly buildings, passive areas, gardens and related amenities. (*see also Recreational Use*).
2. PRIVATE RECREATION-developed or undeveloped open spaces and/or structures and facilities which are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

RECREATIONAL USE - the use of land, buildings and structures for leisure-time activities, including but not limited to amusements, arcades, athletic health spas, clubs, country clubs, dancing or music studios, golf courses, race tracks, riding academies, swimming clubs, and ski resorts. Such facilities may be opened to anyone without restriction, except for rules, fees, and standards of conduct and use, may be privately operated for profit, or they may be private and limited as to users. (*see also Retail Services Use*).

RECREATIONAL VEHICLE - a vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include but are not limited to, the following: Travel trailers, truck-mounted campers, motor homes, folding tent campers, autos, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all-terrain vehicles, go-carts, boats, boat trailers, and utility trailers. *(see also Vehicle).*

RECYCLING FACILITY - a facility employing a technology that is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term "recycling facility" shall not mean transfer stations or landfills for solid waste nor composting facilities or resource recovery facilities.

REHABILITATION HOME - a dwelling unit or units for the purposes of rehabilitating persons suffering from mental, emotional, or physical disorders but not requiring nursing or continual medical treatment *(see also Care Facility, Group).*

RESIDENTIAL ACCESSORY BUILDING - a residential use located on the same lot as the principal structure which is clearly incidental and subordinate thereto. This classification includes a private garage, garden shed, barn or stable, guest house, accessory dwelling unit or dwelling-in-combination and mobile home park service building. Where any part of the wall of an accessory building is part of the wall of the main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building. *(see also Residential Use).*

RESIDENTIAL ACCESSORY STRUCTURE - a residential use located on the same lot as the principal structure which is clearly incidental and subordinate thereto. This classification includes a carport, communications receiving structure, fence, garden structure, patio and swimming pool. *(see also Residential Use).*

RESIDENTIAL USE - any dwelling or residential development including customary accessory buildings, structures and uses. This classification includes single family attached and detached dwellings; two family detached and semi-detached dwellings; multi-family dwellings; and, seasonal, temporary and transient dwellings. Also included are cluster and planned residential developments, mobile home parks, apartment complexes and dwelling groups.

RESTAURANT - any establishment at which food is prepared and sold for consumption solely on the premises within the principal building. A concession stand at a public or a community playground, play-field, park or swimming pool, operated by the same agency operating the recreational facilities, and solely for the convenience of patrons of the facility, shall not be deemed to be a restaurant. *(see also Retail Service Use).*

RETAIL SERVICES USE - any use of land, buildings or structures in an enterprise, activity or other

undertaking related to or connected with the retail sale of services including personal and business services; auto repair, services and garages; adult oriented uses; lodging places and miscellaneous repair services including electrical, mechanical, furniture, and personal items. (*see also Business Use*).

RIDING ACADEMY - an establishment where horses are boarded and cared for, and/or where instruction in riding, jumping and showing is offered, and/or general public may, for a fee, hire horses for riding. (*see also Recreational Use*).

RIGHT-OF-WAY - a corridor of land set aside for use, in whole or in part by a street. (*see also Transportation Use*).

ROAD, PRIVATE - (*see Private Road*).

ROADSIDE STAND - a temporary structure for the seasonal vending of agriculture products grown on the premises where said stand is maintained. (*see also Agriculture, Commercial*).

ROOMING HOUSE - a dwelling in which at least two (2) rooms are offered for rent, payable in money or other consideration, where meals are generally not furnished to lodgers, and in which individuals are accommodated, one to a room. (*see also Dwelling, Transient*).

ROW HOUSE - (*see Dwelling; Multi-family, Townhouse*).

SCHOOL, PUBLIC OR PRIVATE - An accredited institution of learning which offers elementary and secondary level instruction or which offers associate, bachelor or higher degrees in the several branches of learning required by the Commonwealth of Pennsylvania.

SCREEN (*BUFFER*) PLANTING - an arrangement of all season vegetative material of sufficient height and density to conceal from view of property owners in adjoining residential districts the structures and uses on the premises on which the screen or buffer planting is located. (*see also Open Space*).

SCREENING - a fence, evergreen hedge or wall at least six feet (6') high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bush or trees or of a constructed fence or wall. (*see also Open Space*).

SEDIMENTATION - the process by which mineral or organic matter is accumulated or deposited by the movement of wind and water, or by gravity. (*see also Erosion*).

SERVICE, BUSINESS - (*see Retail Service Use*).

SETBACK - the minimum distance that a building must be held back from an adjacent lot line, depending on the zoning district in which the lot is located. (*see also Dimensional Standards*).

SEWER, COMMUNITY - a system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site. (*see also Public Utility Use*).

SEWER, INDIVIDUAL - a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal. (*see also Accessory Utility Structure*).

SHOPPING CENTER - a group of retail stores planned and designed to function as a unit, and having off-street parking as an integral part of the unit, also known as shopping mall or mini-mall. (*see also Commercial Use, Retail*).

SIGN - Any structure or device used to attract attention by word or graphic display.

SIGN, ADVERTISING - a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.

SIGN, BUSINESS - a sign which directs attention to a business or profession conducted or to a service offered upon the premises where such sign is located.

SIGN, GROSS SURFACE AREA OF - the "gross" surface area of a sign shall be the entire area with a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. The gross surface area of signs having more than one surface visible to the public (double-faced or multiple-faced signs) shall be the sum total sign face area, whether or not such visible face contains descriptive data.

SIGNS, TYPES OF:

1. BILLBOARD (*POSTER PANEL*) - a board, panel, or tablet used for the display of printed or painted advertising matter.
2. GROUND SIGN - a sign supported in or upon the ground surface.
3. POSTER PANEL - (*see Billboard*).
4. PROJECTING SIGN - a display sign which is attached directly to the building wall and which extends more than fifteen inches (*15"*) from the face of the wall.
5. ROOF SIGN - a display sign which is erected, constructed and maintained above the roof of the building

6. TEMPORARY SIGN - a display, banner or other advertising device constructed of cloth, canvas, fabric of other light temporary material, with or without a structural frame, intended for a limited period of display.

7. WALL SIGN - a display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches (15") from the face of the wall.

SITE - a parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

SITE AREA - the site area is determined by subtracting from the total site area the land area of existing and future road and utility rights-of-way, land area which is not contiguous or cut from the parcel by road or railroad, or land area shown in previous subdivisions or land development plans as reserved from development for natural resources reasons such as flood plain lands.

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

SOLAR ENERGY SYSTEM - a complete design or assembly consisting of a solar energy collector, an energy storage facility (*where used*), and components for the distribution of transformed energy.

STABLE, PRIVATE - an accessory building in which horses are kept for private use and not for hire, remuneration or sale. (*see also Residential Accessory Use*).

STABLE, PUBLIC - a building in which horses are kept for remuneration, hire or sale. (*see also Agricultural Use*).

STORAGE FACILITY, SELF-SERVICE - any structure designed and used for the purpose of renting or leasing storage space to occupants who are to have access to such for the purpose of storing and removing said property. (*see also Retail Service Use*).

STORM WATER MANAGEMENT STRUCTURE - a designed device, constructed or manufactured, used in a soil or water conservation or management system to retain, regulate, or control the flow of water. (*see also Public Utility Use*).

STORY - that portion of a building included in the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. (*see also Accessory Structure*).

1. STORY, HALF-a partial story situated under a roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story.
2. STORY, FIRST-the lowest story or the ground story of a building, the floor of which is not more

than one foot (1') below the average ground level contact at the exterior building walls. The basement or cellar shall not be considered the first story.

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET, COLLECTOR - a street which gives minimal emphasis to travel mobility, which is characterized by low travel speeds, full land access, neighborhood penetration, and which serves minor traffic generators such as local elementary schools, small individual industrial plants, offices, commercial facilities and warehouses not served by principal or minor arterials. *(see also Transportation Structure)*.

STREET, CUL-DE-SAC - a minor street intersecting another street at one end and terminated at the other by a vehicular turnaround. *(see also Transportation Structure)*.

STREET, FREEWAY - a limited access street designed for large volumes of traffic between communities of 50,000 residents or more and major regional traffic generator *(such as central business districts, suburban shopping centers and industrial areas)*.

STREET GRADE - the officially established grade of the street upon which a lot fronts, or if the lot abuts upon a street on a side or in the rear, the officially established grade of such street at the midpoint of the portion of the lot abutting thereon, or if there is no officially established grade then "street grade" shall mean the existing grade of the street at the midpoint of the portion of the lot abutting thereon.

STREET, INTERSTATE HIGHWAY - limited access street designed for traffic between major regional areas or urban communities of 50,000 residents or more; which extend beyond state boundaries, and with respect to which access and egress are limited to interchanges located and designated by the U.S. Department of Transportation. *(see also Transportation Structure)*.

STREET LINE - the legal right-of-way line of a street or road.

STREET, MINOR ARTERIAL - a street which gives greater emphasis to land access, and which has a lower level of through traffic mobility than a principal arterial, and which serves larger schools, industries, hospitals, and small commercial areas not incidentally served by a principal arterial. *(see also Transportation Structure)*.

STREET, PRINCIPAL ARTERIAL - a street which provides minimal land access but which retains a high degree of through traffic mobility, and which serves major centers of urban activity and traffic generation. *(see also Transportation Structure)*.

STREET, PUBLIC - an improved vehicular right-of-way open to the public as part of the Township-wide circulation system and accepted for maintenance by the Township or PennDOT.

STREET WIDTH - the shortest distance between street lines at a given point.

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

STRUCTURE, TEMPORARY - any building which by the type, and materials or method of its construction is intended for not more than one (1) year. Such structures shall include tents, portable band stands, bleachers not erected in conjunction with athletic fields, reviewing stands, or other buildings of similar character.

STUDIO, DANCING OR MUSIC - the use of a premises by a teacher of music or dance where students are taught these arts for a fee and where more than one (1) student may be taught in a class at one time. This term is synonymous with "Dancing School" and "Music School" and other similar terms.

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

SUBSTANTIALLY COMPLETED - where in a judgment of the Township engineer, at least ninety (90%) percent (*based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this ordinance*) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUBSTANTIAL IMPROVEMENT - any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either;

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred.

For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living

conditions; or

2. Any alterations of a structure listed on a National Register of Historic Places, or a State Inventory of Historic Places.

SWIMMING POOL - any body of water or receptacle for water having a depth of any point greater than two feet (2') used, or intended to be used, for swimming or bathing and constructed, installed, or maintained in or above ground, outside any building. *(see also Accessory Structure)*.

TAVERN - a business selling alcoholic beverages for consumption on the premises. *(see also Retail Use)*.

TEMPORARY BUILDING - *(see Buildings, Temporary)*.

TEMPORARY DWELLING UNIT - *(see Dwelling Unit, Temporary)*.

TEMPORARY OR SEASONAL USE - *(see Use, Temporary or Seasonal)*.

TEMPORARY SIGN - *(see Signs)*.

TEMPORARY STRUCTURES - *(see Structures, Temporary)*.

TERRACE - a natural or artificial embankment between a building and its lot lines, the height of which shall be the difference in elevation between the curb and the highest point of embankment.

THEATER- a building or part of a building devoted to the showing of movies, musical performances, dance, or theatrical productions, usually on a paid admission basis.

THEATER, DRIVE-IN - an open lot or part thereof, with facilities, devoted primarily to the showing of movies or to theatrical productions, usually on a paid admission basis, to patrons seated in motor vehicles or on outdoor seats.

TOWNHOUSE - *(see also Dwelling, Single-Family Attached)*.

TRANSFERABLE DEVELOPMENT RIGHTS - the attaching of development rights to specified lands which are desired by the Township to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands with the Township where more intensive development is deemed by the Township to be appropriate.

TRANSPORTATION STRUCTURE - the use of land for the conveyance of pedestrians and vehicles including alleys, driveways and streets; parking areas, bays and lots; crosswalks and sidewalks; access drives and lanes; and loading spaces.

TRANSPORTATION USE - the use of land, buildings or structures for airports and flying fields, local and interurban passenger transit, pipelines, postal facilities, railroad yards, trucking, warehousing, wharfs and water facilities, and other transportation services including their customary accessory uses.

TRUCK TERMINAL - a use of land or structures for the storage of trucks and/or the transfer of freight from one truck to another. (*see Transportation Use*).

UNIT, DWELLING - (*see Dwelling Unit*).

USE - any purpose for which a lot or structure may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on in a structure on a lot.

USE, ACCESSORY - a use which:

1. is subordinate to and serves a principal building or principal use; and
2. is subordinate in area, extent, or purpose to the principal building or principal use served; and
3. is located on the same zoning lot as the principal building or use served; and
4. is not used for dwelling purposes nor normally occupied by personnel associated with any use; and
5. is not attached to the principal building by covered passageway, wall more than three feet (3') high, and shares no wall in common with the principal building.

USE, CONDITIONAL- a use permitted in a particular zoning district by the Township Supervisors pursuant to the provisions of this ordinance and Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601 et seq.

USE, PERMITTED BY RIGHT - any use within a given zoning district that is specifically allowed as a matter of "right".

USE, PRINCIPAL - the primary use or purpose of which a building, structure, and/or land or major portion thereof, is designed, arranged or intended, or for which it may be occupied or maintained under the Zoning Ordinance.

USE, PROHIBITED - a use of land or structures which is not permitted within a particular zoning district.

USE, SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S.

§§10601 et seq., 10901 et seq.

USE, TEMPORARY OR SEASONAL - the use of any premises or structure for living and/or sleeping purposes for one hundred (100) or less days in any calendar year.

VARIANCE - relief granted pursuant to the provisions of this ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

VEGETATION, NATURAL - plant life indigenous to and existing in a particular location or on a particular lot by involuntary or natural growth.

VEGETATIVE MATERIAL - unless otherwise specified, plant life of a type consistent with or commonly associated with the principal use of the lot, established by voluntary act in the manner required in the Zoning Ordinance.

VEHICLE - every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

WADING POOL - a portable or permanent structure designed to hold water for wading purposes less than two feet (2') in height and area governed by its location and located above or recessed at ground level.

WALL, FACING - (1)-walls of a structure opposite to and parallel with one another, or (2) wall lines, or wall lines extended of opposite walls intersecting at angles of less than sixty-five (65) degrees.

WATERCOURSE - a stream of water, river, brook, creek; a channel or ditch for water whether natural or man-made.

WATER, PRIVATE - an on-lot water generation system which serves only the lot upon which it is located.

WATER, PUBLIC - any municipally or privately owned water generation, collection and distribution system or facility which serves more than one building or lot.

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township.

WETLANDS - those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvanian Coastal Zone Management Plan and a wetland area designated by a river basin

commission.

WHARF - a structure designed and placed at water's edge alongside which boats and other water craft may be brought to be docked, landed, moored, loaded or unloaded of its contents. (*see also Transportation Use*).

WIND ENERGY CONVERSION SYSTEM - a device which converts wind energy to mechanical or electrical supply; commonly referred to as windmills.

YARD - an unoccupied space, open to the sky, extending from the lot line to a structure. The size of a required yard shall be measured as the shortest distance between the structure and lot line.

YARD, EXTERIOR - an open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the projected boundary or street line.

YARD, FRONT- the yard extending the full length of the front lot line.

YARD, INTERIOR - an open, unoccupied space between the buildings of a dwelling group or its accessory buildings, not a front, side or rear yard.

YARD, REAR - the yard extending the full length of the rear lot line.

YARD SALE - a sale of limited duration conducted from the yard, porch or garage of a single family or two-family dwelling but including no sales in a public right-of-way.

YARD, SIDE-a yard extending along the side lot line from the required front yard to the required rear yard setback area.

YARD SETBACK AREA - an area bounded by a lot line and a line drawn parallel to the lot line at a distance specified in the ordinance for front, side, or rear yard setbacks.

ZONING DISTRICT - an area defined by boundaries and location on the Zoning Map within which only certain types of land uses are permitted, as set forth in this ordinance.

ZONING HEARING BOARD - a body appointed by the governing body to examine and decide appeals for relief from strict conformance to the zoning ordinance or relief from a decision of the Zoning Officer and to hear testimony regarding the validity of any regulations upon development in the Township.

ZONING MAP - the official plan of zoning districts in the Township showing precisely the boundaries and titles of each zoning district, which map is a part of this ordinance.

ZONING OFFICER - a person retained by the Township to enforce the regulations of the zoning

ordinance, with power to issue permits, to halt illegal construction, and to interpret literally the meaning of the various sections of the zoning ordinance subject to appeal of the Zoning Hearing Board.

## PART 3 - ESTABLISHMENT AND DESIGNATION OF DISTRICTS

### **Section 300 ESTABLISHMENTS OF DISTRICTS.**

300.1 For the purposes of promoting the public health, safety, morals and general welfare of the Township, the Township is hereby divided into the following types of districts:

- A-1 Agricultural District
- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- C-1 Commercial District
- I-1 Industrial District
- V-1 Village District

### **Section 301 ZONING MAP.**

301.1 Said districts are bounded as shown on the map entitled "Cumberland Township Zoning Map", which accompanies, and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

### **Section 302 INTERPRETATION OF BOUNDARIES.**

302.1 The district boundary lines are intended generally to follow the centerlines of streets, the center lines of railroad rights-of-way, existing lot lines, the mean water level of streams, and other waterways, or municipal boundary lines, all as shown on the Zoning Map; but where a district boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street center line or other boundary line as indicated.

302.2 In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto. Provided no boundary shall be changed by the Zoning Hearing Board.

### **Section 303 APPLICATION OF REGULATIONS.**

303.1 Except as hereinafter otherwise provided:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used for any purpose or in any manner other than as permitted in the district in which such building or land is located.
- B. No building shall be erected, reconstructed or structurally altered to

exceed in height the limit hereinafter designated for the district in which such building is located.

- C. No building shall be erected, no existing buildings be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the district in which such building or open space is located.
- D. No yard or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, and no yard or other space on one lot shall be considered as providing a yard or open space for a building or any other lot.

**Section 304 A-1 AGRICULTURAL DISTRICT.**

304.1 PURPOSE: To delineate areas to be protected for continued agricultural use.

304.2 PERMITTED BY RIGHT:

- Agriculture
- Animal hospitals
- Arboriculture
- Churches and other places of worship
- Essential Services
- Forestry
- Greenhouses
- Hatcheries
- Home occupations
- Kennel
- Mobile homes with skirting
- Public and semi-public buildings
- Public parks and playgrounds
- Riding academies
- School
- Single-family detached dwellings

304.3 ACCESSORY USES:

- Accessory uses customarily incidental to the principal use
- Automobile garages

- Business signs
- Roadside stand

304.4 SPECIAL EXCEPTIONS:

- Auto repair and body shops
- Automotive sales
- Campgrounds
- Car wash
- Cemeteries
- Commercial recreation
- Communications receiving structure
- Contractor's yard
- Essential Services
- Extractive industries
- Gasoline stations
- Garden and farm supply stores
- Hardware
- Industrial use
- Junk yards
- Marina
- Mining activities
- Mobile home parks
- Oil and Gas Activities (including compressor stations, metering stations / above ground gathering facilities, pipelines, processing facilities, and wells)
- Seasonal dwellings
- Self-service storage facility
- State Game Lands
- Utility substations
- Veterinary Clinic

304.5 DIMENSIONAL REQUIREMENTS:

|                            |           |
|----------------------------|-----------|
| Minimum lot area           | 1 Acre    |
| Maximum structure height   | 3 Stories |
| Minimum front yard setback | 20 feet   |
| Minimum side yard setback  | 20 feet   |
| Minimum rear yard setback  | 10 feet   |
| Maximum lot coverage       | 25%       |

**Section 305 R-1 LOW DENSITY RESIDENTIAL DISTRICT**

305.1 PURPOSE: To delineate areas of land to be protected for existing and encouraged for future low density residential development. To maximize the efficient use of land through residential clustering, influenced by topographic conditions.

305.2 PERMITTED BY RIGHT:

- Churches and other places of worship
- Essential Services
- Public park and playground
- Single-family detached dwelling units

305.3 ACCESSORY USES:

- Automobile Garages
- Home based business, no impact
- Swimming pool
- Utility Building (storage) of Maximum size 12' x 20' of 240 sq. ft. with length not to exceed two times the width.

305.4 SPECIAL EXCEPTIONS:

- Day care facilities
- Group residential facilities
- Home occupations
- Public and Semi-Public Buildings

305.5 DIMENSIONAL REQUIREMENTS:

|                            |               |
|----------------------------|---------------|
| Minimum lot area           | 10,000 sq.ft. |
| Area per dwelling unit     | 10,000 sq.ft. |
| Maximum structure height   | 3 stories     |
| Minimum front yard setback | 20 feet       |
| Minimum side yard setback  | 10 feet       |
| Minimum rear yard setback  | 20 feet       |
| Maximum lot coverage       | 25%           |

**Section 306 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

306.1 PURPOSE: To delineate areas to be protected for future medium density residential development.

306.2 PERMITTED BY RIGHT:

- Single family detached dwelling units
- Duplexes
- Essential Services
- Rooming houses
- Townhouses
- Garden apartments
- Home occupations
- Mobile home on a permanent foundation
- Boarding homes

306.3 ACCESSORY USES:

- Automobile Garage
- Home based business, no impact
- Swimming pool
- Utility Building (storage) Maximum size 12 x 20, business signs of 240 sq. ft. with length not to exceed two times the width.

306.4 SPECIAL EXCEPTIONS

- All special exceptions ~~uses~~ permitted under the R-1 District
- Grocery
- Drug
- Hardware
- Garden and farm supply stores
- Eating and drinking establishments
- Nursing Homes

306.5 DIMENSIONAL REQUIREMENTS:

|                            |               |
|----------------------------|---------------|
| Minimum lot area           | 10,000 sq.ft. |
| Area per dwelling unit     | 10,000 sq.ft. |
| Maximum structure height   | 3 stories     |
| Minimum front yard setback | 20 feet       |
| Minimum side yard setback  | 5 feet        |
| Minimum rear yard setback  | 20 feet       |
| Maximum lot coverage       | 25%           |

**Section 307 R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

307.1 PURPOSE: To delineate areas to be protected for future high density residential development.

307.2 PERMITTED BY RIGHT:

- All principal permitted uses allowed under R-1 and R-2 Districts, with greater density per lot regulations

308.3 ACCESSORY USES:

- All accessory uses permitted in R-1 and R-2 Districts.

308.4 SPECIAL EXCEPTIONS:

- All special uses permitted under the R-1 and R-2 Districts.

307.5 DIMENSIONAL REQUIREMENTS:

|                            |              |
|----------------------------|--------------|
| Minimum lot area           | 8,000 sq.ft. |
| Area per dwelling unit     | 8,000 sq.ft. |
| Maximum structure height   | 3 stories    |
| Minimum front yard setback | 20 feet      |
| Minimum side yard setback  | 5 feet       |
| Minimum rear yard setback  | 20 feet      |
| Maximum lot coverage       | 25%          |

**Section 308 C-1 COMMERCIAL DISTRICT**

308.1 PURPOSE: To delineate areas to be reserved primarily for commercial activity and related needs of the residents.

308.2 PERMITTED BY RIGHT:

- All permitted principles in R-1 and R-2.
- Amusement arcade
- Art, music and dance studios
- Auditoriums
- Automobile repair
- Automobile sales and service
- Banks and other financial institutions
- Bowling alleys and pool halls

- Business and professional offices
- Car wash establishments
- Churches and similar places of worship
- Clinic
- Clubs and lodges
- Commercial parking
- Commercial technical schools
- Contractor
- Electrical appliances sales and repair store
- Essential services
- Funeral parlor
- Garden and farm supply
- Gasoline sales and auto service
- Greenhouse
- Health spa / athletic club
- Laundry and dry cleaners
- Lumber yard
- Medical laboratory
- Mobile home sales
- Museums
- Office
- Personal Services
- Public and semi-public buildings
- Public utility use
- Recreation
- Restaurants and taverns
- Retail Uses
- Self-service storage facility
- Shopping center
- Theaters
- Truck sales and service
- Utility substations
- Veterinary Office or Clinic

### 308.3 ACCESSORY USES:

- All accessory uses and buildings customarily appurtenant to the principal permitted use such as incidental storage.
- Off-street parking and loading facilities.
- Business signs
- Residential apartments on upper floors of buildings housing principle permitted uses.
- Contractor's yard

- Advertising billboards.

308.4 SPECIAL EXCEPTIONS:

- Animal hospital
- Drive-in establishment
- Hospital
- Hotels and motels

308.5 DIMENSIONAL REQUIREMENTS:

|                            |        |
|----------------------------|--------|
| Minimum lot area           | None   |
| Area per dwelling unit     | None   |
| Maximum structure height   | None   |
| Minimum front yard setback | 5 feet |
| Minimum side yard setback  | None   |
| Minimum rear yard setback  | None   |
| Maximum lot coverage       | None   |

**Section 309 I-1 INDUSTRIAL DISTRICT**

309.1 PURPOSE: To delineate areas best suited for industrial development due to location, topography, existing or planned facilities and relationships to other land uses.

309.2 PERMITTED BY RIGHT:

- Any use permitted in the C-1 District
- Distribution plants
- Energy storage facility
- Fuel facility
- Industrial park
- Manufacturing assembly or other industrial or research operation
- Laboratory
- Truck terminal
- Warehouses for enclosed storage of goods and materials
- Wholesale business

309.3 ACCESSORY USES:

- All accessory uses permitted in C-1 District

**309.4 SPECIAL EXCEPTIONS:**

- Billboards
- Adult-oriented uses
- Junk yard
- Extractive industry
- Marina
- Mining activities

**309.5 DIMENSIONAL REQUIREMENTS:**

|                            |         |
|----------------------------|---------|
| Minimum lot area           | None    |
| Area per dwelling unit     | None    |
| Maximum structure height   | None    |
| Minimum front yard setback | 20 feet |
| Minimum side yard setback  | None    |
| Minimum rear yard setback  | None    |
| Maximum lot coverage       | None    |

**Section 310 V-1 VILLAGE DISTRICT**

**310.1 PURPOSE:** To delineate areas to be protected for future medium density residential development.

**310.2 PERMITTED BY RIGHT:**

- All principal permitted uses allowed under the R-2 and R-3 Districts

**310.3 ACCESSORY USES:**

- All accessory uses permitted in R-1, R-2, and R-3 Districts

**310.4 SPECIAL EXCEPTIONS:**

- All special exceptions permitted under the R-1, R-2, and R-3 District

310.5 DIMENSIONAL REQUIREMENTS:

|                            |           |
|----------------------------|-----------|
| Minimum lot area           | None      |
| Area per dwelling unit     | None      |
| Maximum structure height   | 3 stories |
| Minimum front yard setback | 3 feet    |
| Minimum side yard setback  | None      |
| Minimum rear yard setback  | None      |
| Maximum lot coverage       | 50%       |

**PART 4 – GENERAL REGULATIONS**

**Section 401 PURPOSE.**

401.1 The purpose of this Article is to establish zoning standards and policies for all uses in all districts. These regulations shall serve as general development standards by establishing uniform criteria for fencing, landscaping, lighting, off-street parking and loading, and similar criteria that are ancillary aspects to all uses within Green Tree Borough. The provisions for this Article shall apply in addition to any other applicable zoning regulations.

**Section 402 OFF-STREET PARKING AND LOADING.**

402.1 In all districts, in connection with every commercial, industrial, institutional, recreational, residential or any other use, there shall be provided at the time any new building or structure is erected, off-street parking spaces for automobiles in accordance with the requirements set forth herein.

- A. Size and Access. Each off-street parking space shall have an area of not less than 10 x 20 feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces.

|  |   |
|--|---|
| Churches, Schools and Colleges   | 1 for every 3.5 seats in an auditorium or 1 for each 17 classroom seats; whichever is greater   |
| Community Buildings and Social Halls   | 1 for each 200 sq. ft. of floor area  |
| Dwellings  | 1 for each bedroom within dwelling unit   |
| Hotels, Motels, Boarding Houses, Rooming Houses, Nursing Homes and Tourist Homes | 1 for each sleeping room  |
| Manufacturing Plants, Research or Testing Laboratories                           | 1 for each 4 2 employees in the maximum working shift   |
| Restaurants, Bars and Night Clubs  | 1 for each 100 sq. ft. of floor space   |
| Retail Stores, Store Groups, Shops, etc.   | 1 space for each 200 sq. ft. of floor space   |
| Wholesale Establishments or Warehouse  | 1 for each 2 employees working in the maximum shift. The total parking area shall not be less than twenty-five (25%) percent of the building floor area |
| Offices – General  | 1 off-street parking space shall be provided for each 600 sq. ft. of floor area   |

- B. Number of Parking Spaces Required. The number of off-street parking spaces required shall be as set forth in the Off-Street Parking Schedule in

Table 4-1.

- C. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions to which said use is most similar, in the opinion of the Planning Commission, shall apply.

402.2 In any district, in connection with every building, or building group or part thereof thereafter erected and having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing, or commercial uses or other uses similarly requiring the receipt or distribution by vehicles or material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths as follows:

- A. 4,000-50,000 square feet - 1 space for each additional 100,000 square feet.
- B. The loading berth required in each instance shall be not less than twelve (12') feet in width, twenty-five (25') feet in length, and fourteen (14') feet in height, and may occupy all or any part of any required yard.

**Section 403 SIGNS.**

403.1 Attachment. All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the element.

403.2 Traffic or Visual Obstruction. No sign or overhead lights of any kind, including Christmas decorations, shall be erected at the intersection of streets so as to obstruct free and clear vision, and if located within the direct line of vision of any traffic control sign or signal, shall not have red, green or amber illumination.

403.3 Maintenance. All signs permitted under this Ordinance as well as those in existence prior to the adoption of the Ordinance, shall be adequately maintained to avoid their deterioration, decay or other conditions which might endanger the public health, welfare or safety.

403.2 Billboards. Advertising bill board signs are subject to the following regulations:

- A. Area of Signs. In no case shall any sign structure exceed 300 square feet in gross surface area. However, a sign structure may contain two signs placed double-faced, back to back, V-type or side-by-side

(abutting) but not exceeding 600 square feet gross surface area per sign structure.

- B. Height. Top of sign structure shall be no higher than 35 feet above the ground at its highest point.
- C. Location. The main supporting structure of all freestanding advertising signs shall not be located closer than 25 feet to any property line or road right-of-way and 200 feet from each other, except side-by-side (abutting) on the same sign structure.

Illuminated signs shall not cause any excessive glare or electrical or other disturbances which shall be incompatible with the nature of the adjoining neighborhood in which it is located, as determined by the Zoning Hearing Board, after a receipt of a recommendation from the Planning Commission.

#### **Section 404 FENCES.**

404.1 No fence shall be erected in a right-of-way.

404.2 The finished side of the fence shall always face the abutting properties or street. All structural supports, such as posts, rails and framing, shall face the applicant's property.

## PART 5 - SUPPLEMENTARY REGULATIONS GOVERNING SELECTED USES

### **Section 500 SPECIAL EXCEPTIONS.**

- 500.1 Special Exceptions, as enumerated in Part 3, shall be permitted only upon authorization by the Zoning Hearing Board subsequent to review by the Planning Commission, provided that such uses shall be found by the Zoning Hearing Board to comply with the following requirements and other applicable requirements as set forth in this Ordinance.
- 500.2 That the use is a permitted special use as set forth in Part 3 hereof.
- 500.3 That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
- 500.4 That the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located.
- 500.5 That adequate landscaping and screening is provided as required herein.
- 500.6 That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- 500.7 That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale planned developments.

### **Section 501 INDUSTRIAL PERFORMANCE STANDARDS.**

- 501.1 GENERAL APPLICATION. Permitted and special exceptions enumerated in the industrial zones and uses accessory thereto shall be subject to the following performance standards and procedures.
- A. Any application for a building permit for a use which is subject to performance standards shall be accompanied by a sworn statement filed by the owner of subject property, or the operator of the proposed use, that such use will be operated in accordance with the performance standards set forth herein.
  - B. Continued compliance with performance standards is required and shall be enforced by the Zoning Officer.

- C. All violations shall be addressed within thirty (30) days or shall be deemed a separate violation for each day following and subject to fines as set forth herein.
- D. Glare. No direct or sky-reflecting glare, whether from floodlights or from high-temperature processes such as combustion or welding, shall be visible at the points of measurement specified herein.
- E. Smoke, Dust and Fly Ash. The permitted levels of air pollution shall be the same as those contained in the Air Pollution Regulations of the State of Pennsylvania.

501.2 REGULATIONS OF NUISANCE ELEMENTS: The determination of the existence of the nuisance elements of noise, vibration, glare and dust shall be made at the property lines of the use creating same. The determination of the existence of the nuisance elements of radioactivity, smoke and other forms of air pollution shall be made anywhere within the Township. The determination of the existence of the nuisance element of odor shall be made at the zone district boundary line within which the use creating such elements is located.

501.2 STANDARD TO BE ENFORCED

- A. Radioactivity: No activities shall be permitted which use radioactivity in violation of Title 10, Chapter I, Code of Federal Regulations, "Standards for Protection Against Radiation", dated May, 1975, or Title 25, Rules and Regulations for Radiological Health, Department of Environmental Resources, Commonwealth of Pennsylvania, or any subsequent revision or amendment thereof.
- B. Noise: Please refer to the Cumberland Township's Noise Ordinance (Ordinance #1-214).
- C. Vibration. No vibration which is detectable without instruments at the points of measurement specified herein shall be permitted.
- D. Odor. No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.

- E. Toxic or Noxious Matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business, shall be permitted.

**Section 502                    SPECIFIC USES.**

**502.1 Gasoline Service Stations:**

- A. Location of Exits and Entrances. No gasoline service station, automobile repair shop shall have an entrance or exit for vehicles within three hundred (300') feet as measured along the public street in which there exists a school, public playground, church, chapel, convent, hospital, public library or any residential district. Such access shall be not closer to any intersection than thirty (30') feet.
- B. Location of Oil Drainage Pits and Hydraulic Lifts. All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50') feet to any property line.
- C. Gasoline Pumps. Gasoline service stations shall have their gasoline pumps, including other service facilities, set back at least thirty (30') feet from any street line.

**502.2 Adult Oriented Uses:**

- A. Sexually oriented business / adult entertainment establishments / adult entertainment uses shall not be located within five-hundred (500) feet of any residential structure; within five hundred (500) feet of any church, school, day care, nursery school, park or playground; or within five hundred (500) feet of any other adult entertainment establishment / adult entertainment use as measured in a straight line from the nearest portion of the building or structure containing the adult business to the nearest property line of the premises of the above listed uses.
- B. Advertisements, displays, or other promotional materials for adult entertainment facilities shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place other than the business identification sign authorized by this ordinance.

- C. All building openings, entries, exits, or windows for adult entertainment facilities shall be located, covered, or screened in such a manner as to prevent a view into the interior from any street, sidewalk, or other public place.
- D. In the case of an adult drive-in motion picture theater, viewing screens shall be situated and screened so as to prevent observation from any street or adjoining property.
- E. A buffer area at least 50 feet in depth, as measured from the property line, shall be provided along all property lines which adjoin a residential zoning district, in which no structures or parking spaces shall be permitted other than a fence or wall, and in which a combination of evergreen and deciduous plantings shall be installed which shall provide a year-round visual screen at least six feet in height at the time of planting.
- F. There shall be no vehicular access from the site of an adult business to any street along which the majority of lots contain single-family or two-family dwellings.
- G. No music, entertainment of any type or nature, excessive sound, loudspeakers or disturbance shall be allowed or permitted outside the premises.
- H. An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant or renewal of the adult business permit, of a church; public or private pre-elementary, elementary or secondary school; public library; day-care center or nursery school; public park; or single-family or two-family dwelling within 500 feet. This provision applies only to the renewal of a valid permit and shall not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- I. The owner or operator of an adult business which has a maximum permitted occupancy of 100 persons or more shall provide security, licensed under the laws of the commonwealth.
- J. Liquor or intoxicating beverages shall not be sold or consumed on the premises of an adult business subject to the rules and regulations of the Pennsylvania Liquor Control Board (LCB).
- K. Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than 100 square feet of floor space, a film or videocassette or other video or image production or reproduction which depicts nudity or sexual conduct, as defined herein, shall comply with the following:

1. At least one employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
2. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms shall not contain video reproduction or viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this paragraph shall be by direct line of sight from the manager's station.
3. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times, and to ensure that no patron is permitted access to any area of the premises which has been designated in the application submitted to the Borough as an area in which patrons will not be permitted.
4. No viewing room shall be occupied by more than one person at any time. No connections or openings to an adjoining viewing room shall be permitted.
5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.
6. If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area, and the viewing area shall not be accessible to the performers, and the performers shall not have easy access to the viewers present.

- L. Owners or operators of adult businesses shall obtain a license to operate from the Township. In addition, such owners or operators shall supply to the Zoning Officer such information regarding ownership and financing of the proposed business as is required by the Borough's licensing application. Applications for licensing shall be filed with the Zoning Officer. A valid license shall be a condition precedent to obtaining a certificate of occupancy.
- M. The adult business shall be initially licensed upon compliance with all requirements of this section and all provisions of the required licensing application. For each year thereafter that the adult business intends to continue, the owner or operator shall seek a renewal of the license. The application for renewal shall be submitted to the Zoning Officer by November 1 of the year preceding the year for which renewal is sought. The lack of a license or the failure to renew such license in a timely fashion shall be a violation of this article and shall be grounds for denial or revocation of the certificate of occupancy for the adult business.

No adult business, as defined in Article II, shall be open for business before 11:00 a.m., Monday through Saturday, or after 11:00 p.m., Monday through Saturday, and such business shall be closed at all times on Sundays and legal holidays.

### 502.3 Drive Through:

- A. A drive-through facility at or near an intersection may be approved only if it is demonstrated that the drive-through will not significantly increase traffic congestion.
- B. No more than one drive-through aisle may be approved for any single drive-through facility.
- C. Entries to and exits from a drive-through facility shall be a minimum of 150 feet from the street center line of any intersection or from another drive-through facility on the same side of the street.
- D. A drive-through facility including drive-through aisles shall provide landscaping to buffer adjacent uses and provide lighting which does not produce any objectionable direct or reflected glare on any adjoining property or thoroughfares.
- E. Parking and Circulation
  - 1. No part of a drive-through aisle shall be closer than 100 feet from the property line of any residential use.

2. Pedestrian walkways that intersect the drive-through aisles shall have clear visibility.
3. Drive-through aisles shall have a minimum twelve-foot width on curves and a minimum eleven-foot width on straight sections.
4. Drive-through aisles shall provide 120 feet behind the ordering point. From the ordering point to the pickup window there shall be 100 feet.
5. No drive-through aisle shall exit directly into a public right-of-way. A drive-through aisle shall be integrated with the on-site circulation and shall merge with the driveway.
6. A drive-through facility shall be designed so that vehicles in the stacking lane may safely exit the drive-through aisle without having to drive by the pickup window.

F. Screening and Landscaping

1. Any drive-through aisle that abuts a landscape area shall be separated from the landscape area by a six-inch-high, poured-in-place, concrete curb or other suitable protective device meeting Borough approval.
2. No sound, noise, music or audio of any type or nature in excess of an A-weighted sound level of 68 dB when measured at the property line of any adjoining property shall be permitted.
3. Landscaping shall screen drive-through aisles from the public right-of-way and shall be used to minimize the visual impacts of menu board ordering devices of any nature.
4. Menu boards shall be a maximum of 45 square feet, with a maximum height of seven feet, measured from ground level.

502.4 Extractive Industries Processing and Storage:

- A. Strip mining for coal and other mineral resources, removal of the top soil and refuse disposal operations must comply with the following conditions and requirements:
1. The operator shall file with the Township a location map which clearly shows areas to be used and the location of adjacent properties, road and natural features.

2. The operator shall submit information on the anticipated depth of any excavations and on the depth and probable effect upon the existing water table.
  3. The operator shall file with the Township a plan for the restoration of the affected area, which shall include the anticipated future use of the restored land, the proposed final topography, steps which shall be taken to conserve topsoil; the type and number per acre of trees or shrubs to be planted and the location of future roads, drives, drainage courses, or other improvements contemplated.
  4. Description of plans for the transportation of the mined product, including routes of travel, number and weight of vehicles, and measures which will be taken to maintain all roads within the township which are used to transport minerals and to repair any damages which may result from the use of roads for loads and volumes of traffic which are in excess of their use by vehicles associated with permitted uses in the district.
- B. The construction and operation of ventilating shafts, mine portals, coal tipples, cleaning plants and/or mine waste disposal areas shall be permitted only if the requirements of this Section are observed.
  - C. The operator of the coal mine shall submit to the Township for approval, copies of plans showing the proposed location and/or type of structure to be erected.
  - D. With exception of coal tipples, cleaning plants and mine waste disposal areas, the structure of all buildings shall harmonize as far as reasonably possible with the character of the structures in the district in which it is located.
  - E. Parking areas for mine portals, coal tipples and cleaning plants shall conform with the provisions of Section 402.
  - F. Except as more specifically provided, areas around coal tipples, cleaning plants, and mine waste disposal areas, shall be appropriately landscaped and maintained in good condition so as to protect the adjacent properties.
  - G. With the exception of the mine waste disposal areas, the site and areas used shall, upon completion or discontinuation of mining operations, be left in a manner making them usable in accordance

with the regulations applicable to the district in which they are located.

- H. Coal operations and/or land uses shall comply with the provisions of Section 501.
- I. Ventilating shafts, including all structures intended to supply air or power to underground coal mines, shall comply with the general provision set forth herein.
- J. Mine portals, including structures, parking areas and other related facilities, shall comply with the requirements set forth in the general provisions.
- K. Coal tipples and cleaning plants including structures, parking areas and other related facilities, shall comply with the requirements set forth in the general provisions as well as the following additional conditions and requirements.
  - 1. Structure shall be located at a minimum distance of five hundred (500') feet from any other lot in any Agricultural, Residential, Commercial or Industrial District to insure adequate screening.
  - 2. The site of tipples or cleaning plants shall be appropriately screened by tree plantings to supplement natural screening provided by the topography, and shall be maintained in good condition.
- L. Mine waste disposal area including any related facilities, shall comply with the requirements set forth in the general provisions as well as the following additional conditions and requirements.
  - 1. Mine waste shall be placed in a manner that will prevent combustion.
  - 2. Mine waste shall be deposited wherever possible in ravines or low areas and at a minimum distance of one hundred (100') feet from any other lot in any Agricultural, Residential, Commercial, or Industrial District to minimize their visibility. Where topographical conditions and natural vegetation do not afford adequate screening, a suitable landscape screen of trees and shrubs, and a minimum setback distance of two hundred-fifty (250') feet from any other lot in any Agricultural, Residential, Commercial or Industrial District shall be provided.

- N. All structures intended to supply air or power to underground coal mines shall be constructed and landscaped in a manner appropriate to the area in which it is located. Mechanical baffles supplemented by topography and/or landscaping shall be utilized to protect the adjacent property from noise of exhaust fans.

502.5 Gasoline Service Stations:

- A. Location of Exits and Entrances. No gasoline service station, automobile repair shop shall have an entrance or exit for vehicles within three hundred (300') feet as measured along the public street in which there exists a school, public playground, church, chapel, convent, hospital, public library or any residential district. Such access shall be not closer to any intersection than thirty (30') feet.
- B. Location of Oil Drainage Pits and Hydraulic Lifts. All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50') feet to any property line.

502.6 Home Occupations:

- A. A home occupation which involves an activity or operation that is construed as being capable of adversely affecting surrounding residential uses through any of the following conditions shall not be permitted:
  - 1. Changes the external appearance of the dwelling.
  - 2. Is visible from surrounding properties or the adjacent street.
  - 3. Generates traffic, parking or utility use in excess of normal levels in the neighborhood.
  - 4. Involves outside storage, display or operations.
  - 5. Utilizes accessory buildings.
  - 6. Utilizes more than twenty-five percent (25%) of the dwelling in the conduct of the home occupation.
  - 7. Creates hazards to persons or property.

- 8. Creates interference or a nuisance.
- B. Signs shall be limited to the provisions of this Ordinance for the district in which the home occupation is located.
- C. Only family members residing on the premises shall be engaged in such operations.
- D. Off street parking requirements for home occupations shall be provided on the immediate site.
- E. Personal Services and Instructional Services (as defined in the definitions section of the Ordinance) shall be limited to one client at any one time.

502.7 Junk or Salvage Yard:

- A. License Required. No person shall use any building or premises for the buying, selling, gathering, delivery, shipping, storing or salvaging of old iron, bottles, paper, rags, farm machinery, vehicles or other material commonly included in the term "junk", structural or steel material and equipment, without obtaining a license for the operation of a junk, salvage contractor's yard. Storage of three or more unlicensed vehicles (except farm machinery) on the same premises shall be prima facie evidence of operation of a junk or salvage yard.
- B. Application. Application for a license hereunder shall be made in writing to the Zoning Officer stating:
  - 1. The location and description of the premises to be licensed.
  - 2. The nature of the business to be conducted on the premises.
  - 3. The type of construction of any building to be used in connection with the business.
  - 4. The applicant's name and address, and if a firm or corporation, the names and addresses of all officers.
- C. Fee. Fees shall be set by separate ordinance and licenses shall expire on January 1st but may be renewed if the Zoning Officer is satisfied that the license and the premises comply with this section.
- D. Location. No junk or salvage yard shall be located within one thousand

(1,000') feet of any residence other than the owner of the premises or any residential or business district or one thousand (1,000') feet from a lake, three hundred (300') feet from a river or stream unless otherwise out of the view of the public.

No junk yard or salvage operations shall be carried on within one hundred (100') feet of any highway right of way.

- E. Screening Requirements. A junk or salvage yard shall be contained within an opaque fence or wall eight (8') feet high, or a visual screen consisting of evergreen or evergreen type hedges or shrubs, spaced at intervals of not more than six (6') feet, located and maintained in good condition at least fifteen (15') feet from the property line, or in any way out of view of the public.

#### 502.8 Motels and Cabins:

- A. No cabin or court of part thereof to be placed closer to any street or road line than one hundred (100') feet or closer than fifty (50') feet to any other property line.
- B. The space between cabins, at the side, shall be no less than eighteen (18) feet, and the space between rows of cabins, at the front or rear, shall be no less than sixty (60') feet.
- C. Automobile parking spaces sufficient to accommodate the cars of all guests, shall be provided on the premises and back of the established building line or lines.
- D. Every individual cabin rental space shall be supplied with its individual running water and toilet facilities.
- E. Satisfactory sewage disposal facilities shall be provided including, in appropriate cases a properly constructed cesspool or septic tank with tile field, no part of which is placed closer than one hundred (100') feet to a well used for potable water supply, or closer than fifty (50) feet to any property line.

#### 502.9 Oil and Gas Activities:

- A. Oil and Gas Compressor Stations and Processing Facilities.

1. A company desiring to operate a compressor station or a processing facility shall obtain the permits required by this section, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency.
  
2. The company must adhere to the following regulations:
  - a. ACCESS – Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:
    - 1) The edge and edge of flare of any newly established private easement/roadway constructed on the parcel containing the facility shall be located at least 50 feet from any property line;
    - 2) The access road to the facility, beginning with its intersection with a municipal road, shall be constructed consistent with or better than the composition of the adjacent municipal road for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
    - 3) All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather, consistent with the Pennsylvania Dirt and Gravel Roads Program. Under no circumstances shall brine water be used for dust abatement.

- b. EMERGENCY RESPONSE PLAN –Prior to development, the developer/operator, at its expense, shall meet with municipal safety control individuals, including but not specifically limited to the fire chief, police chief and county emergency management appointee, to discuss or provide information, and training if necessary regarding any proposed emergency response to the Preparedness, Prevention and Contingency Plan and any emergency response plan. Further, the owner/operator, shall continue to update its Preparedness, Prevention and Contingency plan, as well as any Emergency Response Plan, and provide said update and communications to the Township offices.
- c. ENGINES –All electrical installations and equipment shall conform to Uniform Construction Code and any other applicable Township or national codes.
- d. FEE REIMBURSEMENT – For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.
- e. FENCING – A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain-link fence. Standards for the chain-link fence and secured gate are as follows:
  - 1) The chain-link fence shall be at least eight feet in height;

- 2) Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
  - 3) The chain-link shall be dark green or black steel wire;
  - 4) The chain-link fence shall have, at a minimum, eleven-gauge thickness;
  - 5) Posts and rails shall be black or dark green standard socket construction or similar design;
  - 6) Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have minimum thickness of 1/4 inch by 3/4 inch;
  - 7) All chain-link fences shall be equipped with at least two gates. At least one of the gates shall meet the following specifications:
    - a) The gates shall be of black or dark green chain-link construction that meets the applicable specifications or of other approved material that, for safety reasons, shall be at least as secure as the chain-link fence;
    - b) Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Township.
- f. LIGHTING – No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

- g. PERMITS – Building permits and zoning permits shall be obtained from the Zoning Officer, and applications must include:
  - 1) A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
  - 2) Anticipated construction start and completion date;
  - 3) A plot plan of the site showing a clearly marked scale, all property lines, all buildings, waterwells, water sources and rights-of-way;
  - 4) The applicant shall apply for a Township-assigned address at the time of building permit application;
  - 5) Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
  - 6) A grading permit, if applicable, must be obtained per the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
- h. ROAD USE MAINTENANCE AGREEMENT – The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth in the agreement.
- i. SETBACKS – The following minimum setback distances must be adhered to:
  - 1) The minimum distance from a compressor station building or processing plant building to any building or property line shall be 1,500 feet;
  - 2) The minimum distance from a compressor station building or processing plant building to any school building licensed

by the Commonwealth of Pennsylvania and occupied by students shall be 2,500 feet;

- 3) All aboveground equipment, including compressor engines, and any structure in which they are enclosed must be set back a minimum of 100 feet from any adjacent property lines or rights-of-way.
- j. SIGNAGE – The facility signage shall be provided in accordance with Pennsylvania Act 9 of 2012 and applicable regulations of the PA DEP.
- k. STATE AND FEDERAL COMPLIANCE – The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
- l. TRUCK ROUTES – The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis. In conjunction with the Township, the applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided. The applicant shall provide evidence that both the truck drivers and subcontractors are aware of and

understand the sections of this Ordinance related to truck routes.

- B. Oil and Gas Metering Stations / Above Ground Gathering Facilities.
1. A company desiring to operate a metering station and/or an aboveground gathering facility shall obtain the permits required by this section, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency.
  2. The company must adhere to the following regulations:
    - a. ACCESS – Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:
      - 1) The edge and edge of flare of any newly established private easement/roadway constructed on the parcel containing the facility shall be located at least 50 feet from any property line;
      - 2) The access road to the facility, beginning with its intersection with a municipal road, shall be constructed consistent with or better than the composition of the adjacent municipal road for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
      - 3) All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather, consistent with the Pennsylvania Dirt and

Gravel Roads Program. Under no circumstances shall brine water be used for dust abatement.

- b. EMERGENCY RESPONSE PLAN – Prior to development, the developer/operator, at its expense, shall meet with municipal safety control individuals, including but not specifically limited to the fire chief, police chief and county emergency management appointee, to discuss or provide information, and training if necessary regarding any proposed emergency response to the Preparedness, Prevention and Contingency Plan and any emergency response plan. Further, the owner/operator, shall continue to update its Preparedness, Prevention and Contingency plan, as well as any Emergency Response Plan, and provide said update and communications to the Township offices.
- c. ENGINES –All electrical installations and equipment shall conform to Uniform Construction Code and any other applicable Township or national codes.
- d. FEE REIMBURSEMENT – For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.
- e. FENCING – A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain-link fence. Standards for the chain-link fence and secured gate are as follows:

- 1) The chain-link fence shall be at least eight feet in height;
  - 2) Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
  - 3) The chain-link shall be dark green or black steel wire;
  - 4) The chain-link fence shall have, at a minimum, eleven-gauge thickness;
  - 5) Posts and rails shall be black or dark green standard socket construction or similar design;
  - 6) Tension rods shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have minimum thickness of 1/4 inch by 3/4 inch;
  - 7) All chain-link fences shall be equipped with at least two gates. At least one of the gates shall meet the following specifications:
    - a) The gates shall be of black or dark green chain-link construction that meets the applicable specifications or of other approved material that, for safety reasons, shall be at least as secure as the chain-link fence;
    - b) Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by the Township.
- f. LIGHTING – No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be

turned off except when personnel are working on site or motion sensors are activated.

- g. PERMITS – Building permits and zoning permits shall be obtained from the Zoning Officer, and applications must include:
  - 1) A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
  - 2) Anticipated construction start and completion date;
  - 3) A plot plan of the site showing a clearly marked scale, all property lines, all buildings, waterwells, water sources and rights-of-way;
  - 4) The applicant shall apply for a Township-assigned address at the time of building permit application;
  - 5) Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
  - 6) A grading permit, if applicable, must be obtained per the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
- h. ROAD USE MAINTENANCE AGREEMENT – The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth in the agreement.
- i. SETBACKS – The following minimum setback distances must be adhered to:
  - 1) The minimum distance from any metering station or above ground gathering facility to any building or property line shall be 1,000 feet;

- 2) The minimum distance from any metering station or above ground gathering facility to any school building licensed by the Commonwealth of Pennsylvania and occupied by students shall be 1,500 feet;
  - 3) All aboveground equipment within the facility must be set back a minimum of 100 feet from any adjacent property lines or rights-of-way.
- j. SIGNAGE – The facility signage shall be provided in accordance with Pennsylvania Act 9 of 2012 and applicable regulations of the PA DEP.
  - k. STATE AND FEDERAL COMPLIANCE – The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.

C. Oil and Gas Pipelines.

1. A company desiring to construct oil and gas pipelines shall furnish to the Township copies showing evidence that it has obtained and maintains in good standing all required state and/or federal permits, including proof of bonding to operate pipelines, when such bonding is required. Any suspension or revocation of any required state or federal approvals or permits shall be reported to the Township immediately. Retail service lines from the main line to the residential or commercial structure are exempt from this section.

2. The company must adhere to the following regulations:
- a. GRADING PERMIT – A grading permit, if applicable, must be obtained per the Subdivision and Land Development Ordinance, prior to any grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.
  - b. PIPELINE INFORMATION – The company shall submit to the Township, prior to construction, on a form provided by the Township, the following:
    - 1) The origin point and the destination of the segment of the pipeline to be constructed;
    - 2) A description of the substance to be transported through the pipeline and a copy of the material safety data sheet (MSDS);
    - 3) A copy of the Erosion and Sedimentation Control General Permit (ESCGP) application submitted to the Pennsylvania Department of Environmental Protection (PA DEP);
    - 4) The owner-operator must participate in PA One-Call to the extent required by law;
    - 5) The company shall maintain setbacks as indicated in this subsection. Setback requirements from the pipeline for general residential, commercial, and industrial buildings shall be a minimum of 50 feet. The setback distance shall be measured from the nearest edge of the right-of-way.
  - c. STATE AND FEDERAL COMPLIANCE – The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or

revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.

D. Oil and Gas Wells.

1. A company desiring to engage in any oil and/or natural gas well site construction, drilling, hydraulic fracturing, and/or site restoration associated with a gas well of any depth; and transportation used for such activities shall obtain the permits required by this section, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency.
2. Impoundments are not permitted for the storage of liquids on the well site. All liquids must be stored in tank(s) located above the surface of the earth and provided with a leak proof membrane and a containment dike.
3. The company must adhere to the following regulations:
  - a. ACCESS – Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:
    - 1) The edge and edge of flare of any newly established private easement/roadway constructed on the parcel containing the facility shall be located at least 50 feet from any property line;
    - 2) The access road to the facility, beginning with its intersection with a municipal road, shall be constructed consistent with or better than the composition of the adjacent municipal road for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or accessway is less than 200 feet in length,

the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;

- 3) All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather, consistent with the Pennsylvania Dirt and Gravel Roads Program. Under no circumstances shall brine water be used for dust abatement.
- b. EMERGENCY RESPONSE PLAN – Prior to well spud, the developer/operator, at its expense, shall meet with municipal safety control individuals, including but not specifically limited to the fire chief, police chief and county emergency management appointee, to discuss or provide information, and training if necessary regarding any proposed emergency response to the Preparedness, Prevention and Contingency Plan and any emergency response plan. Further, the owner/operator, shall continue to update its Preparedness, Prevention and Contingency plan, as well as any Emergency Response Plan, and provide said update and communications to the Township offices.
  - c. FEE REIMBURSEMENT – For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.
  - d. HOURS – Except when necessary for safety considerations, emergencies, winterization and weather, all site preparation and preproduction activities on the site, as well as access

road maintenance, site reclamation activity and other ongoing ancillary activities shall be permissible Mondays through Saturdays (with the exception of federal and/or state holidays) between the hours of 7:00 a.m. and 9:00 p.m. Upon request by the Operator, the Township may consent to activities at other times. The active drilling phase, including completions, is exempt from this subsection.

- e. LIGHTING – No applicant shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.
- f. PERMITS – Zoning permits must be obtained from the Zoning Officer prior to commencement of drilling and applications must include:
  - 1) The name and address of the mineral and royalty owner(s), a copy of the oil and gas lease associated with the surface parcel or surface use agreement and any drilling permits issued by the Commonwealth of Pennsylvania, or the application, if a state permit has not yet been issued, shall be attached;
  - 2) The name and address of the applicant, including the name and telephone number of a local representative;
  - 3) The exact description of the location of the proposed well and verification that the site is not located in a wetland or floodplain, unless otherwise approved by the Pennsylvania Department of Environmental Protection (PA DEP);

- 4) The name and address of each current owner of all property within 1,000 feet of the proposed well, and verification that all above-referenced property owners have been notified in writing of the drilling activity;
  - 5) Anticipated construction start and completion date;
  - 6) A plot plan of the site showing a clearly marked scale, all property lines and all known buildings, waterwells, water sources and rights-of-way.
- g. ROAD USE MAINTENANCE AGREEMENTS – The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth.
  - h. SCREENING – When site pads are being constructed care should be taken to maintain as much natural screening as possible. Existing trees and respective root systems should not be disturbed whenever possible.
  - i. SETBACKS – The following minimum setback distances must be adhered to:
    - 1) The minimum distance from any oil or gas well to any building or property line shall be 1,000 feet;
    - 2) The minimum distance from any oil or gas well to any school building licensed by the Commonwealth of Pennsylvania and occupied by students shall be 1,500 feet;
  - j. SIGNAGE – The well site signage shall be provided in accordance with Pennsylvania Act 9 of 2012 and applicable regulations of the PA DEP.
  - k. STATE AND FEDERAL COMPLIANCE – The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall

notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.

- I. TRUCK ROUTES – The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis. In conjunction with the Township, the applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided. The applicant shall provide evidence that both the truck drivers and subcontractors are aware of and understand the sections of this Ordinance related to truck routes.
  
- m. ESSENTIAL PERSONNEL – The following essential personnel are permitted, due to safety and security considerations, to live on the well pad during active drilling operations and completions when they are not working on their shift:
  - 1) Consultant (company man)
  - 2) Rig manager
  - 3) Rig hands (driller, derrick hand, motor man and floor hand)
  - 4) Directional driller
  - 5) Mud logger
  - 6) Mud engineer
  - 7) Solids control

8) MWD hand

Additional essential personnel may be permitted to live on site, subject to approval by the Township. No personnel shall be permitted to reside on site during their off days.

E. Oil and Gas Related Water Impoundments.

1. A company desiring to operate a water impoundment associated with oil or gas drilling operations shall obtain the permits required by this section, which are in addition to, and not in lieu of, any permit that may be required by any other governmental or regulating agency.
2. Impoundments shall comply with all applicable requirements of the Commonwealth of Pennsylvania and the Pennsylvania Department of Environmental Protection (PA DEP). The applicant shall register any freshwater or wastewater impoundment with the Township prior to its construction. A copy of all applicable PA DEP and other state permits shall be provided at the time of application.
3. The company must adhere to the following:
  - a. ACCESS – Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:
    - 1) The edge and edge of flare of any newly established private easement/roadway constructed on the parcel containing the facility shall be located at least 50 feet from any property line;
    - 2) The access road to the facility, beginning with its intersection with a municipal road, shall be constructed consistent with or better than the composition of the adjacent municipal road for the first 50 feet and be constructed with an additional 150 feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the

access road or accessway is less than 200 feet in length, the entire access road or accessway shall meet these conditions. This shall be in place prior to the commencement of any facility operations;

- 3) All roads and accessways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather, consistent with the Pennsylvania Dirt and Gravel Roads Program. Under no circumstances shall brine water be used for dust abatement.
- b. EMERGENCY RESPONSE PLAN – Prior to development, the developer/operator, at its expense, shall meet with municipal safety control individuals, including but not specifically limited to the fire chief, police chief and county emergency management appointee, to discuss or provide information, and training if necessary regarding any proposed emergency response to the Preparedness, Prevention and Contingency Plan and any emergency response plan. Further, the owner/operator, shall continue to update its Preparedness, Prevention and Contingency plan, as well as any Emergency Response Plan, and provide said update and communications to the Township offices.
  - c. FEE REIMBURSEMENT – For the period during which construction is taking place, the applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including, but not limited to, the Township Engineer and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.
  - d. LIGHTING – No applicant shall permit any lights located on any facility to be directed in such a manner so that they shine directly on public road, protected use, adjacent property or property in

the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

- e. NOTICE. Thirty-day advance notice must be provided when transitioning from a freshwater to a wastewater impoundment and the applicant must provide a copy of the revised PA DEP permit. Any spills, leaks, malfunctions or similar incidents from the impoundments shall be reported to the PA DEP as required and shall also be reported to the Township.
- f. PERMITS – Zoning permits must be obtained from the Zoning Officer prior to commencement of development and applications must include:
  - 1) The name and address of the applicant, including the name and telephone number of a local representative;
  - 2) A description of the proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
  - 3) Anticipated construction start and completion date;
  - 4) A plot plan of the site showing a clearly marked scale, all property lines and all known buildings, waterwells, water sources and rights-of-way.
  - 5) The applicant shall apply for a Township-assigned address at the time of building permit application;
  - 6) Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
  - 7) A grading permit, if applicable, must be obtained per the Subdivision and Land Development Ordinance prior to any

grading or earth moving and must include evidence of an approved soil erosion and sedimentation control plan.

- g. ROAD USE MAINTENANCE AGREEMENTS – The applicant shall apply for a road use maintenance agreement, pay the prescribed fee, and adhere to all conditions set forth.
- h. SCREENING – When sites are being developed care should be taken to maintain as much natural screening as possible. Existing trees and respective root systems should not be disturbed whenever possible.
- i. SETBACKS – The following minimum setback distances must be adhered to:
  - 1) The minimum distance from any impoundment to any building or property line shall be 1,000 feet;
  - 2) The minimum distance from any impoundment to any school building licensed by the Commonwealth of Pennsylvania and occupied by students shall be 1,500 feet;
  - 3) All aboveground equipment within the facility must be set back a minimum of 100 feet from any adjacent property lines or rights-of-way.
  - 4) No impoundment may be located within 500 feet of any existing water well, surface water intake reservoir or other water supply extraction point, public or private.
  - 5) No impoundment may be located upslope and within 2,000 feet of any existing water well, surface water intake reservoir or other water supply extraction point, public or private.
- j. SIGNAGE – The impoundment signage shall be provided in accordance with Pennsylvania Act 9 of 2012 and applicable regulations of the PA DEP. In addition, signs must be installed around all wastewater impoundments identifying the water as hazardous.

- k. STATE AND FEDERAL COMPLIANCE – The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.
  
- l. TRUCK ROUTES – The applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis. In conjunction with the Township, the applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided. The applicant shall provide evidence that both the truck drivers and subcontractors are aware of and understand the sections of this Ordinance related to truck routes.

## PART 6 - NONCONFORMING LOTS, USES OF LAND, AND STRUCTURES

### **Section 600 PURPOSE.**

600.1 This purpose of this Part is to set forth standards and regulations regarding nonconforming uses, structures, and lots. These standards shall apply to all nonconforming uses, structures and lots, as defined by this Ordinance. Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approval and required permits have been granted prior to the effective date of this Ordinance or any amendment thereto.

### **Section 601 NONCONFORMING LOTS OF RECORD.**

601.1 The following regulations shall apply to nonconforming lots, as defined by this Ordinance.

- A. Any lot of record existing at the effective date of this Ordinance may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, without a lot area or lot width variance, even though its lot area and width are less than the minimum required by this Ordinance; however, such lot must comply with the front, rear and side yards, height and lot coverage standards of the Zoning District wherein it is located.
- B. Where structures exist on adjacent nonconforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent nonconforming lot of record shall be the average depth of the nonconforming front yards on the adjacent nonconforming lots in the same block on the same side of the street.

### **Section 602 NONCONFORMING USES.**

602.1 Where, at the effective date of adoption or amendment of this Zoning Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Zoning Ordinance, as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased by more than twenty-five (25%) percent of the existing area at the effective date or amendment of this Zoning Ordinance.

- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date or amendment of this Zoning Ordinance.
- C. If any such nonconforming use of land is ceased for any reason for more than twelve months, any subsequent use of such land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located, except that when the discontinuance was beyond the control of the owner or tenant and was without intent to abandon the use, the Zoning Hearing Board may, when application is made not later than one (1) year from the date the use was discontinued, approve an extension of not more than one (1) additional year within which the use may be resumed. Additional extensions may be approved at the Zoning Hearing Board's discretion.
- D. In the case of nonconforming uses, other than dwellings, when damage or destruction of a structure in which the nonconforming use is conducted involves fifty percent (50%) or less of the gross floor area of the structure, repairs or reconstruction may be undertaken, provided that such restoration is started within eighteen (18) months of the date of destruction. No enlargement or expansion of the nonconforming structure shall be permitted. The Zoning Hearing Board may, when application is made, not later than eighteen (18) months from the date when the damage or destruction of the structure occurred, approve an extension of not more than eighteen (18) additional months within the use may be resumed. Additional extensions may be granted at the Zoning Hearing Board's discretion.
- E. In the case of nonconforming uses other than dwellings, when the structure in which the nonconforming use is conducted is damaged or destroyed by fire or other means to an extent of more than fifty percent (50%) of its gross floor area, the structure shall be reconstructed only to house a conforming use.

**Section 603 NONCONFORMING STRUCTURES.\***

603.1 Where a lawful structure exists at the effective date or amendment to this Zoning Ordinance that could not be built under the terms of this Zoning Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long

as it remains otherwise lawful, subject to the following provisions:

- A. No such structures may be enlarged or altered in a way which increased its nonconformity.
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- C. Any nonconforming structure that has been partially or completely damaged or destroyed by fire or other means may be rebuilt or repaired on its existing structure footprint provided that the repair or reconstruction and the occupancy of the structure occurs within eighteen (18) months of the date that the original structure was damaged or destroyed. Additional extensions may be approved at the Zoning Hearing Board's discretion.

\* Includes Signs

**Section 604 REPAIRS AND MAINTENANCE.**

604.1 A nonconforming structure may be maintained, repaired or altered but shall not be enlarged in any way which increases its nonconformity. Nothing in this Zoning Ordinance shall prevent the restoration to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

## PART 7 - ADMINISTRATION AND ENFORCEMENT

### **Section 700 ZONING OFFICER: APPOINTMENT AND POWERS.**

- 700.1 For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed.
- 700.2 The 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.
- 700.3 The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
- 700.4 The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

**Section 701 ZONING OFFICER: DUTIES.** The procedures of this Ordinance shall be administered by the Zoning Officer, who shall be appointed by the Township Supervisors. It shall be the duty of the Zoning Officer, and he/she shall have the power to:

- 701.1 Receive, examine and process all applications for building, occupancy and zoning permits for all uses including signs.
- 701.2 Issue permits only where there is compliance with the provisions of this Ordinance, with other Township ordinances, and with the laws of the Commonwealth and the Federal Government. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits for conditional uses requiring approval by the Township Supervisors shall be issued only after receipt of approval from the Township Supervisors.
- 700.3 Receive applications for conditional uses, curative amendments and zoning changes, forwarding such requests to the Township Supervisors/Planning Commission or other appropriate agencies.
- 700.4 Receive applications for special exceptions and variances and forward these applications to the Zoning Hearing Board for action, thereupon.
- 700.5 Following refusal of a permit, to receive applications for interpretation, appeals and variances. These applications shall then be forwarded to the Zoning Hearing Board for action, thereupon.

700.6 Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.

700.7 Issue stop, cease and desist orders, and order, in writing, correction of all conditions found to be in violation of the provisions of all applicable regulations. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Officer to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order issued lawfully by the Zoning Officer, and any person violating any such order shall be guilty of a violation of this Ordinance.

700.8 Institute civil enforcement proceeding in accordance with §§121-124 above.

700.9 With the approval of the Township Supervisors or when directed by them, institute in the name of the Township any appropriate actions or proceedings to: (1) Prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of a building, structure or property. (2) Restrain, correct or abate any such violation so as to prevent the occupancy or use of any such building, structure or land, and/or (3) Prevent any illegal act, conduct, business or use in or about such premises.

700.10 Revoke any order or zoning permit issued under mistake of fact, or contrary to the law, of the provisions of this Ordinance.

700.11 Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.

700.12 Maintain a map or maps showing the current zoning classification of all land in the Township.

700.13 Register nonconforming structures, uses and lots in accordance with the provisions of Part 3, §306, Non-Conformities.].

## **Section 702 TOWNSHIP SUPERVISORS: JURISDICTION**

702.1 The Township Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provision of §702 of the MPC, 53 P.S. §10702.

- B. All applications pursuant to §508 of the MPC, 53 P.S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. §10501 et seq.
- C. Applications for conditional use under the Express provision of this Ordinance.
- D. Applications for curative amendment to this Ordinance or pursuant to §§609.1 and 916.1 (a) of the MPC, 53 P.S. §§10609.1, 10916.1 (a).
- E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P.S. §10609.
- F. Appeals from the determination of the Zoning Officer or the Township engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township engineer shall be to the Zoning Hearing Board pursuant to this Section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

**Section 703 ZONING PERMITS REQUIRED.**

703.1 Hereinafter, no use listed in the Tables of Use Controls may be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed, or removed, and no building used or occupied, changed in use, or changed in nonresidential use occupancy, until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, alteration or moving structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work, occupancy, or use has been inspected and approved as being in conformity with the provisions of this Ordinance.

**Section 704 ZONING PERMITS: APPLICATION REQUIREMENTS.**

704.1 All applications for zoning permits shall be made in writing by the owner, tenant,

or vendee under contract of sale, or other authorized agent on a form supplied by the Township and shall then be filed with the Zoning Officer. The application shall include [copies] of the following information:

- A. A statement as to the proposed use of the building, land or structure.
- B. A site layout plan drawn to scale [1" = 100' or larger] showing the location, dimensions, height or proposed buildings, structures or uses, and any existing buildings in relation to the property and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
- C. The location, dimensions, and arrangements of all open spaces, yards and buffer yards, including methods to be employed for screening.
- D. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
- E. The dimensions, location and methods of illumination for signs, if applicable.
- F. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
- G. Provisions to be made for the treatment and disposal of sewage and industrial wastes, water supply, and storm drainage. Provisions for storm water management shall be made in compliance with the Subdivision of Land Development Ordinance of the County of Greene. Verification of availability for water, sewage and electric service must be included.
- H. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of the number of dwelling units per acre of land.
- I. A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, fire hazards, traffic congestion, or other safety hazards.
- J. Descriptions of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, traffic congestions, or other safety hazards.

- 704.2 No permit for any new use or construction which will involve on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site, shall be issued until approval has been granted by the Pennsylvania Department of Environmental Resources.
- 704.3 The Zoning Officer shall render a decision either approving or disapproving the application for a zoning permit within ninety (90) days after the application has been filed, provided that any disapproval of the application shall be issued within the said ninety (90) day period and shall contain a brief explanation setting forth the reasons for said disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval. If no decision is rendered on the application within ninety (90) days, the application shall be deemed to have been granted immediately, unless the applicant has agreed, in writing, to an extension of time.

**Section 705 FEES AND ESCROW DEPOSITS.**

- 705.1 All applicants for zoning permits, special exceptions, conditional uses, variances, interpretations and other appeals shall, at the time of making application, pay to the Zoning Officer for use of the Township, a fee which shall be in accordance with a fee schedule adopted pursuant to a resolution of the Township Supervisors upon the enactment of this Ordinance or as such schedule may be amended from time to time. In addition, an escrow deposit may be required. Escrow deposit requirements shall also be set from time to time pursuant to a resolution of the Township Supervisors.

**Section 706 LIFE OF A PERMIT.**

- 706.1 Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced, and any change in use of a building or land authorized by a zoning permit shall be undertaken, within 6 months after the date of issuance of the permit. If not, the permit shall be considered null and/void. However, in the case of the erection or construction of a building, the right to proceed with construction may be extended annually without additional fees for an aggregate period of time not to exceed two (2) years, provided that the construction pursuant to said permit was already commenced within six (6) month period.

**Section 707 CERTIFICATE OF OCCUPANCY.**

- 707.1 Hereafter, no structure erected, constructed, reconstructed, extended or moved, no property sold or exchanged, and/or no land or building changed in use under a zoning permit shall be occupied or used, in whole or in part, for any use

whatsoever, nor changed from non-residential occupancy status, until the owner or authorized agent has been issued a certificate of occupancy the Zoning Officer indicating that the building or use complies with the terms of zoning regulations as provided in this Ordinance.

- 707.2 No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with the Zoning Ordinance.
- 707.3 The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the intent of this Ordinance.

**Section 708 ZONING ORDINANCE AMENDMENTS.**

- 708.1. The Cumberland Township Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The procedure for the preparation of a proposed zoning ordinance as set forth in §607 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10607, is hereby declared optional.
- 708.2 Before voting on the enactment of an amendment, the Cumberland Township Supervisors shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
- 708.3 In the case of an amendment other than that prepared by the Planning Commission the Township Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- 708.4 If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- 708.5 At least thirty (30) days prior to the public hearing on the amendment by the Township Supervisors, the Township shall submit the proposed amendment to the Greene County Planning Commission for recommendations.
- 708.6 Within thirty (30) days after enactment, a copy of the amendment to this

Ordinance shall be forwarded to the Greene County Planning Commission.

**Section 709 LANDOWNER CURATIVE AMENDMENTS: PROCEDURE.**

709.1 A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the Pennsylvania Municipalities Planning Code (hereinafter referred to as MPC). The curative amendment and challenge shall be referred to the Township Planning Commission and the County Planning Commission as provided in §609.1 and notice of the hearing thereon shall be given as provided in §610 and 916.1 of the MPC.

709.2 The hearing shall be conducted in accordance with §908 of the MPC, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Township Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this Subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Ordinance and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

709.3 The Township Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendments, with or without revision, or may adopt an alternative amendment which will cure the challenge defects. The Township Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

- A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map.
- C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetland, flood plains, aquifers, natural resources and other natural features;
- D. The impact of the proposed use on the site's soils, slopes, woodlands,

wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and

- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

**Section 710 TOWNSHIP CURATIVE AMENDMENTS: PROCEDURE.**

710.1 If the Township determines that this Ordinance, or any portion thereof, is substantially invalid, it shall take the following actions:

710.2 The Township shall declare by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days of such declaration and proposal the Township shall:

- A. By resolution make specific findings setting forth the declared invalidity of this Ordinance which may include:
  - 1. References to specific uses which are either not permitted or not permitted in sufficient quantity;
  - 2. References to a class of use or uses which requires revision; or,
  - 3. References to this entire ordinance which requires revisions.
- B. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
- C. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions of §609 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10609, in order to cure the declared invalidity of this Ordinance.
- D. Upon the initiation of the procedures as set forth in Subsection (1), the Township Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under §609.1 of the MPC, 53 P.S. §10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§909.1 or 916.1 of the MPC, 53 P.S. §§10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by Subsection (1): (A). Upon completion of the

procedures set forth in Subsections (1) and (2), no rights to a cure pursuant to the provisions of §§609.1 and 916.1 of the MPC, 53 P.S. §§10609.1, 10916.1, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this Section.

- E. The Township, having utilized the procedures set forth in this Section, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Ordinance; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to propose a curative amendment to this Ordinance to fulfill said duty or obligation.

**Section 711 ENFORCEMENT NOTICE.**

711.1 If it appears to the Zoning Officer that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.

711.2 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.

711.3 An enforcement notice shall state at least the following:

- A. The name of the owner of record and any other person against whom the Zoning Officer intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of ten (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.

**Section 712 CAUSES OF ACTION.**

712.1 In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township Supervisors or, with the approval of the Township Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriated action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Supervisors. No such action may be maintained until such notice has been given.

**Section 713 ENFORCEMENT REMEDIES.**

713.1 Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay judgment of not more than five hundred (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

713.2 No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

713.3 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.

713.4 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.

715.5 District Justices shall have initial jurisdiction over proceedings brought under this Section.

## PART 8 – ZONING HEARING BOARD

### Section 800 PURPOSE.

800.1 The purpose of this Part is to set forth the regulations regarding the Zoning Hearing Board (Board) and all the duties and functions that pertain thereto.

### Section 801 MEMBERSHIP.

801.1 The membership of the Board shall consist of five (5) residents of the Township appointed by resolution by the Township Supervisors. The terms of office shall be five (5) years and shall be fixed that the term of office of one (1) member shall expire each year. The Board shall promptly notify the Township Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion. Members of the Board shall hold no other office in the Township.

801.2 Alternates. The Governing Body may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of this Subsection, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board Members, including specifically the right to cast a vote as a voting member during the proceeding, and shall have all the powers and duties set forth in this Ordinance and as otherwise provided by law. Alternates shall hold no other office in the Township including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Subsection 6 unless designated as a voting alternate member pursuant to this Section.

801.3 Participation by Alternate Members. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

801.4 Removal of Members. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of

the Township Supervisors which appointed the member, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request in writing.

801.5 Organization of the Board. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this Ordinance.

801.6 Procedures. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinance of the Township and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities to the Township Supervisors as requested by the Township Supervisors.

801.7. Fees. Within the limits of funds appropriated by the Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Township Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Township Supervisors.

801.8. Coordination with Planning Commission. The Board shall refer all applications to the Township Planning Commission to enable Commission to comment to Board prior to decision. Comment to Board from the Planning Commission will relate to appropriate land use.

**Section 802. JURISDICTION.**

802.1 The Board shall have exclusive jurisdiction to hear and render adjudication in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Township Supervisors pursuant to §§609.1 and 916.1 (a) (2) of the Pennsylvania Municipalities Planning Code (MPC).
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance. Where the Ordinance appealed

from is the initial zoning ordinance of the Township and a Zoning Hearing Board had not been previously established, the appeal raising procedural questions shall be taken directly to court.

- C. Appeals for the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Township engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- E. Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to §910.2 of the MPC.
- F. Application for special exceptions under this Ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to §912.1 of the MPC.
- G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Ordinance.
- H. Appeals from the Zoning Officer's determination under §916.2 of the MPC.
- I. Appeals from the determination of the Zoning Officer or Township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC.

**Section 803 VARIANCES.**

803.1 The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including

irregularity, narrowness, or shallowness of lot size or shape, or exceptions topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstance or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.

- B. That because of such physical circumstance or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

803.2 In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the MPC.

#### **Section 804 SPECIAL EXCEPTIONS.**

804.1 Where the Township Supervisors, in this Ordinance, have stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the MPC.

#### **Section 805. NOTICE AND CONDUCT OF HEARINGS.**

805.1 Written notice of the hearing shall be given to the public, the applicant, the Zoning Officer, Township Supervisors, the Planning Commission and to any person who has made timely request for the same. Written notice shall be given at such time and in such manner as shall be prescribed by rules of the Board.

805.2 Public notice, as defined herein, shall be given for the public hearing. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

805.3 The Zoning Hearing Board shall conduct hearings in accordance with the following:

- A. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension.
- B. The hearing shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- C. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on form provided by the Board for that purpose.
- D. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- G. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or Hearing Officer or shall be paid by the person

appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

- H. The Board or the Hearing Officer shall not communicate, directly or indirectly with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
  
- I. The Board or Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provision of this Ordinance or of any law ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there had been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Where the Board fails to render the decision within the period required by this Subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Subsection (1) of this Section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- K. The Township Supervisors shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

**Section 806. MEDIATION OPTION.**

806.1 Parties to proceedings authorized in this Ordinance and Article X-A of the Pennsylvania Municipalities Planning Code, may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Ordinance and Article X-A once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

806.2 Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township Supervisors may offer the mediation option in a particular case pursuant to a resolution which shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- A. Funding mediation.
- B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- C. Completing mediation, including time limits for such completion.
- D. Suspending time limits otherwise authorized in this Ordinance, provided there is written consent by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation.
- E. Identifying all parties and affording them the opportunity to participate.

- F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the other section of this Ordinance.

806.3 No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

**Section 807 TIME LIMITATIONS.**

807.1 No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

807.2 The failure of anyone other than the landowner to appeal from an adverse decision of a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

807.3 All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

**Section 808 STAY OF PROCEDURES.**

808.1 Upon filing of any proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action hereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly

approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.

808.2 After the petition is presented, the court shall hold a hearing to determine if the filing of an appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

808.3 The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

808.4 If an appeal is take by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

# **APPENDIX**

Cumberland Township  
Primary Uses - April 2018

| USE                                    | A1: Ag | R1: Low Den Res | R2: Med Den Res | R3: High Den Res | C1: Gen Commercial | I1: Industrial District | V1: Village District |
|--|--------|-----------------|-----------------|------------------|--------------------|-------------------------|----------------------|
| Adult-Oriented Uses                    |        |                 |                 |                  |                    | SE                      |                      |
| Agricultural Operation                 | P      |                 |                 |                  |                    |                         |                      |
| Amusement Arcade                       |        |                 |                 |                  | P                  | P                       |                      |
| Animal Hospitals                       | P      |                 |                 |                  | SE                 |                         |                      |
| Arboriculture                          | P      |                 |                 |                  |                    |                         |                      |
| Arena                                  |        |                 |                 |                  |                    |                         |                      |
| Art, Music and Dance Studios           |        |                 |                 |                  | P                  | P                       |                      |
| Auditoriums                            |        |                 |                 |                  | P                  | P                       |                      |
| Auto Repair and Body Shops             | SE     |                 |                 |                  | P                  | P                       |                      |
| Automotive Sales                       | SE     |                 |                 |                  | P                  | P                       |                      |
| Banks and Other Financial Institutions |        |                 |                 |                  | P                  | P                       |                      |
| Billboards                             |        |                 |                 |                  |                    | SE                      |                      |
| Boarding Homes                         |        |                 | P               | P                | P                  | P                       | P                    |
| Bowling Alleys and Pool Halls          |        |                 |                 |                  | P                  | P                       |                      |
| Business and Professional Offices      |        |                 |                 |                  | P                  | P                       |                      |
| Car Wash Establishments                |        |                 |                 |                  | P                  | P                       |                      |
| Campgrounds                            | SE     |                 |                 |                  |                    |                         |                      |
| Cemeteries                             | SE     |                 |                 |                  |                    |                         |                      |
| Churches and Other Places of Worship   | P      | P               |                 | P                | P                  | P                       | P                    |
| Clinic                                 |        |                 |                 |                  | P                  | P                       |                      |
| Clubs and Lodges                       |        |                 |                 |                  | P                  | P                       |                      |
| Commercial Parking                     |        |                 |                 |                  | P                  | P                       |                      |
| Commercal Recreation                   | SE     |                 |                 |                  |                    |                         |                      |
| Commercial Technical Schools           |        |                 |                 |                  | P                  | P                       |                      |
| Communications Receiving Structure     | SE     |                 |                 |                  |                    |                         |                      |
| Contractor's Yard                      | SE     |                 |                 |                  | P                  | P                       |                      |
| Day Care Facilities                    |        | SE              | SE              | SE               |                    |                         | SE                   |
| Distribution Plants                    |        |                 |                 |                  |                    | P                       |                      |
| Drive-In Establishment                 |        |                 |                 |                  | SE                 |                         |                      |
| Drug                                   |        |                 | SE              | SE               |                    |                         | SE                   |
| Duplexes                               |        |                 | P               | P                | P                  | P                       | P                    |
| Eating and Drinking Establishments     |        |                 | SE              | SE               |                    |                         | SE                   |
| Electrical Appliances Sales and Repair |        |                 |                 |                  | P                  | P                       |                      |

Cumberland Township  
Primary Uses - April 2018

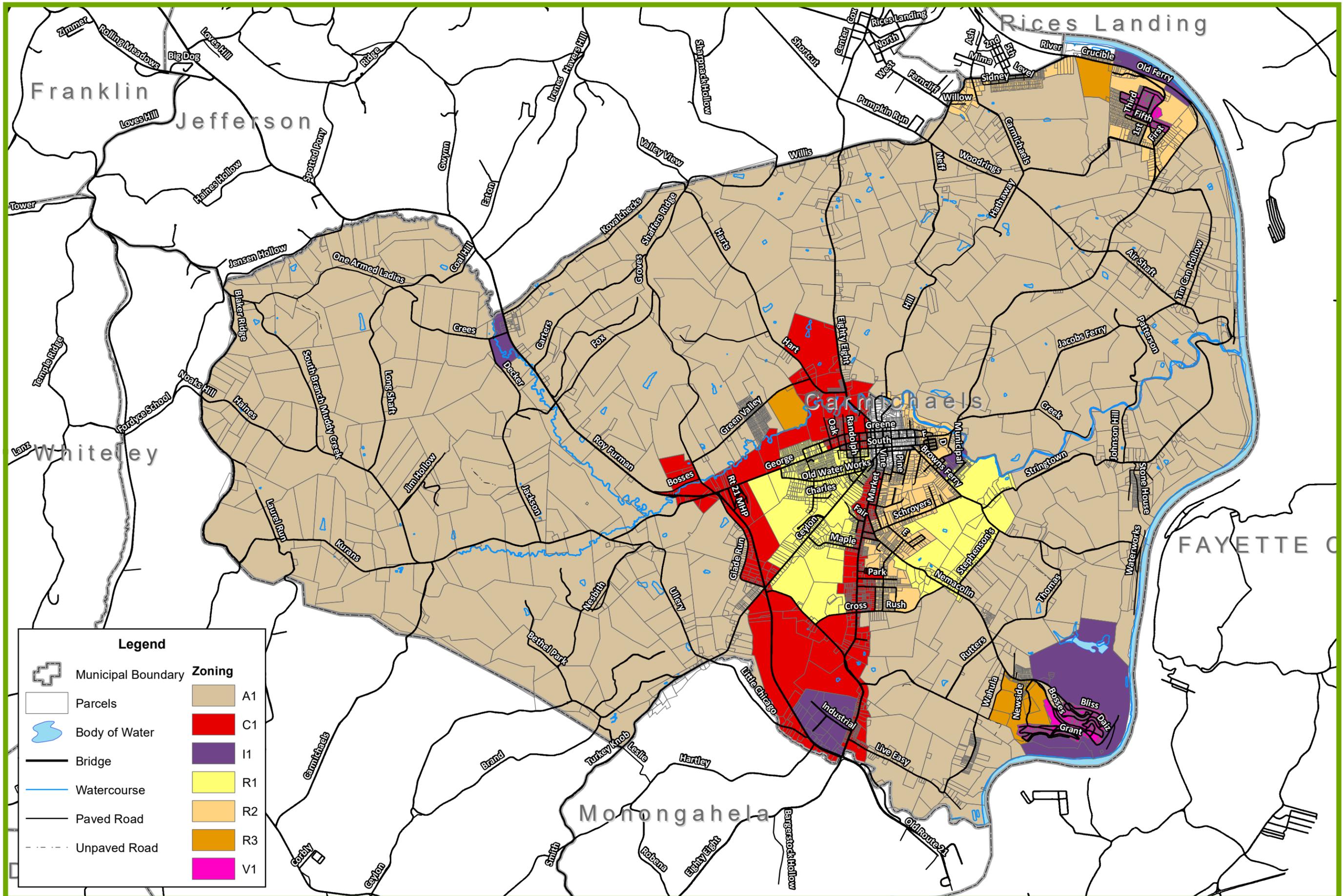
| USE  | A1: Ag | R1: Low Den Res | R2: Med Den Res | R3: High Den Res | C1: Gen Commercial | I1: Industrial District | V1: Village District |
|--|--------|-----------------|-----------------|------------------|--------------------|-------------------------|----------------------|
| Energy Storage Facility  |        |                 |                 |                  |                    | P                       |                      |
| Essential Services   | P      | P               | P               | P                | P                  | P                       | P                    |
| Extractive Industries  | SE     |                 |                 |                  |                    | SE                      |                      |
| Forestry   | P      |                 |                 |                  |                    |                         |                      |
| Fuel Facility  |        |                 |                 |                  |                    | P                       |                      |
| Funeral Parlor   |        |                 |                 |                  | P                  | P                       |                      |
| Garden and Farm Supply Stores                                    | SE     |                 | SE              | SE               | P                  | P                       | SE                   |
| Garden Apartments  |        |                 | P               | P                | P                  | P                       | P                    |
| Gasoline Stations  | SE     |                 |                 |                  | P                  | P                       |                      |
| Greenhouses  | P      |                 |                 |                  | P                  | P                       |                      |
| Grocery  |        |                 | SE              | SE               |                    |                         | SE                   |
| Group Residential Facilities                                     |        | SE              | SE              | SE               |                    |                         | SE                   |
| Hardware   | SE     |                 | SE              | SE               |                    |                         | SE                   |
| Hatcheries   | P      |                 |                 |                  |                    |                         |                      |
| Health Spa / Athletic Club                                       |        |                 |                 |                  | P                  | P                       |                      |
| Home Occupations   | P      | SE              | P               | P                | P                  | P                       | P                    |
| Hospitals  |        |                 |                 |                  | SE                 |                         |                      |
| Hotels and Motels  |        |                 |                 |                  | SE                 |                         |                      |
| Industrial Park  |        |                 |                 |                  |                    | P                       |                      |
| Industrial Use   | SE     |                 |                 |                  |                    |                         |                      |
| Junkyards  | SE     |                 |                 |                  |                    | P                       |                      |
| Kennel   | P      |                 |                 |                  |                    |                         |                      |
| Laboratory   |        |                 |                 |                  |                    | P                       |                      |
| Laundry and Dry Cleaners   |        |                 |                 |                  | P                  | P                       |                      |
| Lumber Yard  |        |                 |                 |                  | P                  | P                       |                      |
| Manufacturing Assembly or Other Industrial or Research Operation |        |                 |                 |                  |                    | P                       |                      |
| Marina   | SE     |                 |                 |                  |                    | SE                      |                      |
| Medical Laboratory   |        |                 |                 |                  | P                  | P                       |                      |
| Mining Activities  | SE     |                 |                 |                  |                    | SE                      |                      |
| Mixed Use Structure  |        |                 |                 |                  |                    |                         |                      |
| Mobile Home Sales  |        |                 |                 |                  | P                  | P                       |                      |
| Mobile Home on a Permanent Foundation                            |        |                 | P               | P                | P                  | P                       | P                    |
| Mobile Home Parks  | SE     |                 |                 |                  |                    |                         |                      |
| Mobile Homes with Skirting                                       | P      |                 |                 |                  |                    |                         |                      |
| Museums  |        |                 |                 |                  | P                  | P                       |                      |
| Nursing Homes  |        |                 | SE              | SE               |                    |                         | SE                   |
| Offices  |        |                 |                 |                  | P                  | P                       |                      |

Cumberland Township  
Primary Uses - April 2018

| USE  | A1: Ag | R1: Low Den Res | R2: Med Den Res | R3: High Den Res | C1: Gen Commercial | I1: Industrial District | V1: Village District |
|--|--------|-----------------|-----------------|------------------|--------------------|-------------------------|----------------------|
| Oil and Gas Activities (including compressor stations, metering stations /above ground gathering facilities, pipelines, processsing facilities, and wells) | SE     |                 |                 |                  |                    |                         |                      |
| Personal Services  |        |                 |                 |                  | P                  | P                       |                      |
| Public and Semi-Public Buildings   | P      | SE              | SE              | SE               | P                  | P                       | SE                   |
| Public Parks and Playgrounds   | P      | P               |                 | P                | P                  | P                       | P                    |
| Public Utility Use   |        |                 |                 |                  | P                  | P                       |                      |
| Recreation   |        |                 |                 |                  | P                  | P                       |                      |
| Restaurants and Taverns  |        |                 |                 |                  | P                  | P                       |                      |
| Retail Uses  |        |                 |                 |                  | P                  | P                       |                      |
| Riding Academies   | P      |                 |                 |                  |                    |                         |                      |
| Rooming Houses   |        |                 | P               | P                | P                  | P                       | P                    |
| School   | P      |                 |                 |                  |                    |                         |                      |
| Seasonal Dwellings   | SE     |                 |                 |                  |                    |                         |                      |
| Self-Service Storage Facilities  | SE     |                 |                 |                  | P                  | P                       |                      |
| Shopping Center  |        |                 |                 |                  | P                  | P                       |                      |
| Single-Family Attached Dwellings   | P      | P               |                 | P                | P                  | P                       | P                    |
| Single-Family Detached Dwellings   |        |                 | P               | P                | P                  | P                       | P                    |
| State Game Lands   | SE     |                 |                 |                  |                    |                         |                      |
| Theaters   |        |                 |                 |                  | P                  | P                       |                      |
| Townhouses   |        |                 | P               | P                | P                  | P                       | P                    |
| Truck Sales and Service  |        |                 |                 |                  | P                  | P                       |                      |
| Truck Terminal   |        |                 |                 |                  |                    | P                       |                      |
| Utility Substations  | SE     |                 |                 |                  | P                  | P                       |                      |
| Veterinary Clinic  | SE     |                 |                 |                  | P                  | P                       |                      |
| Warehouses for Englosed Storage of Goods and Materials   |        |                 |                 |                  |                    | P                       |                      |
| Wholesale Business   |        |                 |                 |                  |                    | P                       |                      |

Cumberland Township  
Accessory Uses - April 2018

| USE  | A1: Ag | R1: Low<br>Den Res | R2: Med<br>Den Res | R3: High<br>Den Res | C1: Gen<br>Commercial | I1: Industrial<br>District | V1: Village<br>District |
|--|--------|--------------------|--------------------|---------------------|-----------------------|----------------------------|-------------------------|
| Accessory Uses Customarily<br>Incidental to the Principle Use                              | P      |                    |                    |                     |                       |                            |                         |
| Advertising Billboards   |        |                    |                    |                     | P                     | P                          |                         |
| Automobile Garages   | P      | P                  | P                  | P                   |                       |                            | P                       |
| Business Signs   | P      |                    |                    |                     | P                     | P                          |                         |
| Contractor's Business  |        |                    |                    |                     | P                     | P                          |                         |
| Home-Based Business, No Impact   |        | P                  | P                  | P                   |                       |                            | P                       |
| Off-Street Parking and Loading<br>Facilities   |        |                    |                    |                     | P                     | P                          |                         |
| Residential Apartments on Upper<br>Floors of Buildings Housing<br>Principle Permitted Uses |        |                    |                    |                     | P                     | P                          |                         |
| Roadside Stand   | P      |                    |                    |                     |                       |                            |                         |
| Swimming Pool  |        | P                  | P                  | P                   |                       |                            | P                       |
| Utility Building (Storage)   |        | P                  | P                  | P                   |                       |                            | P                       |



Source: Zoning districts were digitized by the Greene County Dept of Economic Development (2007).