

13

ZONING ORDINANCE

THE TOWNSHIP OF NORTH ANNVILLE LEBANON CO., PA

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ARTICLE 1

TITLE, APPLICATION AND PURPOSE

SECTION 101 TITLE AND SHORT TITLE

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

101.2 Short Title This Ordinance shall be known as, and may be cited as, the North Annville Township Zoning Ordinance of 1973, as amended through Ordinance 1-2004, March 29, 2004.

SECTION 102 APPLICATION OF ORDINANCE Except as hereinafter provided, no building, structure, land, or parts thereof shall be used or occupied, erected, constructed or assembled, moved, enlarged or structurally altered unless in conformity with the provisions of this Ordinance.

SECTION 103 PURPOSE This Zoning Ordinance, including the provisions, requirements, and districts as hereinafter set fourth, is based upon and intended to give effect to the policies and objectives set fourth in the Comprehensive Plan of the Township of North Annville (hereinafter referred to as the "Municipality") and is intended to promote public health, safety, morals, and the general welfare by achieving, among others, the following purposes and objectives for the development of the Township:

- Lessen congestion on the roads and highways;
- Secure safety from fire, panic, and other dangers;
- Provide adequate areas for vehicle parking and loading space;
- Provide adequate light and air;
- Promote health and the general welfare;
- Avoid undue congestion of population;
- Encourage the most appropriate use of land;
- Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements;
- Conserve the value of land and buildings;

Encourage the harmonious and orderly development of land.

SECTION 104 STANDARDS AND MINIMUMS In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare of the residents and inhabitants of the Municipality.

SECTION 105 COMMUNITY DEVELOPMENT OBJECTIVES These regulations were made with reasonable consideration, among other things, to the character of the districts and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Municipality.

The basis for this Ordinance is the North Annville Township Comprehensive Plan as adopted by the Governing Body which enumerates in detail the locally desired community goals and objectives which this Ordinance seeks to accomplish.

ARTICLE II

DEFINITIONS

SECTION 201 DEFINITIONS For the purpose of this Ordinance, certain terms, phrases, and words are defined as follows:

- 201.1 Tense, Gender, and Number Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.
- 201.2 General Terms The word "shall" or "must" is always mandatory; the word "may" is permissive. The words "used for" includes "structures" and shall be construed as if followed by the phrase "or part thereof." The word "person" includes "individual," "profit or non-profit corporation," "organization," "partnership," "company," "unincorporated association," or other entities.
- 201.3 Terms, Phrases, and Words Not Defined When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.
- 201.4 Specific Terms Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

Accessory Buildings: A subordinate building, incidental to and located on the same lot as the principal use.

Accessory Use: A use customarily incidental and subordinate to and located on the same lot as the principal use.

Act 247: See "Pennsylvania Municipalities Planning Code".

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

Adult Bathhouse: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specific anatomical areas are displayed or specific sexual activities occur. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a licensed medical practitioner.

Adult Body Painting Studio: Any establishment or business which provide the service of applying paint or other substance, whether transparent or non-transparent, to or on the human body when specified anatomical areas are exposed.

Adult Bookstore or Adult Video Store: Any commercial establishment which offers for sale or rental to the public, books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified anatomical area or specified sexual activities or, instruments, devices, or paraphernalia, excluding prophylactics, which are designed for the use in connection with specified sexual activities.

Adult Business: An adult arcade, adult bathhouse, adult body painting studio, adult bookstore or adult video store, adult cabaret, adult massage establishment, adult motion picture theatre, adult model studio, adult motel, adult news rack, adult theatre, escort agency, or sexual encounter center.

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

Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a practitioner who is a certified graduate of an accredited program or certified by the National Certification Board for Massage therapists and Body Workers. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar manipulation of the human body is offered as an incidental or accessory service.

Adult Motion Picture Theatre: An enclosed or unenclosed building with a capacity of more than five (5) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to showing material depicting or describing specified anatomical areas or specified sexual activities.

Adult Model Studio: Any place where, for consideration or gratuity, nude models display specified anatomical areas to be observed, sketched, drawn painted, sculpted, photographed, or similarly depicted, except that this provision shall not apply to any establishment meeting the requirements for the issuing or conferring of a diploma or degree recognized by the Commonwealth of Pennsylvania.

Adult Motel: A motel, hotel, or similar establishment that: offers public accommodation for any form of consideration which provides photograph or visual material depicting or describing specified sexual activities and which has a sign visible from the public right-of way advertising the availability of these reproductions; offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or allows a tenant or occupant of a

sleeping room to sub-let the sleeping room for a period of time that is less than twenty-four (24) hours.

Adult News Rack: Any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified anatomical areas, or specified sexual activities.

Adult Theatre: Any theatre, concert hall, auditorium, or similar establishment that generally features persons who appear, in person, in a state of nudity and/or live performances characterized by the exposure of specified anatomical areas or by specified sexual activities.

Agriculture: The cultivation and raising and harvesting of the products of the soil, including but not limited to nursery, horticulture, forestry and animal husbandry.

Alteration: Any change or rearrangement in the structural parts or facilities of a building, including enlargement or change in location thereof.

Animal Husbandry: The raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility which is intended as a business or gainful occupation.

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

Animal Husbandry, Non-Intensive: The practice of raising, breeding, or keeping livestock or fowl that involves animals or birds which obtain their principal food source by grazing or foraging from the land and receive only supplementary feed at centralized feeding stations. This shall include conventional dairying operations and similar uses satisfying the above criteria.

Basement: a story having one-half of its height or more (measured from finished floor to finished ceiling) above the average level of the finished grade abutting the exterior walls.

Block: An area bounded by three (3) or more streets.

Block or Lot Frontage: That portion of a block or lot, which fronts on a street.

Board: Township Board of Supervisors.

Board or Zoning Hearing Board: The Zoning Hearing Board of North Annville Township.

Building: A structure which has a roof supported by columns, piers, or walls, which is intended for the shelter, housing, or enclosure of persons, animals, or chattel or which is to house a use of a commercial or manufacturing activity.

Building, Attached: A building which has two (2) party walls in common.

Building, Detached: A building which has no party wall.

Building, Semi-Detached: A building which has only one (1) party wall in common.

Building Line or (Building Setback Line): A line defining the minimum required distance between any building and street line, measured parallel to the street line.

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

Bulk: A term used to describe the size, volume, area, or shape of buildings or structures, and their physical relationship to each other, to open space, or to tracts of land, to lot lines, or to other buildings or structures.

Cellar: A space having less than one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade abutting the exterior walls of the building. A cellar shall not be considered a story.

Certificate of Zoning Compliance: A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with the Zoning Ordinance, and/or that a building, structure, sign and/or land may be lawfully employed for specific uses, or both, as set forth therein.

Chimney: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.

Clean Wood: Natural wood that has no paint, stains, or other types of coatings, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

Clustering Development: Instead of spreading dwellings uniformly over a tract as fostered by lot, by lot zone, clustering concentrates dwellings in a smaller land area, resulting in lower capital and maintenance costs while at the same time preserving the natural amenities of the tract and providing common open space for tract and providing common open space for tract residents.

Co-Location: The act of placing two or more antennas on one communication tower or other structure.

Common Open Space: A parcel of land or water or combination of both located within a development site and designed and intended for the use or enjoyment of residents of a planned development not including streets, off-street parking areas, and areas set aside for public facilities.

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the

Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

Communications Equipment Building: An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

Communications Tower: A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

Day Care Center: A facility in which child care is provided for seven or more children at any one time, for profit or not for profit, where child care areas are not also being used as a family residence. A day care center, if situated on the premises of an operating community facility, including but not limited to a public or private school, place of worship, community center or library, and associated with that activity, shall be considered accessory to the principal use of the property concerned. Child care services also may be provided as an accessory use to office, commercial or industrial uses, provided that such services are for the sole use of current employees of said business or industry.

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

Dog Kennels: Any premises, except where accessory to an agricultural use, where three (3) or more dogs, ten (10) weeks in age or older, are kept or boarded.

Dwelling (Dwelling Unit): A building arranged, intended, designed, or used as the living quarters for one family.

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

Dwelling, Single Family Semi-Detached: A building with one (1) dwelling unit from the ground to roof and only one (1) wall in common with another dwelling unit. Commonly described as a duplex, the semi-detached, single family dwelling is on an individual lot, is connected on one (1) side to a similar dwelling on an adjacent lot and is usually owner occupied.

Dwelling, Two-Family Detached: A separate building on an individual lot with two (2) dwelling units from ground to roof (one unit over the other). These units are normally renter-occupied and are not designed for further subdivision.

Dwelling, Two-Family Semi-Detached: A building with two (2) dwelling units from ground to roof (one unit over the other) and only one (1) party wall in common with another, connected to a building which may contain one (1) or two (2) dwelling units. The two-family semi-detached dwelling is on an individual lot, and may be renter or owner occupied.

Escort: A person who, for compensation, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie, or to privately perform a striptease for another person.

Escort Agency: A business which furnishes, offers to furnish, or advertises to furnish escorts for a fee, tip, or other consideration.

Garage, Private: A building used solely for the storage of private vehicles. No business, occupation, or service shall be conducted in a private garage.

Governing Body: Shall mean the Board of Supervisors of North Annville Township.

Grade: The mean curb level where it has been established, if not then the average finished grade elevation adjoining the building.

Group Family Dwelling: A group of individuals not related by blood, marriage, adoption or guardianship living together in a single family dwelling unit as one (1) housekeeping management plan based on an intentionally structured relationship providing organization and stability. A "group family dwelling" shall not include hospitals, sanitariums, sanatoriums, clinics, or professional offices.

Height of Building: The vertical distance from the average grade at the front (or fronts) of the building to the roof beams of a flat roof, or to the mean height between eaves and ridge for gabled, hipped, and pitched roofs.

Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

Home Occupations: A lawful, gainful service oriented occupation or profession, other than a no impact home-based business, that is operated by a member of the immediate family residing on the premises and where the occupation or profession is conducted wholly within as an accessory use to a principal dwelling, as regulated in Article V of this Ordinance. The conduct of a clinic, hospital, tearoom, tourist home, animal hospital, kennel or automobile services or any similar use shall not be considered a home occupation.

Lot: A legally defined tract, parcel or plot of land, whether occupied or capable of being occupied by buildings.

Lot Area: The area of land contained within the limits of the property lines bounding that area, not including street right-of-way.

Lot Width: The mean width measured at the building setback line between side lot lines parallel to the front lot line.

Maximum Building Coverage: A percentage of lot area which may be covered by buildings and structures.

Maximum Lot Coverage: A percentage of lot area which may be covered by impervious material including roofs, drives, patios, walls, etc.

Mobile Home: A transportable, single unit structure intended for permanent occupancy as a single family dwelling or office, which is contained in one (1) unit or in two (2) 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 which is constructed so that it may be used without a permanent vehicles.

Mobile Home Parks and Subdivisions: A lot or area which is a planned development and designated to contain two or more mobile homes for rent or sale. Any lot or area proposed to utilize such design where individual mobile home sites are proposed for sale shall be known as a mobile home subdivision. Both parks and subdivision are not to be construed to include recreational vehicles.

Mobile Home Site: An area within a mobile home park or mobile home subdivision designated to contain one mobile home and the necessary utility connections and appurtenances. The area may be rented to an occupant as in a mobile home park, or sold to an occupant, as in a mobile home subdivision.

Municipality: Shall mean North Annville Township, Lebanon County, Pennsylvania. A city, incorporated town, township, borough, county municipal authority, or other public body created under State law having jurisdiction over the disposal of sewage, industrial wastes, or other wastes.

No Impact Home-Based Business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, delivery, or removal functions to or from the premises, in excess of those normally associated with residential use, as regulated in Article V of this Ordinance.

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

Occupied Building: Any building or structure located in the Township and possessed by an individual or entity with the intention of occupying said structure now or in the future for any lawful use, including but not limited to habitation or some business purpose.

Official Zoning Map: North Annville Township's Zoning Map.

Outdoor Wood-Fired Boiler: A fuel-burning device designed: (1) to burn clean wood or other approved solid fuels; (2) by the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals (e.g., garages); and (3) to heat building space and/or water via distribution, typically through

pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture. Outdoor wood-fired boilers are also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, etc.

Parking Lot: An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereof.

Parking Space: An off-street space measuring ten (10) feet by twenty (20) feet, exclusive of driveways, passageways, and maneuvering space.

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

Person: Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust estate, department, board, bureau or agency of the Commonwealth of the Federal Government, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Personal Wireless Service Facilities: Facilities for the provision of personal wireless services.

Personal Wireless Services: Include commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

Planning Commission: North Annville Township Planning Commission.

Riding Stables: Any premises, except where accessory to an agricultural use, where 3 or more horses are kept or boarded.

Sexual Encounter Center: A business or commercial enterprise that offers, for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex and/or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sign: The word "sign" includes any writing (including letter, word or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); or any other device or similar character which (1) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; (2) is used to announce direct attention to, or advertise; and (3) is visible from outside a building.

Free standing Sign: An independently supported sign which is not attached to any building or structure.

Projecting Sign: A sign erected or displayed which is attached to the wall of a building and projects in a perpendicular fashion from said wall. Wall signs that project more than twelve (12) inches shall be treated as projecting signs.

Roof Sign: A sign erected or displayed on a roof top; roof signs shall not exceed the maximum height requirements for buildings or structures.

Wall Sign: A sign erected or displayed on or parallel to the surface of a building and does not project more than twelve (12) inches there from.

Sign, Advertising: Any sign which is owned or operated by any person, firm, or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises, including "billboards".

Sign, Double-Faced: A sign consisting of two (2) display areas placed back to back or joined along a common edge and is treated as having one (1) sign area. If the display areas are joined along a common edge and the interior angle is greater than forty-five (45) degrees, the structure shall be treated as having two (2) sign areas.

Sign Area: The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs, and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols.

Special Exception: A use permitted in a particular district by the Zoning Hearing Board, to occupy or use land and/or a building or structure erected thereon for a specific purpose not permitted by right, but permitted in accordance with established conditions.

Specified Anatomical Areas: The human male genitals in a discernibly turgid state, even if fully and opaquely covered; and less than completely or opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

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

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floors above it, then the space between any floor

and the ceiling next above it. Each level of a split level building shall be considered a ½ story.

Story, Half: Any space within the roof framing, where 75 percent or less of such space has structural headroom of seven feet and six inches or more. Any space where more than 75 percent of its area has such headroom shall be deemed to be a full story.

Street: A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation and as a means of access to abutting property.

Structure: A man-made object usually assembled of interdependent parts or components which are designed to have a more or less fixed location, whether or not permanently attached at that location.

Use: Any purpose for which land, structures, or buildings, may be designed, arranged, intended, occupied or maintained; or any activity, occupation, or operation carried on in a building, structure, or on land.

Variance: An adjustment in the terms of this ordinance granted by the Zoning Hearing Board, where literal enforcement would result in unnecessary hardship as a result of peculiar or unique conditions or circumstance pertaining only to the lot in question.

Yard, Front: An unoccupied space, open to the sky, between the street right-of-way and the building setback line extending for the full width of the lot.

Yard, Rear: An unoccupied space, open to the sky, between the rear lot line and a line drawn parallel thereto extending for the full width of the lot.

Yard, Side: An unoccupied space, open to the sky, between the side lot line and a line drawn parallel thereto extending the full length of the lot.

Yard Waste: Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

Zoning Hearing Board: The duly appointed Zoning Hearing Board of North Annville Township.

Zoning Officer: The agent or official designated by the Governing Body to administer and enforce the Zoning Ordinance of the Municipality.

Zoning Ordinance: North Annville Township Zoning Ordinance Number 2-73, 1973.

ARTICLE III

ZONING MAP AND ZONING DISTRICTS

SECTION 301 OFFICIAL ZONING MAP North Annville Township is hereby divided into zones, or districts, as shown on the official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

- 301.1 Identification of Official Zoning Map The Official Zoning Map shall be identified by the signature of the Governing Body and attested to by the Secretary of that Body, together with the date of the adoption of this Ordinance.
- 301.2 Changing the Official Zoning Map If, in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Governing Body.
- No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set fourth in this Ordinance or any state law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.
- 301.3 Location of Official Zoning Map The Official Zoning Map shall be located in a place, as designated by the Governing Body, and shall be the final authority as to the current zoning status of land and water areas in the Municipality, regardless of unofficial copies which may have been made or published from time to time.
- 301.4 Subdivision Plats Approvals Pending From the time an application for approval of a plan, whether preliminary or final, is duly filed, and while such application is pending approval or disapproval, no change on amendment of the zoning, or other governing ordinance shall affect the decision in accordance with the provisions of the governing ordinances or plan as they stand at the time the application was duly filed pursuant to Section 508 (4), Act 247, as amended.
- 301.5 Replacement of Official Zoning Map In the event that Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Body may, by resolution, adopt a new official Zoning map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map and shall be identified by the signature of the governing body, attested by the Secretary of that body, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted 7/23/73 as part of Ordinance No. 2-73 of North Annville Township, Lebanon County, Pennsylvania.

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 302 CLASS OF DISTRICTS For the purpose of this Ordinance, the Municipality is hereby divided into classes of districts which shall be designated as follows:

A-1	Agricultural
R-1	Rural-Residential
R-2	Medium Density Residential
C	General Commercial
M	Manufacturing
F-1, F-2, F-3	Floodplain District

SECTION 303 INTERPRETATION OF DISTRICTS Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 303.1 **Designation of District Boundaries** Boundaries indicated as approximately following the centerline of streets, railroad rights-of-way, streams, rivers, existing lot lines, or Municipal boundary lines shall be construed to follow such features indicated. Where a district boundary line does not follow such a line, its position is shown on said Official Zoning Map by specific dimension expressing its distance in feet from a street right-of-way line or other boundary line as indicated and running parallel to said line.
- 303.2 **Determination of Location of Boundaries** Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or if uncertainty exists as to the true location of a distance boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto.

SECTION 304 APPLICATION OF DISTRICT BOUNDARIES The regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

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

1. To exceed the height or bulk;

2. To accommodate or house a greater number of families;
 3. To occupy a greater percentage of lot area;
 4. To have narrower or smaller rear yards, front yards, side yards, or other open space than herein required; or in any other manner contrary to the provisions of this Ordinance.
- 304.3 No part of any yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- 304.4 No part or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements within their respective zoning districts established by this Ordinance.
- 304.5 When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination, as an Administrative Review, as to the similarity or compatibility of the use in question to the permitted uses in the district, basing the decision on the overall intent stipulated for the district.
- 304.6 Where the district boundary line divides a lot, which was a lot of record at the time of adoption of this Ordinance, the Zoning Administrator may permit the extension of the requirements of the less restrictive district no more than thirty (30) feet into the remaining portion of the lot located in a restrictive district.
- 304.7 All territory which may hereafter be annexed to the Township shall be considered to be in the A, Agricultural District until otherwise classified.

ARTICLE IV
DISTRICT REGULATIONS

A-1 - AGRICULTURAL

SECTION 401 INTENT The regulations of the Agricultural District are designed to protect and preserve the existing agricultural lands of the Township and those areas where environmental conditions are most conducive to agricultural operations which will produce high crop yields. Principal protection and preservation emphasis is concentrated on existing farm land and conversion to non-farm usage is discouraged. Limited residential, non-residential, and farm related commercial uses are permitted to facilitate those individuals who may desire to locate in an agricultural setting.

401.1 PERMITTED USES

- A. Agriculture, horticulture, non-intensive and intensive animal husbandry, nurseries and greenhouses provided they do not involve retail sale. Further provided that: manure fertilizer or other odor or dust producing substances shall not be stored within one hundred (100) feet of any lot line or road right-of-way and two hundred (200) feet of any residentially zoned property; and structures in which livestock or fowl are kept shall be no closer than one hundred (100) feet to any lot line or road right-of-way and two hundred (200) feet to any residentially zoned property.
- B. Forestry and forestry reserves.
- C. Public conservation areas for the preservation of open space, water, soil, forest, and wildlife resources.
- D. Dog kennels, riding stables, and animal hospitals provided that no building in which animals are kept and no kennel runway, animal training ring or other enclosure which concentrates animals shall be located within one hundred (100) feet of any lot line or road right-of-way.
- E. Public park and recreation areas, game refuges and similar non-intensive uses.
- F. Golf courses, country clubs, and rod and gun clubs.
- G. Churches and cemeteries.
- H. Publicly owned nursery, kindergarten, elementary, middle, and high schools.
- I. Single family detached dwellings.
- J. Mobile homes.
- K. Public structures owned or operated or organized by the municipality.

L. Customary accessory uses and structures incidental to any of the above permitted uses, including the following:

1. Roadside stands for the sale of farm products grown on the premises with sufficient off-street parking provided for customers.
2. Home occupations and no impact home-based businesses as regulated in Article V.

M. Communications antennas as regulated in §520.

N. Outdoor wood-fired boilers as regulated in §521.

401.2 Upon approval of the Zoning Hearing Board, the following Special Exception uses are permitted provided the use complies with the conditions listed herein and Article XI of this Ordinance.

A. Agricultural oriented commercial uses (farm implement dealers, feed mills, seed stores, butchering shops etc.)

B. Saw mills and other establishments associated with forestry.

C. Communications towers as regulated in §520.

401.3 LOT AND YARD REQUIREMENTS A lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of the following table shall be provided for every dwelling unit and/or principal non-residential building or use hereafter erected, altered, or established in this district.

District Requirements

Use	<u>Lot Requirements</u>			<u>Yard Requirements</u>			
	Min. Lot Area	Min Lot Width	Max. Lot Coverage	Front	One Side	Total Sides	Rear
Non-Residential Building	3 Acres	250 ft.	30%	100 ft.	20 ft	40 ft	75 ft
Residential, Single Family Detached	2 Acres	200 ft	20%	50 ft	20 ft	40 ft	50 ft

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height unless authorized as a Special Exception.

401.4 MINIMUM OFF-STREET PARKING REQUIREMENTS Off-street parking shall be provided in accordance with Article VI.

401.5 SIGNS AND ADVERTISING STRUCTURES Signs shall be permitted in accordance with Article VII of this Ordinance.

401.6 SUPPLEMENTARY DISTRICT REGULATIONS The Supplementary District Regulations in Article V shall apply, where applicable, as additional requirements for this district.

R-1 RURAL - RESIDENTIAL

SECTION 402 INTENT The regulations of the Rural-Residential District are designed to accommodate and encourage low density development, primarily residential in nature, consistent with the characteristics of the prevailing open environment of the Township. Development is restricted to low density, single family residential development and related compatible uses designed to serve the residential community.

402.1 PERMITTED USES

- A. Agriculture, horticulture, non-intensive animal husbandry, nurseries and greenhouses-- provided they do not involve retail sales, further provided; the storage of manure or animal storage structures shall not be located closer than two hundred (200) feet to any lot line or road right-of-way.
- B. Public parks and playgrounds.
- C. Churches and cemeteries.
- D. Publicly owned nursery, kindergarten, elementary, middle, and high schools.
- E. Single-family detached dwelling.
- F. Public structures owned or operated by the Municipality or a Municipal Authority organized by the Municipality.
- G. Hospitals and nursing homes.
- H. Forestry provided that:
 - 1. Timbering plans shall be submitted showing on a topographic map areas to be cut and proposed road or trail systems.
 - 2. A statement shall be prepared to explain how problems of increased run-off, erosion, stream siltation, soil stabilization and re-vegetation are to be overcome.
 - 3. A replanting plan for areas cleared shall be submitted.
 - 4. All roads and trails shall be dust stabilized where adjoining residential areas.

5. A fifty (50) foot buffer shall be provided around the perimeter of the property. Selective cutting is permissible within the buffer area.
 - I. Customary accessory uses and structures incidental to any of the above permitted uses provided for in Article V.
 - J. Home occupations and no impact home-based businesses as regulated in Article V.
 - K. Communications antennas as regulated in §520.
 - L. Outdoor wood-fired boilers as regulated in §521.
- 402.2 Upon approval by the Zoning Hearing Board the following Special Exception uses are permitted provided the use complies with the conditions listed herein and Article XI of this Ordinance.
- A. Semi-public and private recreational uses such as golf courses, country clubs, swimming and/or tennis clubs provided that no principal building, accessory structure, pool, tennis court, or parking area is located within one hundred (100) feet of any road right-of-way line or lot line. Additionally, swimming pools associated with these uses shall be completely enclosed with a continuous, impenetrable fence no less than six (6) feet in height above the ground level and the fence shall be equipped with a lockable gate.
 - B. Clinics, professional offices and banks, subject to these requirements:
 1. The architectural design of the structure shall be harmonious with other structures in the neighborhood.
 2. Parking shall not be permitted in the front yard.
 - C. Privately owned nursery, elementary, middle, and high schools.

402.3 LOT AND YARD REQUIREMENTS A lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of the following table, unless otherwise specified in Section 402.1, shall be provided for every dwelling unit and/or principle non-residential building or use hereafter erected, altered, or established in this district.

District Requirements

Use	<u>Lot Requirements</u>			<u>Yard Requirements</u>			
	Min Lot Area	Min. Lot Width	Max. Lot Coverage	Front	One Side	Total Sides	Rear
<u>Non-residential Building</u>	3 Acres	250 ft.	30%	100 ft.	20 ft.	40 ft.	75 ft.
<u>Residential</u> (No Public Utilities)							
Single Family Detached	1 Acre	150 ft.	20%	50 ft.	20 ft.	40 ft.	50 ft.
(Public Water or Sewer)							
Single Family Detached	30,000	125 ft. Sq. ft.	25%	40 ft.	15 ft.	30 ft.	30 ft.
(Public Water and Sewer)							
Single Family Detached	20,000	100 ft. Sq. ft.	30%	30 ft.	10 ft.	20 ft.	30 ft.

Unless specified otherwise in this Ordinance or authorized by Special Exception, no building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.

402.4 MINIMUM OFF-STREET PARKING REQUIREMENTS Off-street parking shall be provided in accordance with Article VI.

402.5 SIGNS AND ADVERTISING STRUCTURES Signs shall be permitted in accordance with Article VII of this Ordinance.

402.6 SUPPLEMENTARY DISTRICT REGULATIONS The Supplementary District Regulations in Article V shall apply, where applicable, as additional requirements for this district.

R-2 MEDIUM DENSITY RESIDENTIAL DISTRICTS

SECTION 403 INTENT The regulations of the R-2 Residential District are designed to promote the development of a variety of medium density housing types in the area of the Township where public water and public sewer service and adequate transportation facilities are available.

403.1 PERMITTED USES

A. Single family detached and semi-detached dwellings.

- B. Two family detached and semi-detached dwellings.
- C. Churches and similar places of worship and parish houses.
- D. Municipal buildings and community facilities, museums, libraries etc.
- E. Publicly owned nursery, kindergarten, elementary, middle and high schools.
- F. Group family dwellings, provided that the following conditions are met:
 - 1. Proof of a group family living arrangement shall be verified through the appropriate state or local agency sponsoring/approving the use. A copy of the required license or registration and any subsequent changes thereto shall be filed with the Zoning Officer prior to initiation of the use or change.
 - 2. All parking for the use shall be off-street. In addition to the two off-street parking spaces required for the dwelling unit, sufficient additional off-street parking shall be provided to adequately handle the parking needs of the use (e.g., one additional space for each resident vehicle kept on the premises).
- G. Forestry provided that the following conditions are met:
 - 1. Timbering plans shall be submitted showing on a topographic map area to be cut and proposed road or trail systems.
 - 2. A statement shall be prepared to explain how problems of increased run-off, erosion, stream siltation, soil stabilization and re-vegetation are to be overcome.
 - 3. A replanting plan for areas to be cleared shall be submitted.
 - 4. All roads and trails shall be dust stabilized where adjoining residential areas.
 - 5. A fifty (50) foot buffer shall be provided around the perimeter of the property. Selective cutting is permissible within the buffer area.
- H. Special care residential communities or retirement living complexes provided that the following conditions are met:
 - 1. Special care residential communities or retirement living complexes shall include a variety of housing types designed for mature or handicapped residents. Housing may include independent and/or assisted living units such as single family detached, semidetached, or attached dwelling units; apartment units; efficiency or studio units, or other types of housing designed specifically for the mature or handicapped resident. These living units shall comply with all the specifications

for each style of housing as defined by this Ordinance, excepting that single family units need not be located on individual lots when located within such a community or complex. Special care residential communities or retirement living complexes may also include some or all of the following facilities which shall be designed and located to serve only the residents of said community/complex:

- a. Dining facilities for residents and their guests and employees.
 - b. Overnight guest rooms for visitors.
 - c. Community center and recreational facilities.
 - d. Health care facilities including skilled and intermediate care and/or assisted living, clinics and rehabilitation services, pharmacies, and laboratories.
 - e. Administrative offices and maintenance/service facilities.
 - f. Personal service shops, including but not limited to barbers/beauticians, seamstresses/tailors, laundromats, thrift shops, snack shops, banking facilities, post office, bakery, and a shop for convenience items, provided that said shops are designed to serve only the residents of the community/complex and do not exceed the allowable densities.
2. The minimum lot size shall be fifteen (15) contiguous acres.
 3. All facilities shall be served with public water and public sewer.
 4. The maximum density shall be ten (10) dwelling and/or living units per acre of gross site area, subject to setback requirements of this Ordinance. In the calculation of overall site density, every five (5) beds located within the skilled care center, nursing home, or similar hospital facility shall equal one housing unit and shall be included in determining the total number of housing units allowed under the terms of this Ordinance.
 5. A maximum of fifteen (15%) percent of the gross site area shall be used for administrative and maintenance/service facilities.
 - a. Said administrative and service facilities shall be principally for the site upon which they are located.
 - b. Personal service shops, as indicated in Section 403.1 H.f. of this Ordinance, shall comprise no more than two (2%) percent of the gross site area and shall be calculated as part of the total

administration and/or service facilities allowed for the community/complex.

6. Each special care residential community or retirement complex shall be developed and managed by a single management body. If the ownership of the tract on which the community is located should be divided in any fashion or for any reason, deed and other restrictions shall be required to insure that common development, management and responsibility with respect to the community/complex is maintained.
7. The campus shall primarily serve the needs of the retirement-aged person. At least one (1) resident of each household shall be at least fifty (50) years old, be the remaining spouse of a deceased resident who was at least fifty (50) years old, or possess some handicap that can be treated within a setting like the special care residential community.
8. No group of single family attached units shall exceed five (5) units, with not more than three (3) continuous dwellings with the same front or rear setback, each variation of the setback being at least four (4) feet. Variety in design and construction is encouraged to enhance appearance and identify units.
9. Maximum lot coverage of fifty (50%) percent with impervious surface shall not be exceeded.
10. Single family detached, semi-detached, and attached dwellings shall be constructed no less than twenty (20) feet apart on sides and forty (40) feet apart when the front or back of a unit faces another unit. Similarly, multi-family personal care or apartment buildings, skilled care medical facilities and non-residential buildings or structures shall maintain an isolation distance of forty (40) feet from all other buildings or structures.
11. All buildings or structures shall be set back at least thirty (30) feet from all lot lines and forty (40) feet from any public street, and twenty-five (25) feet from the cartway of the private retirement community streets.
12. No building or structure shall exceed forty (40) feet in height unless authorized by Special Exception.
13. Sidewalks shall be provided to interconnect all living units with the community service areas, parking lots, dining areas, and health care facilities to be utilized by the residents living therein.
14. The design and construction of private streets located within the retirement residential community shall comply with the Lebanon County Subdivision and Land Development Ordinance, except that private streets located within such uses may be reduced as follows:

- a. Right-of-way width – none
- b. Minimum paved cartway width – 22 feet
- c. Improved shoulder width – none
- d. No on-street parking shall be permitted.
- e. Prior to any future dedication to the Township, all private streets shall be upgraded to meet public street standards in force at the time of dedication.

15. Plans for all living and service facilities shall be approved by the appropriate local and state agencies, including but not limited to the Department of Labor and Industry, Department of Public Welfare, and the Lebanon County Area Agency on Aging.

- I. Customary accessory uses and structures incidental to any of the above permitted uses as provided in Article V of this Ordinance.
- J. Home occupations and no impact home-based businesses as regulated in Article V of this Ordinance.
- K. Communications antennas as regulated in §520.
- L. Outdoor wood-fired boilers as regulated in §521.
- M. Upon approval of the Zoning Hearing Board the following Special Exception uses are permitted provided the use complies with the conditions listed herein and Article of this Ordinance.
 1. Special Exception uses specified in Section 402.2 A. through 402.2 C. of the R-1, Rural - Residential District, subject to the conditions stated therein.

403.2 LOT AREA AND YARD REQUIREMENTS A lot width, lot area, lot coverage, yard setback and building height requirement of not less than the dimensions shown in the following table, unless otherwise specified in Section 403.1 H. shall be provided for every building or use erected, altered, or established in this district.

District Requirements

Use	Lot Requirements			Yard Requirements			
	Min. Lot Area	Min. Lot Width	Max. Lot Coverage	Front	One Side	Total Sides	Rear
<u>Non-Residential</u>	3 acres	250 ft.	30%	100 ft.	20 ft.	40 ft.	75 ft.
<u>Residential</u> (No public utilities) Single Family Detached	1 acre	150 ft.	40%	40 ft.	15 ft.	30 ft.	35 ft.
<u>Residential</u> (Public water or Sewer) Single Family Detached	20,000 Sq. ft.	100 ft.	40%	30 ft.	15 ft.	30 ft.	30 ft.
<u>Residential</u> (Public Water and Sewer) Single Family Detached	12,000 Sq. ft.	90 ft.	40%	30 ft.	10 ft.	20 ft.	25 ft.
Single Family Semi-Detached	7,500 Sq. ft.	65ft/lot	40%	30 ft.	10 ft.*	20 ft.*	25 ft.
Two Family Detached	4,000 Sq. ft./ Unit	80ft/lot	40%	30 ft.	10 ft.	20 ft.	25 ft.
Two Family Semi-Detached	3,000 Sq. ft./ Unit	60ft/lot	40%	30 ft.	10ft.*	20 ft.*	25 ft.
Retirement Living Complexes	(See Section 403.1 H.)						

* Yard requirements apply to unattached sides of buildings.

Unless specified otherwise in this Ordinance or authorized by Special Exception, no building shall exceed two and one-half (2½) feet or thirty-five (35) feet in height.

403.3 MINIMUM OFF-STREET PARKING REQUIREMENTS Off-street parking shall be provided in accordance with Article VI.

403.4 SIGNS AND ADVERTISING STRUCTURES Signs shall be permitted in accordance with Article VII of this Ordinance.

403.5 SUPPLEMENTARY DISTRICT REGULATIONS The Supplementary District Regulations in Article V shall apply, where applicable, as additional requirements for this district.

C- GENERAL COMERCIAL DISTRICTS

SECTION 404 INTENT The regulations of this district are designed to accommodate commercial activity within the township in areas serviced by public water and sewer. Since these enterprises are for the most part dependent on traffic generated by a major thoroughfare, these uses are grouped together to facilitate shopping via automobile. The requirements contained in this article are designed to promote safe and expedient conveyance of the resulting high traffic volumes, including use of internal service roads, limited driveway accesses and other designs which may prevent highway congestion commonly associated with commercial development.

404.1 PERMITTED USES

- A. Stores for the retailing of all consumer goods not otherwise prohibited by law.
- B. Multiple commercial use complexes and shopping centers provided that the following conditions are met:
 - 1. The multiple commercial use complex or shopping centers shall consist of a group of two or more commercial uses, planned, designed, and constructed as one (1) principal structure. Each commercial establishment within the complex shall share at least one (1) party wall with another establishment.
 - 2. The minimum lot size shall be determined by the total gross floor area of the principal structure, according to the following table:

<u>TOTAL GROSS FLOOR AREA</u>	<u>MINIMUM LOT AREA REQUIRED</u>
0 – 20,000 sq. ft.	1 Acre
20,001 – 40,000 sq. ft.	2 Acres
Greater than 40,000 sq. ft.	2 Acres plus 1 acre for each 15,000 sq. ft. (or fraction thereof) in excess of the initial 40,000 sq. ft. of floor area.

3. Such use shall comply in all respects with the lot width, lot coverage, yard and building height requirements of Section 404.3 of this Ordinance.
- C. Personal service shops including barber shops, beauty parlors, tailors, shoe repair, dry cleaning, laundromats etc.
- D. Medical and dental clinics and laboratories, pharmacies, and veterinarians.
- E. Banks, savings and loan associations, finance agencies, and other offices providing business or professional services.
- F. Forestry and forestry reserves.
- G. Messenger, dispatch, express, and courier services.
- H. Convenience stores – like Sheetz, Turkey Hill, etc.
- I. Mortuary and undertaking establishments.
- J. Indoor amusement enterprises such as arenas, bowling alleys, dance halls, and other recreation or entertainment establishments.
- K. Churches and similar places of worship.
- L. Restaurant facilities of all types, including drive-in, drive through or fast food, tea rooms, cafes, and other places serving food or beverages, including private, membership, or social clubs and beverage distribution centers.
- M. Printing and publishing firms.
- N. Shops for contractors, plumbers, heating, painting, and upholstering specialties.
- O. Hotels, motels, and boarding houses.
- P. Day care centers.
- Q. Agricultural oriented commercial businesses.
- R. All other uses which in the opinion of the Zoning Administrator are similar to the above uses and in harmony with the intent of the regulations for this district. When a proposed use is not sufficiently similar to enable the Zoning Administrator to make a ruling, the Zoning Hearing Board may make a determination as authorized in Section 304.5 of this Ordinance.
- S. Communications antennas as regulated in §520.

- T. Communications towers as regulated in §520.
- U. Outdoor wood-fired boilers as regulated in §521.
- V. Upon approval by the Zoning Hearing Board, the following Special Exception uses are permitted provided that the use complies with the conditions listed herein and the applicable requirements specified in Article XI of this Ordinance.
 - 1. Automobile dealers and automobile washes.
 - 2. Gasoline stations and repair garages subject to the following regulations:
 - a. No repair work shall be performed out of doors.
 - b. Automotive vehicles without valid, current license plates and/or state inspection, automotive parts, dismantled and derelict vehicles and similar articles shall be stored only within an enclosed building.
 - c. All gasoline and petroleum pumps shall be located outside of buildings, no less than thirty-five (35) feet from any road right-of-way line or property line.
 - d. All fuel, oil, or similar combustible petroleum product storage tanks shall be located under ground at least thirty-five (35) feet from any road right-of-way line or lot line.

404.2 PERFORMANCE REQUIRED All of the above listed uses must be non-objectionable in terms of smoke or dust emission, odors, noise, heat, vibration, visual impact, or glare, and shall not be injurious or have an adverse effect on adjacent areas or the Township as a whole. Due to the higher volumes of traffic commercial development generates internal service roads, limited driveway accesses and other designs which may prevent highway congestion should be utilized.

Should the Zoning Administrator feel there is any possibility of the above mentioned dangers, the applicant must prove the contrary to the Zoning Hearing Board as an Administrative Review procedure before a permit is issued.

404.3 LOT AREA AND YARD REQUIRMENTS A lot area, lot width, lot coverage, yard depth, and building height satisfying the requirements of the following table, unless otherwise specified heretofore in Section 404.1 and 404.4, shall be provided for every dwelling unit and/or principal non-residential building or use hereafter erected, altered, or established in this district.

DISTRICT REQUIREMENTS

Min. Lot Area	<u>Lot Requirements</u>		<u>Yard Requirements</u>			
	Min. Lot Width	Max. Lot Coverage	Front	One Side	Total Sides	Rear
1 Acre	200'	50%	60'	30'	60'	30'

- A. Where a side or rear yard adjoins a residential district, said yards shall be no less than fifty (50) feet.
- B. No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height unless authorized as a Special Exception.

404.4 OFF-STREET PARKING AND LOADING REQUIREMENTS Off-street parking and loading shall be provided in accordance with Article VI of this Ordinance.

404.5 SIGNS AND ADVERTISING STRUCTURES Signs shall be permitted in accordance with Article VII of this Ordinance.

404.6 SUPPLEMENTARY DISTRICT REGULATIONS The Supplementary District Regulations in Article V shall apply, where applicable, as additional requirements for this district.

M – MANUFACTURING DISTRICTS

SECTION 405 INTENT This district is designed to promote industrial, warehousing, and wholesaling activities dependent on the availability of transport facilities and municipal utilities. The district accommodates all of these activities so as to minimize any detrimental effects that they may have on other uses in the Township.

405.1 PERMITTED USES

- A. Any use not otherwise prohibited by law of a manufacturing, fabrication, processing, packaging, compounding, or treatment nature which, in the opinion of the Zoning Officer, would be non-objectionable in terms of smoke or dust emission, odors, noise, or glare, and will not otherwise be injurious to the public health, safety and welfare

and will not have an adverse effect on adjacent areas. Should the Zoning Officer feel there is any likelihood of the aforementioned dangers of nuisances, the applicant must prove the contrary to the Zoning Hearing Board before a permit is issued.

- B. Warehousing and wholesaling establishments and storage yards not including junkyards.
- C. Railroad, trucking, busing, and other transit facilities including storage, repair, and transfer operations.
- D. Forestry and forestry reserves.
- E. Customary Accessory uses and buildings incidental to any of the above permitted uses.
- F. Communications antennas as regulated in §520.
- G. Communications towers as regulated in §520.
- H. Outdoor wood-fired boilers as regulated in §521.
- I. Upon approval by the Zoning Hearing Board, the following Special Exception uses are permitted provided that the use complies with the conditions listed herein and the applicable requirements specified in Article XI of this Ordinance.
 - 1. Junkyards used for storage, wrecking, and converting used or discarded materials, provided that such use is no less than 150 feet from any roadway and no less than 500 feet from any use district other than industrial. In addition, such use must be planted and maintained at a height of not less than eight (8) feet and backed by a solid fence not less than six (6) feet in height.
 - 2. Express standards for Adult Business. Adult Businesses provided that the following conditions are met:
 - a. An adult business shall not be located within five hundred (500) feet of a high school; church, synagogue, or regular place of religious worship; daycare or other childcare facility; library; museum; hospital, group care facility or personal care boarding home; public park or playground; an entertainment business oriented primarily towards children or minors or for family entertainment; any other adult business; or any establishment licensed to serve and/or sell alcoholic beverages.
 - b. Adult businesses shall not be located within five hundred (500) feet of any property which is residentially owned or which contains a residential use.

- c. The distance between an adult business and any use described in paragraph (a.) above, shall be measured in a straight line, without regard to intervening structures or objects from the nearest portion of the building or structure where an adult business is conducted to the nearest property line of the premises having the uses described in paragraph (a.) or (b.) above.
- d. An adult business lawfully operating as a conforming use is not rendered a non-conforming use by the location of the public or private pre-elementary, elementary, middle, high school; church, synagogue, or regular place of religious worship; daycare or other facility; library; museum; hospital, group care facility or personal care boarding home; public park or playground; an entertainment business oriented primarily towards children or minors or for family entertainment; any other adult business; any establishment licensed to serve and/or sell alcoholic beverages; or residential use, within five hundred (500) feet of any other adult business.
- e. No adult business- related merchandise or materials offered for sale, rent, lease, loan, use or for view upon the premises shall be exhibited or displayed outside of an enclosed building or structure.
- f. Any enclosed building or structure used as an adult business shall be windowless, or have an opaque covering over all windows or doors of any area in which adult business-related materials or merchandise are exhibited or displayed, nor shall they be visible from outside of the enclosed building or structure.
- g. No sign shall be erected upon the premises pictorially depicting or giving a visual representation of the adult business-related materials or merchandise offered in that adult business.
- h. No adult business facility may change to another adult business facility, except upon the approval of another Special Exception.
- i. No more than one (1) adult business may be located within the same building or structure.

405.2 LOT AREA, BUILDING HEIGHT, AND YARD REQUIREMENTS A lot width, lot area, and yard depths of not less than the dimensions shown in the following list shall be provided for every principle building hereafter erected or altered for any use permitted in this district.

- A. Area Regulations: The width of a lot in any industrial district shall not be less than 150 feet and not more than 50% of the area shall be covered with buildings.

B. Yard Restrictions: For every main or accessory building or use in an industrial district, the minimum yard regulations are as follows:

1. Front yards measured from the lot line to the building line shall be as follows:
 - a. Not less than 100 feet along any road.
 - b. Not less than 150 feet if opposite a residential district.
 - c. Off-street parking and loading shall not be permitted in the required front yard.
2. Side yards shall be provided in the industrial districts as follows:
 - a. Not less than fifty (50) feet on both sides of the building.
 - b. Where a side yard adjoins a road, the side yard shall be no less than 100 feet.
 - c. No building or structure permitted in the industrial district shall be located less than 100 feet from any residential district.
3. Rear yards of 50' shall be provided.
4. Parking may be provided in any required side or rear yard that does not adjoin a public roadway or a residential district. In cases where the yard adjoins a public roadway, the required yard cannot be utilized for parking.
5. All front yards shall be appropriately landscaped and well maintained. Side and rear yards shall be well maintained and may be developed for recreational purposes, to within 50' of the property line.

B. Height Regulations: The height of any main or accessory building shall not exceed seventy-five (75) feet, except the chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances may be built to a height not exceeding 125 feet above the finished grade when erected upon or as an integral part of the building.

405.3 OFF-STREET PARKING AND LOADING REQUIREMENTS Off-Street parking and loading shall be provided in accordance with Article VI of this Ordinance.

405.4 SIGNS AND ADVERTISING STRUCTURES Signs shall be permitted in accordance with Article VII of this Ordinance.

405.5 SUPPLEMENTARY DISTRICT REGULATIONS The Supplementary District Regulations in Article V shall apply, where applicable, as additional requirements for this district.

FLOOD PLAIN DISTRICTS

SECTION 406 INTENT These regulations are designed to prohibit or restrict construction of any permanent building or structure, or uses and activities in any Flood Plain District in order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around the water courses, and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health and safety hazards, the extraordinary and unnecessary expenditure of public funds for floor protection and relief, and to minimize future flood damage.

406.1 DEFINITION OF TERMS UTILIZED IN FLOOD PLAIN DISTRICTS

- A. Alluvial Soils Maps – Soils maps prepared by the United States Department of Agriculture, Soil Conservation Service which indicate the location of soil types. Alluvial soils on these maps are soils of flood plains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.
- B. Approximated Flood Plain Districts (F-1) – The approximated Flood Plain District (F-1) shall be that flood plain area for which no specific flood profiles have been provided. Where the specific Base Elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques currently acceptable by the Federal Insurance Administrator (e.g., HEC-2). Consideration shall be given to the methods specified by the U.S. Water Resource Council's Technical Bulletin No. 17 or 17B. This elevation information shall be subject to review by the municipality and other agencies that it shall designate such as the Corps of Engineers, the Department of Environmental Protection, a river basin commission, etc.
- C. Base Flood – The flood, also known as the 100 Year Flood, which has one percent (1%) chance of being equaled or exceeded in any given year; the flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared.
- D. Base Flood Elevation – The determination by the Federal Insurance Administrator of the water surface elevation of the Base Flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.
- E. Camping, Short-Term – Location of a camping unit within any one (1) campground for a period not to exceed fifteen (15) days in any one calendar month.

- F. Construction – The term “construction” shall include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including manufactured homes, and gas or liquid storage tanks. For flood plain purposes, “new construction” includes structures for which the “start of construction” commenced on or after the effective date of a flood plain management regulation adopted by the municipality.
- G. Development – Any man-made change to improved or unimproved real estate, including but not limited to buildings, manufactured homes, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or the storage of equipment or materials.
- H. Flood – A general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.
- I. Flood Fringe (F-3) – The portion of the One Hundred (100) Year Flood Plain not included in the floodway. The basis for the outermost boundary of this district shall be the Base Flood elevations contained in the flood profiles of the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA). These areas are shown on the Floodway Map or Flood Insurance Rate Map (FIRM).
- J. Flood Plain – (1) A relatively flat or low land area adjoining a river, stream, or watercourse, which is subject to partial or complete inundation by water; (2) an area subject to the unusual and rapid accumulation or runoff of surface water from any source. (For the Purposes of this Ordinance, the flood plain shall be considered to be the One Hundred (100) Year Flood Plain which is a flood plain having one percent (1%) chance of being subject to the above conditions during any given year.)
- K. Flood Plain Districts – The zoning districts that establish the bounds of the Base Flood as identified by the Federal Insurance Administrator so that necessary flood plain management control measures can be instituted in flood plain areas. These districts include the Approximated Flood Plain (F-1), Floodway (F-2), and Flood Fringe (F-3) Districts.
- L. Floodway (F-2) – The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the Base Flood without cumulatively increasing the water surface elevation of that flood more than one (1) foot at any one point. The detailed study of the Base Flood provides specific flood profiles and allows for the delineation of both floodway and flood fringe areas within the bounds of the flood plain. The term shall also include floodway areas which have been identified in other available studies or sources of information for those flood plain areas where no floodway has been identified in the Flood Insurance Study prepared by the FEMA.
- M. Historic Structure – Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Dept. of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a.) By an approved state program as determined by the Secretary of the Interior, or
 - b.) Directly by the Secretary of the Interior in states without approved programs.
- N. Lowest Floor – The lowest enclosed area (including basements). As unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a buildings lowest floor provided that such enclosure is not built in violation of the applicable non-elevation design requirements of this Ordinance and the Lebanon County Floodproofing Code.
- O. Manufactured Homes – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without permanent foundation when connected to the required utilities. For flood plain management purposes the term “manufactured home” also includes (1) all mobile homes and (2) camping trailers, recreational vehicles, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- P. Manufactured Home Park and/or Subdivision – A lot or area which is a planned development and designated to contain two or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known as a manufactured home subdivision.
- Q. One Hundred (100) Year Flood (Base Flood) – A flood selected as the Base Flood, that has one percent (1%) or greater chance of occurring in any given year.

- R. Recreational Vehicle – A vehicular-type of portable structure which is 1) built on a single chassis, 2) 400 square feet or less when measured at the largest horizontal projection, 3) self-propelled or mounted on or drawn by another vehicle, and 4) primarily designed as temporary living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term recreational vehicle includes but is not limited to travel trailers, camping trailers, truck campers and self propelled motor homes.
- S. Structure – A walled or roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home, or any other man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.
- T. Start of Construction – The first placement of permanent construction of a structure (other than a manufactured home) on a site, such as pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes within the manufactured home parks or manufactured home subdivisions, “start of construction” is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- U. Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damaged occurred.
- V. Substantial Improvement – Any repair, reconstruction, alteration, or improvement (not including general maintenance or repair) of a structure the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) is the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this Ordinance, substantial improvement is considered to have occurred when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either (1) any project for improvement of a structure to correct an existing violation of state or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions, or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an "historic structure".

W. Toxic Materials – The following materials and substances, which are listed in Section 38.7 of the Department of Community and Economic Development Flood Plain Management Regulations adopted pursuant to the Pennsylvania Flood Plain Management Act (Act 1978-166), have been determined to be dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Ceiluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Pesticides (including insecticides, fungicides, and rodenticides)
16. Sodium
17. Sulfur and sulfur products
18. Radioactive substances, insofar as such substances are not otherwise regulated

406.2 DELINEATION OF DISTRICTS The Flood Plain District shall include all areas of this municipality subject to inundation by flood waters of the Base Flood. The basis for the delineation of the three (3) Flood Plain Districts (Approximated Flood Plain, Floodway, and Flood Fringe Districts) shall be the official Flood Boundary and Floodway Map or Flood Insurance Rate Map (dated August 15, 1979 or the most recent revision thereof) and the Official Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA), or for those areas where no floodway has been identified in the Official Flood Insurance Study, other available studies or sources of information.

Three (3) separate districts are necessary to equitably enforce flood plain management controls in the Flood Plain Districts. The Approximated Flood Plain District (F-1) shall include all areas of the municipality subject to inundation by flood waters of the Base Flood for which no specific flood profiles have been provided. The actual elevation and

extent of the district is to be determined by the Base Flood Elevation. In order to determine the Base Flood Elevation, the following variety of sources of data shall be used:

- A. Other Official Flood Hazard Boundary of Floodway Maps,
- B. Alluvial Soil Maps prepared by the U.S. Soil Conservation Service,
- C. Local data from 1972 flood,
- D. Army Corps of Engineers – Flood Plain Information Reports,
- E. U.S. Geological Survey – Flood Prone Quadrangles, and
- F. Other available studies and sources of flood plain information

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

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

All subdivision proposals and other proposed new developments shall provide Base Flood delineations; however, subdivision proposals and other proposed new development greater than 50 lots or 5 acres, whichever is the lesser, shall include actual Base Flood elevation data. It shall be the responsibility of the developer to provide the required Base Flood elevation data, in a form comparable to HEC-2, which shall be certified as accurate by a Registered Professional Engineer.

The delineation of the Flood Plain, Approximated Flood Plain, Floodway, and Flood Fringe Districts may be revised by the municipal governing body where natural or man-made changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission, or other qualified agencies or individuals. However, prior to when the district bounds are to be changed, approval shall be obtained from the Federal Emergency Management Agency (FEMA) and/or the River Basin Commission.

Initial interpretations of the boundaries of the Flood Plain Districts shall make the necessary determination after hearing all the evidence presented by the person or persons contesting the location of district boundaries. The burden of proof shall be responsibility of the appellant, and he shall provide any and all technical information to support his case.

406.3 DISTRICT PROVISIONS All uses, activities, construction, including manufactured homes, and other development occurring within the Approximated Flood Plain, Floodway, or Flood Fringe Districts shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable state and federal codes, ordinances, and requirements, including but not limited to, Lebanon County Floodproofing Building Code and the Lebanon County Subdivision and Land Development Ordinance.

Under no circumstances shall any use, encroachment, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

No structure, including manufactured homes, or land shall hereinafter be used and no structures, including manufactured homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

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

A. APPROXIMATED FLOOD PLAIN (F-1) AND FLOODWAY (F-2) DISTRICTS In the Approximated Flood Plain and Floodway Districts no development, including manufactured homes, shall be permitted except where it can be demonstrated through hydraulic analysis performed in accordance with standard engineering practice that

the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all applicable local and/or state authorities.

Permitted Uses – In the Approximated Flood Plain and Floodway Districts, the following uses and activities are permitted provided that (1) the information required in Section 406.8 of this Ordinance is submitted as a part of the permit application, (2) they are in compliance with the provisions of the nearest zoning district, (3) they will not result in any increase in the level of the Base Flood anywhere, (4) they are not prohibited by this or any other ordinance, (5) they do not require the placement or use of permanent on-lot sewage facilities within any of the Flood Plain Districts, and (6) they do not require encroachments, new construction, manufactured homes, storage of materials and equipment, substantial improvements. Fill, vehicles or parts thereof, or other development:

1. Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry, and sod farming and wild crop harvesting.
2. Public and private recreational uses and activities such as parks; picnic grounds; areas for short term camping or recreational vehicle uses; golf courses, boat launching and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as posts and pillars, and a roof shall be permitted only if constructed in compliance with the Lebanon County Floodproofing Building Code.
3. All uses and open structures customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens, or play areas; signs, unroofed porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs, or structural supports less than eight (8) feet apart which would in any manner restrict the flow of flood water and debris and are in compliance with applicable requirements of the Lebanon County Floodproofing Building Code; impervious parking and loading areas; and airport landing strips. Accessory structures shall not include manufactured homes, vehicles or parts thereof.
4. Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.
5. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
6. Extraction of sand, gravel, and other materials.

7. Storage of materials and equipment provided that they are not buoyant; toxic to humans, animals, or vegetation; flammable or explosive, and are not subject to major damage by flooding; or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
- B. **FLOOD FRINGE DISTRICT (F-3)** – In the Flood Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district provided that all uses, activities and/or development shall be undertaken in strict compliance with Lebanon County Floodproofing Building Code and any other applicable state and federal codes and ordinances.
- C. **PROHIBITED USES** – In the Floodway (F-2), Flood Fringe (F-3), and Approximated Flood Plain Districts (F-1), the following uses and activities are strictly prohibited.
1. Hospitals, sanitariums, clinics, etc. whether public or private.
 2. Public or private nursing homes.
 3. Jail or prisons.
 4. Public or private schools or institutions of higher education.
 5. New manufactured home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.
 6. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons of such materials or any amount of radioactive substances.
 7. Any other use, activity, or development not specifically permitted under the terms of this article.

406.4 ADDITIONAL SAFEGUARDS

- A. No encroachments, including manufactured homes, new construction or development, shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no encroachments shall be permitted within the stream channel (from top of bank to top of bank). Furthermore, encroachments outside the stream banks but within the Flood Plain District shall be permitted only when in compliance with this Ordinance and Pennsylvania Department of Environmental Protection permit requirements.

- B. No part of any private on-lot sewage disposal system shall be constructed within any Flood Plain Districts.
- C. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.
- D. The municipality will endeavor to coordinate its flood plain management program with neighboring municipalities, particularly when the property (ies) in question is located near a municipal boundary.
- E. Filling or dumping of fill material is prohibited in the Flood Plain District on vacant lots or on land not scheduled for approved construction activities. Fill may ONLY be used in the Flood Plain Districts to raise the finished surface of the lowest floor of a structure to an elevation of a minimum of two (2) feet above the Base Flood Elevation provided the following conditions are met:
 - 1. Use or fill shall be in compliance with the Lebanon County Floodproofing Building Code and other applicable ordinances.
 - 2. Use of fill shall be permitted only when the property owner or applicant provides a document acceptable by the Zoning Officer, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the Base Flood at any point.
- F. Prior to any stream or water course alteration or relocation, a permit shall be obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. Also adjacent communities, the Department of Community and Economic Development, and the Federal Emergency Management Agency (FEMA) must be notified. Additionally, the municipality must be assured that the flood carrying capacity of an altered or relocated watercourse will be maintained by the developer.
- G. The placement of any manufactured home in the Floodway (F-2) or Approximated Flood Plain (F-1) Districts is prohibited except as a replacement unit in an existing manufactured home park or an existing manufactured home subdivision. Said replacement units shall comply with the Special Anchoring and Site Requirements of Section 1.5 of the Lebanon County Floodproofing Building Code.

406.5 FACTORS TO BE CONSIDERED BY THE ZONING HEARING BOARD WHEN REVIEWING SPECIAL EXCEPTIONS AND VARIANCES In reviewing applications for Special Exceptions and Variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified In this Ordinance, in the Pennsylvania Municipalities Planning Code (Act 247, as amended), and other state or federal ordinances and shall apply all of the following factors:

- A. The danger of life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use or structure to the Comprehensive Plan and flood plain management programs of the area.
- J. The safety of access to the property in times of flood by ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.
- L. No variance shall be granted to allow either in whole or in part any prohibited use listed in Section 406.3.C. of this Ordinance.
- M. Where appropriate, variances may be granted for the reconstruction, rehabilitation or restoration of historical structures as defined herein.
- N. The granting of a variance shall provide relief only from the specific term(s) of the flood plain regulations requested, not exemption from all flood plain regulators or any applicable insurance premiums, nor any state or federal permitting requirements.
- O. Variances shall not be granted which result in any increase in the Base Flood Elevation.
- P. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

- Q. Variances shall be granted when they are shown to be the minimum relief necessary, considering the flood hazard.
- R. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:
 - 1. Increased insurance premium rates will result, and
 - 2. Construction occurring below the Base Flood Elevation will increase risks to life and property.
- S. Other factors which are relevant to the purpose of this Ordinance.

406.6 NONCONFORMITIES A structure, or use of a structure or land which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following:

- A. Existing nonconforming structures or uses located in the Floodway (F-2) or Approximated Flood Plain (F-1) Districts:
 - 1. Shall not be moved, replaced or substantially improved, but may be modified, altered, or repaired to incorporate floodproofing measures as per the Lebanon County Floodproofing Building Code, provided that such measures and elevation techniques do not raise the level of the Base Flood.
 - 2. May be expanded or enlarged, but not substantially improved, provided that said expansion or enlargement (a) does not exceed 25% of the area of the first floor of the structure existing at the effective date of a flood plain management regulation adopted by the municipality, (b) is not constructed below the existing first floor elevation, and (c) complies with all applicable floodproofing requirements of the Lebanon County Floodproofing Building Code. Plans for the above mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structure and shall indicate existing grade, floor elevations, use of fill, etc.
- B. Existing nonconforming structures or uses located in the Flood Fringe (F-3) district:
 - 1. May be substantially improved, moved, replaced, modified, altered, or repaired provided that such work is conducted in full compliance with the provisions of this Ordinance, the Lebanon County Floodproofing Building Code, and any other applicable codes or ordinance.
 - 2. May be expanded or enlarged in a manner which is not a substantial improvement as defined by this Ordinance, and provided that said enlargement or expansion complies with the above requirements (a), (b) and (c) of Section 406.6 – A.2.

- C. If any nonconforming structure or use, including manufactured homes, located in the Flood Plain Districts is demolished, removed, substantially damaged or destroyed by any means, including floods, to an extent of fifty (50) percent or more of the market value of the structure, it shall not be reconstructed, replaced, or continued except in conformity with the provisions of this Ordinance, the Lebanon County Floodproofing Building Code, and any other applicable ordinance.

406.7 LOT AREA, YARD AND SIDE REQUIREMENTS The lot area, yard, sign and other district requirements of the land in question shall be the same as the district requirements of the nearest zoning district.

406.8 ADDITIONAL ADMINISTRATIVE REQUIREMENTS

- A. To insure that all construction and development on property which contains identified flood plain areas will be conducted employing damage controls, the Zoning Officer shall require the following additional information to be included as part of an application for a permit.
1. A plan which accurately locates the proposed construction and/or development with respect to the Flood Plain District boundaries, stream channel, existing flood plain development and all proposed subdivision and land development to assure that:
 - a) All such proposals are consistent with the need to minimize flood damages; and
 - b) All public utilities and facilities, such as sewer, gas, telephone, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
 - c) Adequate drainage is provided to reduce exposure to flood hazard.
 2. Such plan shall also include existing and proposed contours (at intervals determined to be adequate by the Zoning Officer based upon site conditions) and elevations of the grounds, Base Flood Elevations, structure elevation, lowest floor elevations, size of structure, location and elevations of streets, water supply, sanitary sewage facilities, soil types and floodproofing measures. When proposed construction and/or development involves structures and/or fill to be located within the designated flood plain, such plan shall also include details of proposed fill, pile structures, retaining wall, foundations, erosion control measures, and the Zoning Officer may require more detailed contour and elevation data.
 3. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the

site adhere to the restriction cited in this Ordinance, the Lebanon County Floodproofing Building Code, and other applicable ordinances.

B. Review of Application by Others The Zoning Officer may require that a copy of all plans and specifications for construction and/or development affecting identified flood plain areas be submitted to other appropriate agencies and/or individuals (e.g. County Conservation District, planning commission, municipal engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves structures and/or fill which will be located directly within the designated flood plain, the Zoning Officer shall submit said plans and specifications to the appropriate agencies and/or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a Building and Zoning Permit.

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

406.9 CONFLICTING ORDINANCES Ordinances or parts of ordinances in conflict with this article, or inconsistent with the provisions of this article are hereby repealed to the extent necessary to give the Flood Plain District full force and effect.

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

406.11 BUILDING PERMITS REQUIRED Building permits shall be required before any new construction, substantial improvement, placement or relocation of any structure (including manufactured homes) or development is undertaken within any identified flood prone area of the municipality. Prior to issuance of any building permit, the applicant shall submit to the Zoning Officer copies of any other required state and federal permits, including but not limited to the following permits when applicable: floodway, wetland, surface mining, water quality, earth disturbance, sewage or State Fire Marshall. Copies of all required permits shall be maintained by the Zoning Officer as a part of the building permit file.

After the issuance of a building permit or site plan approval by the Zoning Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application with the written consent or approval of the Zoning Officer.

ARTICLE V

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 501 INTENT The Supplementary District Requirements are designed to contain a list of complementary and general requirements which augment and clarify regulations listed elsewhere in this Ordinance. Where applicable, these regulations shall apply uniformly to every use, activity, building or structure hereafter erected, altered, established or expanded. These regulations apply to all zoning districts and are listed comprehensively herein to avoid duplication and repetition throughout the remainder of this Ordinance.

SECTION 502 ACCESSORY BUILDINGS AND STRUCTURES Any building or structure attached to a principal building in any manner shall comply in all respects with the yard requirements of this Ordinance for a principal building. No separate or detached building or structure shall be permitted in any required front yard. Accessory buildings located in the R-2 District shall not be permitted within five (5) feet of any side or rear lot line. In all other districts, unless otherwise specified, accessory buildings shall not be less than ten (10) feet from a side or rear lot line. In all districts, where the entrance to a garage abuts a public alley, said garage entrance shall be no less than twenty (20) feet from the right-of-way of such alley.

SECTION 503 ACCESSORY USES

- A. Private, non-commercial swimming pools which are designed to contain a water depth of twenty-four (24) inches or more, regardless of whether they are permanently affixed or movable, shall be located on the same lot or tract as the dwelling and shall be permitted neither in the required front yard nor closer to any street line than the dwelling. In all other yards, a pool shall not be closer than fifteen (15) feet to any lot line, as measured from the water's edge. All pools shall be completely enclosed with a continuous impenetrable fence or barrier no less than four (4) feet in height above the ground level and shall be equipped with a lockable gate or retractable ladder which prevents access at less than four (4) feet. Any deck, patio, or impermeable surface, not under roof or otherwise enclosed, which surrounds, is attached to, or associated with a pool shall be no closer than ten (10) feet to the side or rear lot line.
- B. Private tennis courts shall be permitted within side or rear yards provided that such facility shall not be less than fifteen (15) feet from side or rear lot lines.

SECTION 504 PROJECTIONS INTO YARDS The following projections shall be attached to a building, may be permitted in required yards and shall not be considered in the determination of yard size.

- A. Patios, paved terraces, decks, or open, unroofed porches shall be permitted in all yards provided that such structures (1) shall be no closer than five (5) feet to any lot line, (2) shall be no greater than five (5) feet above finished grade.
- B. Projecting architectural features - bay windows, cornices, eaves, fire-places, chimneys, window sills, or other architectural features, provided they do not extend more than five (5) feet into any

required yard nor closer than three (3) feet to any adjacent property lines; however, any canopies, porte cocheres or other roofs that extend more than five (5) feet from the building line as defined in Article 1 of this Ordinance, shall be subject to the yard requirements applied from the lot line to the edge of the roof.

- C. Stairs and landings which are unroofed provided that they are no closer than five (5) feet to any lot line.
- D. Open balconies or fire escapes provided such balconies or fire escapes are not supported on the ground and do not project more than five (5) feet into any required yard nor closer than five (5) feet to any adjacent property line.

SECTION 505 HOME OCCUPATION REGULATIONS A home occupation as defined in Article II, may be permitted in any district under the following conditions:

- A. The proprietor of the home occupation shall reside on the premises and shall be the property owner or a member of the immediate family of the property owner. The home occupation shall be incidental to the use of the property as a residence, and there shall be no exterior evidence of the occupation or change to the appearance of the dwelling to facilitate the operation of the occupation, other than one (1) small sign as provided in Article VII of this Ordinance.
- B. The home occupation shall be conducted wholly within the dwelling and shall not occupy more than 25% of the habitable floor area nor more than 750 square feet. This area shall include all functions or activities of the home occupation.
- C. The proprietor may employ not more than one (1) assistant who does not reside within the dwelling used for the home occupation.
- D. In addition to the parking required for the residence, two (2) off-street parking spaces shall be provided for the home occupation plus one (1) additional space for any assistant. Off-street parking improvements shall comply with Article VI of this Ordinance.
- E. Any home occupation or accessory function to a home occupation which may create objectionable noise, fumes, odor, dust, electrical interference, or substantially more than normal residential traffic shall be prohibited.

SECTION 506 NO-IMPACT HOME-BASED BUSINESS A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pick-up, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy all of the following requirements:

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

- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) percent of the habitable floor area.
- H. The business may not involve any illegal activities.

SECTION 507 MUNICIPAL USES In any district, a building or structure may be erected, altered or extended and land may be developed which is arranged, intended or designed for municipal recreational uses or other community municipal uses, including but not limited to community parks, swimming pool associations, libraries, museums, municipal buildings, post offices, etc. Such buildings and structures shall meet all lot and yard requirements of the district in which it is to be located.

SECTION 508 VISIBILITY AT INTERSECTIONS On a corner lot in any district a clear sight triangle shall be provided at all street intersections. Within such triangles, no vision obstructing objects (other than utility poles) shall be permitted which obscure vision above the height of thirty (30) inches and below ten (10) feet as measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

- A. Seventy-five (75) feet from the point of intersection of the center lines of intersecting streets, except that,
- B. Clear sight triangles of one hundred (100) feet shall be provided for all intersections with arterial and major streets.
- C. Penna. Department of Transportation regulations relating to clear sight distances for truck traffic shall be applicable to all commercial or industrial subdivisions and land development applications in the Township.

SECTION 509 FENCES, WALLS & HEDGES Unless otherwise regulated, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard; however, any fence, wall, or hedge located along the sides or front edge of any front yard shall not be over thirty (30) inches in height and shall not obstruct visibility. Furthermore, not withstanding other provisions of this Ordinance, fences, walls and hedges in residential districts shall not exceed six (6) feet in height unless that portion above six (6) feet shall remain fifty percent (50%) open.

SECTION 510 ERECTION OF MORE THAN ONE (1) PRINCIPAL STRUCTURE ON A LOT In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance and the Lebanon County Subdivision and Land Development Ordinance shall be met for each structure as though it were on an individual lot.

SECTION 511 STRUCTURES TO HAVE ACCESS Every building hereafter erected or moved shall be on a lot adjacent to a public street, or provided with a lawfully established means of access to an approved public or private street. All principal structures shall be so located on lots as to provide safe and convenient access for standard vehicles for servicing, fire and police protection, and required off-street parking. If the Zoning Officer determines that existing or proposed access does not meet the above criteria, the property owner shall improve or obtain access to meet the above criteria and, where requested by the Zoning Officer, provide written certification by appropriate emergency management officials to verify feasible emergency vehicle access.

SECTION 512 WATER SUPPLY AND SEWERAGE FACILITIES REQUIRED In the interest of protecting the public health, safety, and welfare, every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for dwelling, commercial or recreational business or industrial purpose shall be provided with both safe and sanitary water supply and a safe and sanitary means of collection and disposal of residential, commercial, or industrial sewage. Such facilities shall conform to the minimum requirements set forth by the Department of Environmental Resources.

SECTION 513 MINIMUM HABITABLE FLOOR AREA AND LOT AREA REQUIREMENTS Unless otherwise regulated in this Ordinance, every dwelling unit hereafter designed, established, or erected shall contain a minimum habitable floor area of 700 square feet or a total of 175 square feet per person residing in the dwelling, whichever is greater. Existing two-family or multi-family development shall only be expanded or enlarged provided that a minimum lot area of 3,000 square feet is provided for each dwelling unit located on said property.

SECTION 514 CORNER LOT RESTRICTION In all districts, corner lots shall have no required rear yards, but shall have two (2) required front yards as measured from the road right-of-way line and two (2) required side yards as measured from the lot lines.

SECTION 515 EXCEPTIONS TO HEIGHT REGULATIONS The height limitations of this Ordinance shall not apply to church spires; farm structures when permitted by other provisions of this Ordinance (e.g. silos, barns, etc.); belfries, cupolas, penthouses and domes not used for human

occupancy; chimneys, ventilators, skylights, water tanks, bulkheads and similar features; utility poles and standards; and necessary mechanical appurtenances usually carried above the roof level. Such features however shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other governmental regulations. Transmission and/or reception antennas are not excluded from the height requirements of this Ordinance.

SECTION 516 DANGEROUS STRUCTURES Upon notification and request by the Zoning Officer, any building or structure which has deteriorated to the state where it is dangerous and/or unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or vermin, or endangers the safety of children playing thereabouts, shall be repaired, altered or removed to eliminate the dangerous conditions. Such improvements shall commence within thirty (30) days and be completed within ninety (90) days of notification by the Zoning Officer.

SECTION 517 GASOLINE PUMPS AND ALL OTHER SERVICE STATION EQUIPMENT Unless otherwise specified herein, all gasoline pumps, tanks, and all other vehicle service equipment shall be located not less than twenty-five (25) feet from any lot line and/or road right-of-way and located such that vehicles stopped for service will not extend over the property line. Canopies for pumps can extend no further than twelve (12) feet into the front setback line restrictions for the gasoline pumps. Canopies are required to meet side and rear yard setbacks of twenty-five (25) feet. Furthermore, the use and storage of all flammable and combustible liquids shall comply with the requirements set forth by the Fire Marshall Division of the Penna. State Police, base on 37 Pa. Code Chs 11 and 13.

SECTION 518 PARKING AND STORAGE OF CERTAIN VEHICLES Automotive vehicles and trailers of any kind without current, valid license plates and/or state inspection, or recreational vehicles/boats shall not be parked or stored on any street or any residentially zoned property other than in the rear yard.

SECTION 519 PUBLIC UTILITIES EXEMPTIONS For the purposes of this Ordinance, public utilities exemptions to district requirements shall extend only to accessory support and maintenance structures and buildings not requiring human occupancy. Such uses and structures including fences shall be located no closer than ten (10) feet to any lot line or road right-of-way line. Principal utility structures (e.g. sewage treatment plants, electrical power plants, etc.) shall be permitted in any district but shall comply in all respects with the requirements for a principal use of the district in which it will be located. In either case, said Utility Corporation shall secure a Building and Zoning Permit from the Zoning Officer prior to the start of construction. Said permit application shall include any and all approvals required by other agencies, etc., for the use specified.

SECTION 520 WIRELESS TELECOMMUNICATIONS FACILITIES

A. Purpose – in recognition of the quasi-public nature of personal wireless service facilities, the purpose of this subsection is:

- (1) To regulate the placement, construction and modification of communications and transmissions antennas and communications towers to protect public safety and welfare.

- (2) To accommodate the need for communications antennas while regulating their location in the Township.
 - (3) To minimize adverse visual effects of antennas and communications towers through proper design, siting, painting and vegetative screening.
 - (4) To encourage co-location of antennas and the use of existing structures to reduce the number of such structures needed in the future.
 - (5) To avoid potential damage to adjacent properties from communication tower failure and falling ice or debris, through engineering and proper siting of communication towers.
 - (6) To minimize any adverse effects of location and design of personal wireless facilities on residential property values.
 - (7) To ensure that antennas and communication towers will be removed in the event that such structures are abandoned or become obsolete and are no longer necessary.
 - (8) To promote co-location of emergency service antennas.
- B. Wireless communications facilities shall comply with the following provisions in addition to any other and all other ordinance provisions of this chapter or provisions of other ordinances of the Township of North Annville which may additionally pertain to Wireless Communication Facilities
- (1) Communication antennas may be attached to buildings or structures, (i.e. water tower or tall building) except single family and two family residential dwellings, and shall be a permitted use in all districts, provided that the following requirements are met:
 - (a) Antennas shall not exceed the height of the existing structure by more than twenty (20) feet.
 - (b) Omnidirectional or whip communications antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
 - (c) Directional or panel communications antennas shall not exceed five (5) feet in height or width with a maximum surface area of fifteen (15) feet.
 - (d) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind, ice, and other loads associated with antenna location.
 - (e) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings prepared by a registered engineer indicating how the antennas will be mounted on the structure for review by the Township Code Enforcement Office for compliance with the Township of North Annville Zoning and/or Building Code and other applicable law.
 - (f) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted

so that installation and maintenance of the antennas and communications equipment building can be accomplished.

- (g) Communications antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (h) Communications antennas shall not cause radio frequency interference with other communications facilities located in the Township of North Annville, nor shall they create crosstalk or otherwise interfere with other methods of telephone communication.
- (i) A communications equipment building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- (j) The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.
- (k) Communications antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

C. Communications towers are permitted as a Special Exception in the Agricultural District provided that the following requirements are met:

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.
2. Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one (1) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - (a) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - (b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 - (c) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - (d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from the structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - (e) A commercially reasonable agreement could not be reached with the owners of such structures.

3. Communications towers shall be located a minimum of five hundred (500) feet from any existing residential structure.
 4. In all other respects, communications towers permitted under this section shall comply with the requirements set forth for communications towers in the Commercial and Manufacturing Districts.
- D. Communications towers are permitted in the Commercial and Manufacturing Districts and shall comply with the following provisions in addition to other ordinance provisions:

1. Yard Requirements

- a. Communications towers shall be setback from all property lines or lease lines the greater of a distance equal to thirty-five (35%) of the height of the structure or to the yard setbacks applicable to the zoning district in which the structure is to be located, whichever is greater.
- b. Communications towers shall be setback a minimum of five hundred (500) feet from R-1 and R-2 Districts, as well as five hundred (500) feet from residential structures in all other districts.
- c. Communications equipment buildings shall comply with the yard requirements of the zoning district in which they are located.

2. Height Regulations

- a. Communications towers, including attached antennas shall be kept to a minimum height needed to function in accordance with industry standards. In case of co-usage, the communication structure height may be adjusted to account for other users. In no case shall any communications tower exceed a maximum height of two hundred (200) feet.
- b. Communications equipment buildings shall comply with building height requirements in the zoning district in which they are located.

3. Separation – A minimum of ten (10) feet shall be maintained between any communications tower, or portion thereof, and all buildings except the associated communications equipment building.
4. Access – Access shall be provided to the lot or leased parcel on which the communications tower or communications equipment building is located by means of a public street and/or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and the access shall be improved with stone of at least ten (10) feet for its entire length.
5. Off-Street Parking – A minimum of one (1) off-street parking space shall be provided on the lot or leased parcel on which the communications tower and/or communications equipment building is located. The required parking space shall be in accordance with the provisions of Article 6, “Off-Street Parking”.

6. Fencing

- a. A fence shall be required around the equipment building(s) and other equipment. The fence shall be a minimum of six (6) feet in height; shall completely enclose the antenna, support structure and related facilities, shall not contain openings greater than nine square inches, and shall contain, at all entrances, gates which shall be locked except during such time as the site is manned by authorized operations or maintenance personnel.
- b. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within the fenced enclosure.

7. Landscaping – The following landscaping shall be required to screen as much of the communications tower as possible, the fence surrounding the tower and any other ground-level features (such as a building) and in general soften the appearance of the personal wireless service facility site. If the antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required.

- a. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet on center maximum) or a row of evergreen trees (planted eight feet on center maximum). The evergreen screen shall be a minimum height if six feet at planting and shall grow to a minimum of fifteen feet at maturity.
- b. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- c. Where buffer yards and screen planting are required elsewhere in the ordinance, the required screen planting shall be in addition to the landscaping required in this section.

8. Communications Tower Color – Communications towers shall be painted in a color that best allows blending into the surroundings, unless otherwise required by the Federal Aviation Administration regulations. The use of grays, blues, and greens may be appropriate.

9. Communications Tower Equipment and Accessory Buildings – Accessory buildings must conform to all requirements of the zoning district in which the antenna and support structure are located.

10. Lighting – No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.. Site lighting shall be allowed provided such lighting does not shine or reflect on adjacent properties.

11. Compliance and Safety

- a. The applicant shall demonstrate that the proposed antenna and communications tower are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris.

- b. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- c. All communications towers shall be fitted with anti-climbing devices, as approved by the manufacturers.
- d. Communications towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
- e. Beginning in December of 2006 and by December of each even numbered year thereafter, the owner of the communications tower shall have the tower inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communications towers. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class Checklist provided in the Electronics Industries Association (EIA) Standard 222 Structural Standards for Steel Antenna Towers and Antenna Support Structures and as amended. A copy of said inspection report shall be provided to the Township.

12. Abandonment and Removal

- a. Any communication facility that is no longer in use for its approved purpose shall be removed at the owner's expense. The owner shall provide the Township with a copy of the notice to the Federal Communications Commission of the intent to cease operations. If the facility remains unused for a period of six (6) consecutive months, the owner shall be given ninety (90) days from the end of the six (6) month period to remove the communication structure and all accessory structures. In the case of multiple operators sharing use of a single communications tower, this provision shall not become effective until all users cease operations. The equipment on the ground is not to be removed, however, until the tower portion of the communication facility has first been dismantled and removed.
 - b. Applicant before approval of the placement of a communications tower or issuance of a building permit shall supply suitable financial security as estimated by a professional engineer in order to guarantee the removal of a tower after it is no longer in use.
- E. Where a communications tower and/or communications equipment building are proposed as a use by Special Exception, application shall be submitted to the North Annville Township Zoning Hearing Board care of the Lebanon County Planning Department.
- F. Prior to the issuance of a building permit for the erection of a communications tower or communications equipment building, applicants must receive approval of a Land Development Plan from North Annville Township Board of Supervisors if deemed necessary. The Land Development Plan shall comply with the North Annville Township Subdivision and Land Development Ordinance.
- G. A formal Land Development Plan shall not be required if the antenna is to be mounted on an existing structure in accordance with the provisions of this ordinance.

- H. Amateur Radio – These regulations shall not apply govern any tower, or the installation of any antenna that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio status operator.

SECTION 521 OUTDOOR WOOD-FIRED BOILERS After January 1, 2010, an outdoor wood-fired boiler may be installed or used in North Annville Township only in accordance with all of the following provisions:

- A. Any person or persons desiring to install or use an outdoor wood-fired boiler shall obtain a permit from the Zoning Officer. The applicant shall present a plan showing all property lines, the location and distances of all occupied buildings and structures on adjacent properties, and the location of the proposed outdoor wood-fired boiler. Failure to obtain a permit shall result in a fine of not greater than five hundred dollars (\$500.00) and immediate cessation of the use of the outdoor wood-fired boiler.
- B. The outdoor wood-fired boiler shall be located at least one hundred fifty (150) feet from the property line and at least two hundred fifty (250) feet from the nearest occupied building not located on the same property as the wood-fired boiler.
- C. The outdoor wood-fired boiler shall have a permanent chimney that extends at least fifteen (15) feet above the ground. If there are any occupied buildings within five hundred (500) feet that are not on the same property as the outdoor wood-fired boiler, the chimney shall also extend at least two (2) feet above the ridgeline of all such occupied buildings.
- D. The outdoor wood-fired boiler shall have an orange hang tag that signifies that it meets the EPA's standards for Phase I air emission levels of 0.60 pounds of fine particulates per million BTU heat input and qualifies for the EPA's voluntary program.
- E. The outdoor wood-fired boiler shall be used to burn only clean wood. The following materials are specifically prohibited:
- Any material that does not meet the definition of clean wood.
 - Furniture
 - Garbage
 - Tires
 - Lawn clippings or yard waste
 - Material containing plastic
 - Material containing rubber
 - Waste petroleum products
 - Paints and paint thinners
 - Chemicals
 - Any hazardous waste
 - Coal*
 - Glossy colored paper

- Construction and demolition debris
- Plywood
- Particleboard
- Salt water driftwood
- Manure
- Animal carcasses
- Asphalt products

*Coal is permitted to be burned in outdoor wood-fired boilers which are specifically designed and approved by the manufacturer and the EPA for burning coal.

- F. All outdoor wood-fired boilers shall be equipped with properly functioning spark arresters
- G. A new permit shall be required in accordance with the provisions of this Ordinance for any upgrade or replacement boiler
- H. Ash and any other by-products from the operation of the outdoor wood-fired boiler shall be disposed of in accordance with all applicable laws.
- I. Outdoor wood-fired boilers shall at all times be operated in accordance with manufacturer specifications and in compliance with all government air standards.

J. Enforcement Orders

1. The Zoning Officer shall enforce this Ordinance in accordance with the requirements of this Ordinance and the Municipalities Planning Code.
2. The Zoning Officer may issue orders as are necessary to aid in the enforcement of the provisions of this Ordinance. These orders shall include, but shall not be limited to: orders requiring persons to cease unlawful use of outdoor wood-fired boilers, which is in violation of any provision of this Ordinance; orders to take corrective action or to abate a public nuisance; or orders requiring production of information. Such an order may be issued if the Zoning Officer finds that any person is in violation of any provision of the Ordinance.
3. The Zoning Officer may require compliance with this Ordinance.
4. An order issued under this section shall take effect upon notice, unless the order specifies otherwise. An appeal to the Zoning Hearing Board of the municipality's order shall not act as a supersedeas, provided, however, that upon application and for cause shown, the Zoning Hearing Board may issue such a supersedeas under rules established by the Zoning Hearing Board.
5. The authority of the Zoning Officer to issue an order under this section is in addition to any remedy or penalty that may be imposed pursuant to this Ordinance. The failure to comply with any such order is hereby declared to be a public nuisance.

K. Responsibility of Owners and Operators

1. Whenever the Zoning Officer finds that illegal operation of an outdoor wood-fired boiler is occurring in North Annville Township, in contravention of the requirements of §521 A. through I., the Zoning Officer may order the owner or operator to take corrective action in a manner satisfactory to the Zoning Officer under the terms and provisions of this Ordinance.
2. For purposes of collecting or recovering the costs involved in taking corrective action or pursuing a cost recovery action pursuant to an order or recovering the cost of litigation, oversight, monitoring, sampling, testing, and investigation related to a corrective action, the Zoning Officer may collect following the process for assessment and collection of a civil penalty contained in §521 L.

L. Civil Penalties

1. In addition to proceeding under any other remedy available at law or in equity for a violation of a provision of this Ordinance or any order issued pursuant to this Ordinance, the municipality may assess a civil penalty for the violation. The penalty may be assessed whether or not the violation was willful. The civil penalty so assessed shall not exceed five hundred (\$500.00) dollars. Each day that a violation continues shall constitute a separate offense. In determining the amount of the penalty, the municipality shall consider the willfulness of the violation; damage to air, soil, water, or other natural resources of the municipality or their uses; financial benefit to the person in consequence of the violation; deterrence of future violations; cost to the municipality; the size of the source or facility; the compliance history of the source; the severity and duration of the violation; degree of cooperation in resolving the violation; the speed with which compliance is ultimately achieved; whether violation was voluntarily reported; other factors unique to the owners or operators of the source or facility; and other relevant factors.
2. In any case where a penalty for a violation of a Township Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney's fees incurred by the Township in the enforcement proceedings.

M. Unlawful Conduct It shall be unlawful to fail to comply with or to cause or assist in the violation of any of the provisions of this Ordinance or to fail to comply with any order or other requirement of the municipality; or to cause a public nuisance; or to hinder, obstruct, prevent, or interfere with the municipality or its personnel in their performance of any duty hereunder, including denying the Zoning Officer access to the source or facility.

N. Public Nuisances A violation of this Ordinance or of any order by North Annville Township under this Ordinance shall constitute a public nuisance. The municipality shall have the authority to order any person causing a public nuisance to abate the public nuisance. In addition, when abating a public nuisance, the municipality may recover the expenses of

abatement following the process for assessment and collection of a civil penalty contained in §521 L. Whenever the nuisance is maintained or continued contrary to this Ordinance or any order issued pursuant to this Ordinance, the nuisance may be abatable in the manner provided by this Ordinance and/or the Municipalities Planning Code. Any person who causes the public nuisance shall be liable for the cost of abatement.

ARTICLE VI

OFF-STREET PARKING

SECTION 601 INTENT The regulations concerning off-street parking are intended to insure that adequate, well-designed parking facilities are provided for all new, altered, or expanded buildings and uses. The general intent shall be to require off-street parking spaces, loading and unloading areas, driveway and access ways to (1) satisfy the minimum standards contained within this Article and (2) be designed to prevent overcrowding and congestion and impairment of traffic circulation and access.

SECTION 602 DEFINITIONS For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

- A. Parking space - an open or enclosed area accessible from a street or alley for parking of motor vehicles for owners, occupants, employees, customers, or tenants of the principal structure or use. Each parking space shall be not less than ten (10) feet wide and not less than twenty (20) feet long, exclusive of all drives, curbs, and turning space.
- B. Floor area - the total area of all the floors measured from the exterior faces of the structure or, where set forth in the schedule in Section 605, only the floor area used by a specific use.
- C. Seat - the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be thirty (30) inches on center.

SECTION 603 REQUIREMENT FOR OFF-STREET PARKING FACILITIES Accessory off-street parking facilities, including access driveways and loading/unloading areas, shall be required in accordance with the provisions of this Article as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use as follows:

- A. Whenever a structure is constructed or a new use established, or
- B. Whenever the use of an existing structure is changed to a use requiring more parking facilities, or
- C. Whenever an existing structure is altered or enlarged so as to increase the amount of parking spaces required under this Article.

SECTION 604 GENERAL STANDARDS Off-street parking facilities shall satisfy the following general requirements:

- A. Off-street parking areas shall have safe access to and from a street; however, no portion of any street or road right-of-way shall be utilized for off-street parking.

- B. Off-street parking spaces shall be designed so that the area necessary to maneuver a vehicle in and out of a space does not extend into any street, road right-of-way, alley or sidewalk. Parking spaces shall also be designed so that vehicles may have access to and from spaces without moving another vehicle.
- C. Off-street parking spaces shall be readily accessible to and a reasonable distance from, the structures and uses served. Such spaces shall be on the same lot as the principal structure or use, except where otherwise permitted in accordance with Section 606.
- D. All parking spaces shall be available to patrons, customers or visitors throughout the hours of operation of the structure or use for which the spaces are provided. Carnivals, displays, promotions or other events held on parking lots shall not utilize parking spaces required for customers. Adequate additional parking spaces shall be available for the supplemental use.
- E. Parking spaces shall be improved and individually delineated in accordance with Section 611 of this Ordinance. Additionally, special purpose spaces and areas such as loading/unloading areas, "handicapped" parking, "visitor only" parking, "limited time" parking, and fire and police spaces shall be clearly labeled.
- F. Off-street parking requirements will be considered to be met only when actual spaces meeting the requirements of this Article are provided and improved in accordance with Section 611. Parking spaces may not thereafter be reduced below the minimum requirements as long as the principal structure or use remains, unless an equivalent number of spaces are provided for use in another approved location.
- G. Unless otherwise specifically regulated, improved, hard surface off-street parking for all uses shall be limited to portions of the lot as follows:
 - 1. Parking shall not be permitted within twenty-five (25) feet of any street or road right-of-way; however, provided the minimum 25 feet is satisfied, up to 50% of the required front yard may be utilized for parking.
 - 2. Required side and rear yards may be utilized for parking provided:
 - a. The side or rear yard are not a part of a required buffer area.
 - b. A minimum setback of ten (10) feet from the property line is maintained in all cases where more prohibitive regulations do not appear herein.
 - c. Minimum setbacks of forty (40) feet in all Commercial Districts and one hundred (100) feet in the Industrial District are maintained in all yards abutting a Residential District boundary.

SECTION 605 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES The minimum number of off-street parking spaces required for a specific use is listed in the following chart.

Where appropriate when computing the number of required parking spaces, the Zoning Officer may exclude floor area of structures (e.g. storage, employee lounge, bathroom) which does not bear any relationship to the parking needs of the use.

<u>Structure or Use</u>	<u>Parking Spaces Required</u>
A. <u>Institutional</u>	
1. Civic and educational; primary and secondary schools; libraries; places for public assembly	1 space for each employee plus 1 space for each 4 seats in assembly rooms
2. Governmental; municipal buildings used for administrative functions	1 space for each 200 sq. ft. of office floor area plus 1 space for each 4 seats in assembly room
3. Places of worship	1 space for each 3 seats in principal assembly room
4. Welfare: Hospitals	1 space per 2 beds plus 1 space for each employee on the largest shift
5. Special Care Residential Community/ Retirement Housing (individual or combined total, depending upon the use):	
Nursing Homes/ Rehabilitation Center	1 space per each 4 rooms plus 1 space for each employee on the largest shift
Personal Care	1 space for each 3 rooms plus 1 space for each employee on largest shift
Retirement Home Apartments	.5 space for each personal care room or apartment plus 1 space for each employee
Independent living dwellings	2 spaces for each single family dwelling unit
Administrative Offices/Support Services	1 space for each employee

B. Residential

1. One and two-family dwellings 2 spaces per dwelling unit; must be off-street, but need not be improved with hard surface
2. Multi-family residences 2 spaces per dwelling unit

C. Home Occupation/Day Care

1. Home Occupations In addition to parking required for the residence, 2 spaces plus 1 additional space for any assistant; must be off-street but need not be improved with a hard surface.
2. Family Day Care Homes 2 spaces plus those required for the residence
4. Day Care Centers 1 space for each employee, plus 4 spaces for the first 10 licensed capacity slots for children, plus 1 space each additional 10 slots for children approved for the center. Off-street parking shall also be provided for vehicles owned and operated by the facility as a part of its day care services.

D. Commercial

1. Medical and dental offices, clinics, and banks 1 space per 150 sq. ft. of floor area plus 1 space for each practitioner, doctor, dentist or professional
2. Professional and other offices 1 space per 200 sq. ft. of ground floor area; 1 space per 300 sq. ft. of floor area of upper floors
3. Motels, hotels, or boarding houses 1 space per guest room or unit

4. Mortuary or Funeral Homes	1 space per 30 sq. ft. of assembly rooms, or 1 space for each 4 assembly seats whichever requires the greater number but in no case less than 20 spaces
5. Retail stores, service establishments and shopping centers	1 space per 200 sq. ft. of ground floor area; 1 space per 300 sq. ft. of floor area of upper floors
7. Eating places, bars, and taverns	1 space per 50 sq. ft. of floor area, or 1 space per 4 seats whichever requires the greater number of spaces
8. Clubs, lodges, or other assembly halls	1 space per 4 seats in building
9. Indoor or outdoor theaters	1 space per each 4 seats
10. Dance halls, skating rinks, and swimming pools	1 space per 100 sq. ft. of area used dancing, skating, or swimming
11. Amusement Centers	1 space per 150 sq. ft. of gross floor area of the building or ground area devoted to such use
12. Carnivals, racetracks and other outdoor amusement and recreation uses	1 space for each 4 seats or 4 visitors at maximum capacity
13. Bowling Alleys	6 spaces per bowling lane
14. Service and storage establishments	1 space for every 2 employees on the combined employment of the 2 largest successive shifts
15. Gas Stations, Repair Garages	1 space per employee plus 1 space per 200 sq. ft. of floor area
16. Auto Body Shops	1 space per employee plus 2 spaces per repair bay
17. Car Washes, Self-service	4 spaces per bay/stall, plus 1 space for each employee
18. Car Washes, Full-service	10 stacking spaces per bay/stall, plus 1 space for each employee

19. Golf Courses

4 spaces for each green plus 50% of the requirement for any associated uses

20. Golf Courses, Par Three or Miniature

25 spaces per 9 holes, plus 1 space for each employee

21. Golf Driving Ranges

1 space per tee, plus 1 space for each employee

E. Industrial

1. Service and storage establishments; laboratories; manufacturing, fabricating or processing plants; and other industrial uses

1 space for every 2 employees on the largest shift

2. Executive offices, sales offices and manufacturing

1 space per 200 sq. ft. of executive and sales office floor area in addition to parking requirements for area

F. Other Structures or Uses

1. For a specific structure or use not scheduled, the Zoning Officer shall apply the unit or measurement of the above schedule deemed to be most similar to the proposed structure or use.
2. In lieu of a similar structure or use, one of the following minimum standards shall be applied when deemed applicable by the Zoning Officer:
 - a. 1 space for each 200 sq. ft. of ground floor plus 1 space for each 300 sq. ft. of upper floor areas, or
 - b. 1 space per every 4 seats, visitors or clients at maximum capacity or frequenting the premises or main assembly area at any given time.

SECTION 606 SEPARATE OR COMBINED USE OF FACILITIES A structure containing one use shall provide the off-street parking spaces as required for the specific use. A structure or group of structures containing two or more uses, operating normally during the same hours, and which have different off-street parking requirements, shall provide spaces for not less than the sum of the spaces required for each use. Where the applicant can demonstrate that adequate off-street parking capacity is not feasible on the same lot as the proposed non-residential use or

structure, the new use or structure may be permitted if the applicant:

- A. Provides written authorization from an adjoining or nearby property owner to allow establishment and/or use of parking facilities meeting the requirements of this Article on that property; and
- B. Obtains authorization on said other property to establish and use parking facilities which will be a maximum of six hundred (600) feet from the use or building proposed by the applicant.

SECTION 607 ACCESS DRIVES TO PARKING AREAS AND CURBING FOR ALL USES EXCEPTING SINGLE AND TWO-FAMILY DWELLINGS The location and width of entrance and exit driveways to paved, hard surface parking facilities for all uses excepting single and two-family dwellings, shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets. The center line of the access driveways on the frontage street shall be at least eighty (80) feet from the right-of-way line of the nearest intersecting street or any other driveway. Where there is more than one (1) driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel, either as an entrance to or exit from the parking area. Entrances and exits shall be limited to three lanes. The width of such entrances and exits, measured at the street property line, shall conform to the following schedule:

	<u>WIDTH (feet)</u>	
	<u>Minimum</u>	<u>Maximum</u>
One Lane	12	14
Two Lanes	20	28
Three Lanes	30	40

In all cases, the radius of the edge of the driveway apron shall be at least fifteen (15) feet so that a car entering or leaving may not obstruct vehicles in other traffic lanes in the driveway or street.

Whenever parking spaces are opposite each other and separated by a driveway or aisle, said area shall be a minimum of twenty (20) feet in width.

SECTION 608 DRIVEWAYS AND CURBS FOR SINGLE AND TWO-FAMILY DWELLINGS Access to the lot shall comply with the following regulations:

- A. Access shall be by not more than two (2) driveways for each one hundred (100) feet of frontage on any street.
- B. No two (2) such driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than five (5) feet. No flare shall cross an extended side property line.

- C. Each driveway shall be not more than thirty-five (35) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way area.
- D. On any corner lot, driveways shall not transect any portion of the clear sight triangle as defined in Section 508 of this Ordinance.

SECTION 609 LOADING AND UNLOADING SPACE Each commercial or industrial use shall provide off-street loading and unloading space at the side or rear of the principal structure according to the following table. Such space or spaces shall be not less than 660 square feet in area with dimension of 12' x 55' per space, which shall be located exclusive of any buffer area, public right-of-way or required front yard. Each space shall have a vertical clearance of not less than 15 feet. Additionally, any loading and unloading spaces necessitated by uses in other districts shall also comply with the specifics of this Section.

GROSS FLOOR AREA

LOADING/UNLOADING SPACES REQUIRED

0 to 2000 sq. ft.	0, provided all loading/unloading can be accomplished on-site without restricting traffic flow or disrupting off-street parking access.
2001 to 10,000 sq. ft.	One (1) space
10,001 to 50,000 sq. ft.	Two (2) spaces
50,001 sq. ft. and over	Three (3) spaces plus one (1) additional space for each 40,000 sq. ft. in excess of 50,000 sq. ft.

SECTION 610 ILLUMINATION OF PARKING AND LOADING AREAS Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that the light sources are shielded from adjoining residences and streets, and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

SECTION 611 IMPROVEMENT TO PARKING AND LOADING AREAS All parking areas, loading areas, and access driveways, except for single family and two-family dwellings and home occupations shall comply with the following requirements:

- A. All parking areas, loading areas, and access driveways shall have asphalt, concrete, or other similar hard surface approved by the Township Supervisors. Whenever possible, said surface shall be an acceptable, semi-permeable material to reduce stormwater runoff.
- B. Improved, hard surface, off-street parking areas for three (3) or more vehicles shall have individual spaces painted or marked.

- C. Surface water shall not be permitted to discharge over the public sidewalks or roadways or onto other premises.
- D. The maximum grade of parking areas shall not exceed two percent (2%).
- E. Appropriate bumper guards or curbs shall be provided in order to define parking spaces or limits of paved areas and to prevent vehicles from projecting into required yards. All curbs and bumper guards shall be constructed in accordance with standards established by the Township Supervisors.
- F. Perimeter plantings shall be required around the border of all parking lots containing ten (10) or more parking spaces. Said plantings shall be a maximum of ten (10) from the edge of the paved parking surface.
- G. Interior island plantings shall be required within all parking lots containing twenty-five (25) or more parking spaces. Interior island plantings shall be provided 1) at the ratio of five (5) sq. ft. of planting area for each one hundred (100) sq. ft. of paved parking and vehicular use area, and 2) in locations which will divide and separate the parking lot.
- H. Parking lots of ten (10) or more parking spaces shall be a minimum of twenty feet (20') from the building line of any principal building or structure. The twenty feet (20') setback shall contain appropriate screen plantings.
- I. All required plantings shall be maintained in good condition to present a healthy, neat and orderly appearance. Such plantings shall be kept free from refuse and debris. Plants damaged by insects, disease, vehicular traffic, acts of nature or vandalism shall be replaced by the next planting period.

SECTION 612 APPROVAL OF PARKING AND LOADING PLANS Detailed, scaled drawings of off-street parking and loading areas (except for single and two-family dwellings) shall be submitted to the Zoning Officer for approval prior to their construction. The drawings shall show each space, dimensions of driveways, aisles and other features required under the provisions of this Ordinance.

ARTICLE VII

SIGNS AND ADVERTISING STRUCTURES

SECTION 701 INTENT The purpose of these regulations is to permit signs or advertising structures that will not, by reason of their size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety or other-wise endanger public health, safety, and morals; and to permit and regulate signs in such a way as to support and complement land use objectives set forth in this Ordinance. Signs may be permitted only when in compliance with the provisions of this Ordinance and any and all ordinances and regulations relating to the erection, construction, reconstruction, enlargement, relocation, replacement, alteration or maintenance of signs and similar devices.

SECTION 702 AREA OF SIGN The area of a sign shall be construed to include the entire display surface and background, whether open or enclosed, which encompasses lettering, wording, designs, and symbols, but not including any supporting framework and bracing which is incidental to the display itself. The area shall be determined using the largest visible sign or silhouette area. When the sign consists of individual letters or symbols attached to or printed on a surface, the area shall be considered to be the smallest rectangular shape or shapes which can be drawn together to encompass all of the letters and symbols.

All double-faced signs shall be considered as having one (1) sign area, except double-faced "V" signs that have interior angles greater than 45 degrees.

SECTION 703 GENERAL REGULATIONS All signs and/or advertising structures, where permitted under the terms of this Ordinance, are subject to the following:

- A. No sign shall be located, erected, constructed, reconstructed, replaced, altered, removed for repair, enlarged, or relocated until a permit is obtained from the Zoning Officer, except that no permit shall be required by this Ordinance for the following signs:
1. Signs not exceeding two (2) square feet in area and bearing only property numbers, postal box numbers or names of the occupants of the premises.
 2. Flags and insignia of any government, except when displayed in connection with commercial promotion.
 3. Legal notices, official traffic signs, community facilities signs, municipality identification signs, non-commercial historical or geographical identification information, or directional signs erected by government bodies. Such signs may be placed within the road right-of-way.
 4. Geographical identification and greeting signs erected by civic and service organizations provided that they do not exceed four (4) square feet in area and are comprised of the organization's standard emblem or seal.

5. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 6. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 7. Temporary signs as described in Section 704 of this Ordinance.
 8. Signs identifying farms, farm associations, and agricultural products, provided that no farm or association identification sign exceeds ten (10) square feet in area and no more than one (1) sign shall be erected per road frontage. Signs identifying agricultural products shall not exceed two (2) square feet in area.
 9. Hunting, fishing, and trespassing signs and signs indicating private ownership of roadways or property, provided that such signs do not exceed two (2) square feet in area, and when erected along street frontage, the signs shall be spaced at intervals of not less than one hundred (100) feet.
 10. Signs up to four (4) square feet in area which are necessary for the identification, protection, and operation of public utility facilities.
- B. Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. The Zoning Officer shall require such maintenance, and in the event the sign owner fails to comply with said requirements, the Zoning Officer shall proceed against him as provided in Article IX of this Ordinance. Any sign which pertains to a time, event, or purpose which no longer applies and has been abandoned, as specified in Section 704 of this Ordinance, shall be removed by the owner of the sign or the owner of the premises on which the sign is located.
- C. All signs not owned by the person, firm or organization advertising thereon shall carry a clearly legible imprint showing the owner's name.
- D. No sign shall be so illuminated as to have a glaring effect upon vehicular traffic. No sign shall be illuminated so as to constitute a nuisance. No sign shall contain moving parts or use flashing or intermittent illumination. The source of the light shall be steady and stationary.
- E. No sign shall be higher than thirty-five (35) feet from the ground to the highest part of the sign.
- F. No sign shall be erected so as to obstruct entrance to or exit from a required door, window, fire escape or other required exit way.
- G. No sign shall be erected that screens traffic signals or signs or utilizes red, green or amber lights or reflectorized material that creates a flashing action and is so located as to render ineffective any traffic sign or signal. Any sign which resembles an official traffic sign or

signal, by way of its appearance or content, shall be prohibited.

- H. Unless otherwise provided, no sign shall be painted, pasted, or otherwise affixed to any tree, rock, utility pole, hydrant, bridge, sidewalk, curb, or street.
- I. Unless otherwise provided, no portion of any sign shall be erected within or placed on an existing structure in the road right-of-way. Additionally, no portion of any sign shall be erected in the "clear sight triangle" as specified in Section 508.
- J. Unless otherwise specified, all signs shall be an on-premises sign which directs attention to a person, business, profession, home occupation or activity conducted on the same lot, and no sign shall be erected until a permit has been secured from the Zoning Officer and approval has been received from any other applicable state or local agencies.
- K. No sign shall contain obscene material.
- L. For the purposes of this Ordinance, portable signs, if utilized, shall comply with the requirements for ground signs and shall be included in the calculation of the maximum allowable sign area for the use.
- M. No ground sign shall exceed fifteen (15) feet in height nor be located closer than fifteen (15) feet from any street or road right-of-way line, and shall be limited to one such sign per premises.

SECTION 704 SIGNS PERMITTED IN ALL DISTRICTS the following signs are permitted in any zoning district:

- A. Temporary signs which do not require a permit:
 - 1. Temporary signs of painters, mechanics, contractors, realtors, and the like not exceeding a total of sixteen (16) square feet in area, provided such signs are removed as soon as the work has been completed.
 - 2. Temporary signs and banners of a non-commercial nature across a public right-of-way are permitted provided (a) permission is obtained from the Township Supervisors, (b) they are erected in a location which will not cause a traffic hazard, (c) they meet safety standards and are maintained, and (d) they are removed when their temporary use is completed.
 - 3. Temporary signs announcing a campaign, drive, or event of civic, philanthropic, educational or religious organization. Such signs shall not exceed twelve (12) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive, or event.
 - 4. Temporary signs directing patrons, members, audience or customers to temporary exhibits, shows, events, or activities (e.g. yard sales, fruit sales, conventions, etc.). Such

signs shall not exceed twelve (12) square feet in area and shall be removed within forty-eight (48) hours after completion of the campaign, drive, or event.

5. Signs erected in conjunction with a political election provided that all signs are removed within forty-eight (48) hours after the date of the election.

B. Off-premises directional signs which require issuance of a permit:

1. Off-premises directional signs which are used to direct patrons, members, audience, customers, and clients to service clubs, churches, commercial, industrial, institutional or other organizations may be erected subject to the following requirements:
 - a. A sign shall indicate only the name of the organization and the direction to the facility.
 - b. Except at intersections, no sign shall be placed within three hundred (300) feet of another sign associated with the same principal use.
 - c. All signs shall be placed within two (2) miles of the use and no more than six (6) signs for each principal use may be erected within the borders of the municipality.
 - d. All signs shall consist of dark lettering on a light back-ground, excluding standard issue signs. The signs shall not exceed three (3) square feet in area, and no moving parts, flashing lights, or any type of illumination shall be permitted.
 - e. At intersections of public streets, no more than one (1) sign post accommodating all directional signs may be erected per corner. Said posts shall not exceed six (6) inches in width and shall not be less than three (3) feet nor greater than eight (8) feet in height above ground. No more than one (1) sign per principal use may be attached to any sign post and no portion of any sign shall be erected within the "clear sight triangle" as specified in Section 508 of this Ordinance.
 - f. Application for off-premises directional sign permits shall include a map indicating location of placement requests and the land owner's written approval, name to be placed on sign, and distances from the facility to each sign.

- C. One (1) name plate for a home occupation, provided that the sign does not exceed four (4) square feet in size and identifies only the name of the occupant and title of the occupation. If lighted, the sign shall be illuminated without objectionable glare. No displays or changes in façade shall indicate from the exterior that the building is being used for any purpose other than that of a dwelling.

- D. One (1) institutional sign and/or one (1) bulletin board for places of worship, schools, day care centers, hospitals, nursing or convalescent homes, special care residential communities,

retirement complexes, libraries, museums, social clubs, and similar uses, provided each sign or bulletin board does not exceed twenty-four (24) square feet in area and is located no closer to a road right-of-way than 1/2 the depth of the existing front yard or twenty-five (25) feet whichever is less. If lighted, it shall be illuminated without objectionable glare. Additionally, if such property fronts on more than one (1) street, each street frontage may contain the above mentioned signs.

E. Subdivision signs:

1. Temporary - a sign advertising lots for sale, giving prices, dimensions, services, etc., and which shall be removed within thirty (30) days of the sale date of the last lot.
2. Permanent - a sign containing only the name of the development or subdivision and designed to be permanently affixed to the land.

One (1) sign per road frontage may be permitted provided the sign is placed at an entrance to the subdivision, is located on the property to be subdivided, and does not exceed twenty-four (24) square feet in area. No portion of any sign shall be erected within the "clear sight triangle" as specified in Section 508.

SECTION 705 SIGNS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS The following types of on-premises signs may be permitted in residential and agricultural districts unless otherwise prohibited:

A. Signs for the advertisement of agricultural businesses as follows:

1. For each property involved in agri-business, one sign may be erected, provided no sign or portion thereof shall be located closer to the road right-of-way than 1/2 the depth of the existing front yard or twenty-five (25) feet, whichever is less.
 - a. Wall, or projecting sign - maximum sign area shall not exceed sixteen (16) square feet.
 - b. Freestanding sign - maximum sign area shall not exceed twenty-five (25) square feet.
 - c. Ground sign - maximum sign area shall not exceed twenty-five (25) square feet.

B. Signs for nonconforming commercial or industrial uses as follows:

1. For each property involved in a commercial or industrial use, a total sign area of thirty (30) square feet shall be permitted. No sign or portion thereof shall be located closer to the road right-of-way than 1/2 the depth of the existing front yard or fifteen (15) feet, whichever is less.

- a. Projecting Sign - maximum sign area shall not exceed twelve (12) square feet.
- b. Freestanding or Ground Sign - maximum sign size shall not exceed sixteen (16) square feet. Additionally, all ground signs shall be a minimum of fifteen (15) feet from the street or road right-of-way.
- c. Wall or Window Sign - maximum sign size shall not exceed twelve (12) square feet.

C. Signs as permitted in Section 704 of this Ordinance.

SECTION 706 SIGNS IN COMMERCIAL AND MANUFACTURING DISTRICTS The following types of signs may be permitted in commercial and manufacturing districts unless otherwise prohibited:

- A. Signs for the advertisement of agri-business as permitted in Section 705 A. of this Ordinance.
- B. For individual commercial, office, institutional, and industrial uses, signs shall be limited to a maximum total sign area of 250 square feet per street frontage. All signs shall be on-premises signs, and shall be either wall, projecting, roof, freestanding or ground signs which comply with the following standards:
 - 1. One (1) wall sign for each road frontage provided it is attached to the wall of the principal building and projects horizontally not more than twelve (12) inches therefrom and occupies not more than fifteen (15) percent of the total area of the front of the principal building. It shall not project more than three (3) feet above the roof line or parapet wall.
 - 2. One (1) projecting, marquee or roof sign for each road frontage provided it shall not project beyond a vertical plane two (2) feet inside the road right-of-way line and does not exceed twenty (20) square feet in area. Said signs shall not exceed a height of thirty-five (35) feet.
 - 3. One (1) freestanding or ground sign for each road frontage provided it does not exceed sixty (60) square feet in area. The freestanding sign shall not extend beyond a vertical plane two (2) feet inside the lot from the road right-of-way line and shall not exceed a height of thirty-five (35) feet. The ground sign shall be a minimum of fifteen (15) feet from any street or road right-of-way line.
- C. In cases where multiple commercial, industrial or office uses exist as a homogeneous, cooperative unit (e.g. a general shopping district, shopping center or mall, office complex, industrial park, etc.), the identification sign for the entire district, center, mall, complex or park shall be permitted subject to the following conditions:
 - 1. Such identification signs shall be freestanding signs, not attached to any building, and shall contain only the name and/or logo of the district, center (mall), complex or park.

2. A maximum of two (2) such signs shall be permitted for any one (1) district, center (mall), complex or park.
3. The maximum size of the identification signs shall not exceed 250 square feet per road frontage; however, an additional 250 square feet of sign area (per road frontage) may be attached to the identification sign structure and utilized for a listing of individual stores or businesses within the district, center, mall, complex or park and/or a changeable copy sign. The additional sign area allowed for listing stores and/or businesses shall be located below the identification sign.
4. Individual signs for each store or business within a shopping district, shopping center (mall), or industrial park shall comply with the requirements of Section 706 B.1. or 706 B.2.
5. The height of all signs and their supporting structures shall be a maximum of thirty-five (35) feet as measured from the ground.
6. Commercial signs located in the interior of shopping centers (malls), office complexes, etc. are exempt from the maximum size limitations.

D. Signs as permitted in Section 704 of this Ordinance.

SECTION 707 NONCONFORMING SIGNS Any sign erected, constructed, replaced, altered, enlarged, or relocated before the effective date of this Ordinance, that would not otherwise be permitted under the terms of this Ordinance, may remain and continue to be used, maintained and repaired provided:

- A. A nonconforming sign shall not be replaced, altered, relocated, or reconstructed except to bring the sign into total compliance with the provisions of this Ordinance.
- B. A nonconforming sign may be used, maintained and repaired subject to the following requirements:
 1. Maintenance and repair of a nonconforming sign is permitted when said activities are necessary to maintain the sign in a presentable, functional condition. Maintenance and repair activities shall not include alterations, relocation or reconstruction but may include: replacement of defective parts, painting, and repainting, cleaning and other acts required for the maintenance of said sign. Prior to the removal of a nonconforming sign for maintenance, repair or message change, a permit shall be secured from the Zoning Officer. Said permit shall allow the applicant to re-erect the repaired or re-messaged nonconforming sign within thirty (30) days of issuance. If the nonconforming sign is not erected within the specified time, it shall lose its nonconforming status and any successive sign shall conform with all applicable Ordinance requirements.
 2. Nothing in this Ordinance shall prohibit the change in advertising, identifying, or directional message of a nonconforming sign so long as the change does not involve any

alterations, relocation or reconstruction of the nonconforming sign. Message changes of a nonconforming sign that are a result of a transfer in ownership of the premises on which the principal use is located, excluding contract advertising signs, shall be prohibited and any successive sign shall conform to the Ordinance requirements. If the message change requires removal of the sign, a permit shall be secured as in the above sub-section.

3. A nonconforming sign, which has been damaged or destroyed by fire, explosion, accident, or calamity, to an extent which is greater than fifty (50) percent of the sign or sign value, may not be repaired except in compliance with the provisions of this Ordinance. A nonconforming sign which has sustained less than fifty (50) percent damage of the sign or sign value may be repaired provided:
 - a. The repaired sign is virtually unchanged, except for building materials and message, or is less nonconforming than the original sign; and
 - b. Repair is completed within sixty (60) days from the date of damage. Failure to repair within sixty (60) days shall result in the loss of nonconforming sign rights and any successive sign shall conform to all applicable Ordinance requirements.
 4. When a nonconforming sign has been demolished or destroyed by deterioration or removal, or has been moved from its location for reasons other than for an approved repair, maintenance or a change in message, said sign shall not be reconstructed or replaced except in complete conformity with the provisions of this Ordinance.
- C. A nonconforming sign which pertains to a time, event, purpose or use which no longer applies, has been abandoned or changed, shall be removed by the owner of the sign or the owner of the premises on which the sign is located.
- D. Proposed signs that are associated with a nonconforming use shall conform to the regulations of the district in which the sign is located.

ARTICLE VIII

NONCONFORMING LOTS, USES, STRUCTURES AND BUILDINGS

SECTION 801 INTENT Within the zoning districts established by this Ordinance, there may exist nonconformity's which if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, under the terms of the Ordinance or amendments thereto.

Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun and has been diligently carried on prior to the effective date of adoption nor which would conflict with Section 508 (4) of Act 247, Pennsylvania Municipalities Planning Code, as amended.

SECTION 802 NONCONFORMING LOTS OF RECORD In any district, a permitted building and customary accessory buildings may be erected on any single lot or record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, of the lot shall conform to the regulations for area or width, or both, that are generally applicable in this district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the requirements for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Hearing Board.

If one or major lots are on record in the Office of the Recorder of Deeds of Lebanon County and have been duly approved by the Township Supervisors, they may be developed according to the recorded plan even though said lots may not conform with the requirements for area or width or both that are generally applicable in the district. However, no portion of said lots or parcels shall be used or sold in a manner which further diminishes compliance with lot width and area requirements as established by this ordinance.

SECTION 803 NONCONFORMING USES OF LAND Lawful uses of land which become nonconforming, and where such use involves no structure or building with a replacement cost exceeding \$1,000, may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

- A. Extension: No such nonconforming use shall be enlarged, increased or extended to occupy greater areas of land than occupied at date of adoption of this Ordinance.
- B. Discontinuance: Whenever a nonconforming use has been discontinued for a period of twelve (12) consecutive months, such shall not thereafter be re-established. Any further use shall be in conformity with the provisions of this Ordinance.
- C. Changes of Use: A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special

Exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.

- D. Additional Structure or Building: No additional structures or buildings not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

SECTION 804 NONCONFORMING BUILDING OR STRUCTURES Structures or buildings which become nonconforming by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building or structure, may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:

- A. Enlargement: A nonconforming structure shall not be altered in a manner which increases its nonconformity, but it may be altered to decrease its nonconformity or in such a manner which will not violate the yard, height, and area requirements of this ordinance.
- B. Moving of Structure of Building: A nonconforming structure or building shall not be moved unless it shall thereafter conform to the zoning regulations for the district in which it is to be located.
- C. Discontinuance: Whenever a nonconforming structure or building has been vacated for a period of eighteen (18) consecutive months, such structure or building shall thereafter not be used except in conformance with the provisions of this Ordinance.

SECTION 805 NONCONFORMING USES OF LAND OR STRUCTURES OR BUILDINGS

- A. Extension: A nonconforming use may be extended provided that any alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard, coverage, parking and all other requirements for the Zoning District.
- B. Change of Use: A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by special exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than existing nonconforming use.
- C. Discontinuance: Whenever nonconforming use of a structure or building or portion thereof has been discontinued or abandoned for eighteen (18) consecutive months such use or structure or building shall not thereafter be used for a nonconforming use.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT
BUILDING AND ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

SECTION 901 ADMINISTRATION, ENFORCEMENT AND AUTHORITY

- A. Zoning Officer designated by the Township Supervisors shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Township Supervisors may direct. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and he shall not have the power to permit any construction, use or change of use which does not conform to the Zoning Ordinance.
- B. If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall have the authority to order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings, signs or structures or illegal additions, alterations or structural changes; discontinuance of any illegal work in process; or any other action provided by this Ordinance to ensure compliance with, or prevent violation of, its provisions.
- C. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

SECTION 902 BUILDING AND ZONING PERMITS REQUIRED

- A. No building, structure, sign or land shall be erected, constructed, reconstructed, altered, converted, removed, moved, added to, used or the use therein changed unless and until a Building and Zoning Permit is obtained from the Zoning Officer.
- B. The permit requirements shall apply to all permanent, temporary, seasonal, part-time or movable buildings, structures, signs or uses, unless exempted elsewhere in this Ordinance.
- C. No Building and Zoning Permit shall be issued by the Zoning Officer except in conformity with the provisions of this Ordinance, unless he receives a written order from the Zoning Hearing Board in the form of an Administrative Review, Special Exception or Variance as provided by this Ordinance.

SECTION 903 APPLICATION FOR A BUILDING AND ZONING PERMIT Applications for a Building and Zoning Permit shall be filed by the property owner, his authorized agent or an individual with a proprietary interest in the property, said individual to hereafter be known as the applicant. Applications shall be submitted to the Zoning Officer and contain the following:

- A. Building and Zoning Application Form On a form supplied by the Zoning Officer, the applicant shall provide information to describe the size, location and nature of the proposed

building, structure or use. The applicant shall sign the application form to verify the accuracy of the information.

B. Plot Plan All applications for a Building and Zoning Permit shall be accompanied by a plot plan in accordance with the following:

1. Three (3) copies of the plot plan shall be submitted. In lieu thereof, an 8 1/2" x 11" plot plan is acceptable, provided it is suitable for photocopying.
2. The plot plan shall show, where applicable, size, shape, and dimensions of the lot; size and location of all existing buildings; size, location and use of all proposed buildings, additions or alterations; parking lots, parking spaces, driveways, signs and other site improvements; and other information as may be necessary to determine conformance with this Ordinance. The applicant shall sign the plot plan to verify the accuracy of the information.
3. Engineering, architectural or surveyor's plans may be required by the Zoning Officer where necessary to accurately depict the proposed work on a property.
4. The Zoning Officer may waive the plot plan requirement where the applicant satisfactorily demonstrates that minimum standards are greatly exceeded.

C. Other Permit Prerequisites At the time of application, the applicant shall produce, where applicable, a valid sewage permit, road encroachment permit, Labor and Industry approval, subdivision approval or other approval preliminary to issuance of the Building and Zoning Permit.

D. Application Fee All applications for a Building and Zoning Permit shall be accompanied by a fee in accordance with the current schedule of fees resolution adopted by the Township Supervisors.

SECTION 904 INCOMPLETE APPLICATION When an applicant fails to 1) complete and sign the Building and Zoning Permit application form, 2) submit a plot plan and attest to its accuracy by signature, 3) pay the required application fee, 4) secure and produce other permit prerequisites, or 5) submit other information required by the Zoning Officer, the application for a Building and Zoning Permit shall be deemed incomplete. The Zoning Officer may notify the applicant to request supplemental information to complete the application. Such notice shall prescribe a time period, not to exceed thirty (30) days, for completion of the application by submission of the supplementary information. Failure to complete the application shall result in written disapproval, in accordance with Section 905 B. of this Ordinance.

SECTION 905 APPROVAL OR DIAPPROVAL OF A BUILDING AND ZONING PERMIT

After an application has been determined to be complete or the applicant has failed to submit requested information in a timely fashion, the Zoning Officer shall take official action to approve or disapprove the permit application in accordance with the following:

- A. Approval: When a completed application is found to conform with the provisions of the Zoning Ordinance, the Zoning Officer shall issue an approved Building and Zoning Permit within twenty (20) days of application completion. Issuance of the permit shall be accompanied by an approved plot plan, where applicable, and a placard for display on the premises during the construction or alteration period. Building and Zoning Permits are nontransferable and are valid for work authorized therein only for the owner and property so designated.
- B. Disapproval: When a completed application is found not to conform with the provisions of the Zoning Ordinance, the Zoning Officer shall disapprove the application for a Building and Zoning Permit within twenty (20) days of application completion. Plot plans submitted with the application shall also be disapproved. Failure to complete the application within the prescribed time period shall also result in disapproval. The disapproval shall be in writing, citing the deficiencies of the application. Appeals from disapproval by the Zoning Officer shall be taken in the manner set forth in Article X of this Ordinance.

SECTION 906 REVOCATION OF A BUILDING AND ZONING PERMIT Building and Zoning Permits are issued on the basis of plans and applications approved by the Zoning Officer and authorize only the use, arrangement and construction set forth in such approved plans.

- A. A Building and Zoning Permit shall be revoked, in writing, by the Zoning Officer for any of the following reasons:
1. When use, alteration or construction does not comply with or exceeds the scope of that authorized by the Building or Zoning Permit; or
 2. When information pertinent to the application for a Building and Zoning Permit has been falsified or misrepresented; or
 3. When other provisions of this Ordinance are violated in conjunction with the use, alteration or construction authorized by the Building and Zoning Permit; or
 4. When the original decision of the Zoning Officer did not conform to the requirements of this Ordinance.
- B. Written revocation shall be provided to the applicant and shall indicate the reasons for such action and an order to cease the unlawful construction, development, use, etc. Additionally, the revocable offenses shall be deemed a violation of this Ordinance and subject the violator to the penalties provided by Article XVIII of this Ordinance.
- C. In lieu of revoking the Building and Zoning Permit for the reasons listed in Section 906 A., the Zoning Officer may issue a Cease and Desist Order in situations where revocation is not immediately necessary and the possibility for compliance exists. The Cease and Desist Order shall consist of a written notice to the owner of record which provides information in accordance with Section 1702 B. Activity on the property shall not recommence unless and until compliance is reached and written notice to proceed has been issued by the Zoning

Officer. Where appropriate, the Zoning Officer may subsequently revoke the Building and Zoning Permit for noncompliance.

SECTION 907 EXPIRATION OF A BUILDING AND ZONING PERMIT

A. An approved Building and Zoning Permit shall expire:

1. If the work described therein has not begun within ninety (90) days from the date of issuance; or
2. If the work described therein has not been completed within two (2) years from the date of issuance.

B. Upon expiration of a Building and Zoning Permit, work shall cease and shall not thereafter commence unless and until a new Building and Zoning Permit is obtained.

SECTION 908 CERTIFICATE OF ZONING COMPLIANCE The Zoning Officer shall maintain Certificate of Zoning Compliance forms which shall be utilized to record the following:

- A. Nonconformities Owners or occupants of nonconforming uses of land or structures and land in combination shall obtain a Certificate of Zoning Compliance to document wherein the use differs from the provisions of this Ordinance. Authorization to renew, change, extend, enlarge or alter the nonconformity shall not be granted unless and until the specifics of the nonconformity are first recorded on a Certificate of Zoning Compliance and the change or alteration is found to comply with Article VIII of this Ordinance. The Zoning Officer may require written documentation to verify the characteristics of the use and the dates of establishment.
- B. Approved Uses and Structures Owners or occupants of uses or structures authorized by approved Building and Zoning Permits may request a Certificate of Zoning Compliance to verify that the use or construction completed is in compliance with the approved permit and the provisions of this Ordinance. Similarly, owners or occupants of pre-existing conforming uses or structures may request a Certificate of Zoning Compliance. Upon receipt of such a request, the Zoning Officer shall inspect the premises and approve or disapprove a Certificate of Zoning Compliance.
- C. Nothing contained herein shall preclude the Zoning Officer from conducting routine inspections and investigations to determine zoning compliance, nor shall it prevent him from responding to complaints on zoning violations. Furthermore, violations of the conditions, uses or construction approved within a Certificate of Zoning Compliance shall be a violation of this Ordinance, punishable in accordance with Article XVIII of this Ordinance.

SECTION 909 CONTINUATION OF USE, CONSTRUCTION, DEVELOPMENT, ETC. DEEMED UNLAWFUL BY ZONING OFFICER Upon written notification by the Zoning Officer of a violation of the terms of this Ordinance, all use, construction, development, etc. cited

by said notification shall cease immediately and shall not recommence until such time as written compliance is received from the Zoning Officer or the Zoning Hearing Board has granted approval, with or without conditions, of the use, construction, development, etc. Application for appeal does not authorize continuation of said use, construction, development, etc. until a final legal determination has been made and the appeal period has expired.

ARTICLE X

ZONING HEARING BOARD: ESTABLISHMENT AND PROCEDURE

SECTION 1001 BOARD MEMBERSHIP

- A. Zoning Hearing Board shall be established. The membership of the board shall consist of three (3) residents of the municipality appointed by the Township Supervisors. The terms of office of the three-member board shall be three (3) years and shall be so fixed that the term of office of one (1) of the members shall expire each year. Members of the Zoning Hearing Board may be removed from office by the Township Supervisors for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the Township Supervisors for the unexpired term of the member affected. Members of the Zoning Hearing Board shall hold no other office in the municipality.
- B. The Township Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of this Ordinance, 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 proceedings, 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 municipality, 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 unless designated as a voting alternate member of the Zoning Hearing Board.

SECTION 1002 PROCEEDINGS OF THE ZONING HEARING BOARD

- A. The Zoning Hearing Board shall adopt rules necessary to conduct its affairs, in keeping with the provisions of this Ordinance and the PMPC.
- B. Meetings shall be held at the call of the chairman and at such other times as the Zoning Hearing Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- C. The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the municipal solicitor. The Board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the Township Supervisors for this use.

SECTION 1003 HEARINGS, APPEALS, AND NOTICE

- A. Appeals to the Zoning Hearing Board concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any office or bureau of the governing

body of the Township affected by any decision of the Zoning Officer. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board, by filing with the Zoning Officer and with the Zoning Hearing Board a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board all papers constituting the record from which the action appealed was taken.

- B. The Zoning Hearing Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within 45 days after the hearing. However, where a hearing has been continued (e.g. scheduling further testimony, conducting a site inspection or accepting briefs), the decision shall be rendered within 45 days of the final hearing on the case.
- C. Conduct of the Zoning Hearing Board shall be in accordance with Article IX of the PMPC. The concurring vote of two (2) members on a three (3) member Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Officer, or to decide in favor of the petitioner on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.

SECTION 1004 STAY OF PROCEEDINGS An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Officer from whom the appeal is taken certifies to the Zoning Hearing Board after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Hearing Board or by a court of record on application, or notice to the Zoning Officer from whom the appeal is taken and due cause shown.

ARTICLE XI

ZONING HEARING BOARD: POWERS AND DUTIES

SECTION 1101 AUTHORITY AND PROCEDURES The Zoning Hearing Board shall have the authority to hear and decide petitions of appeal, where applicable for Administrative Reviews, Special Exceptions, Variances and Ordinance Challenges. Petitions for appeal and subsequent hearings shall be in accordance with the provisions of the PMPC, and the following:

- A. A written petition shall be submitted by the petitioner on the form provided by the Zoning Officer. The petition shall, in addition to information pertaining to the petitioner and property location, specify the type of appeal being taken and the grounds for the appeal. The petition shall be considered complete when, along with the above information, a fee is submitted in the amount set forth by resolution by the Township Supervisors.
- B. Notice of the public hearing shall be provided to all interested parties, all property owners adjoining the affected property, and all property owners within two hundred (200) feet of the affected property. Furthermore, notice of said hearing shall be advertised according to the PMPC, and conspicuously posted on the affected property at least one (1) week prior to the hearing. Continued or reconvened hearings shall not require notice and advertising in accordance with this subsection, provided the time and date of the subsequent hearing is announced at the original hearing.
- C. The public hearing shall be held within sixty (60) days from the date of the petitioner's request unless the applicant has agreed to an extension of time. Any party may appear in person or by agent or attorney.
- D. The parties to the hearing shall be the Township Supervisors, any person affected by the petition who has made a timely appearance of record before the Board, and any other person, including civic or community organizations. The Board may supply forms and require persons to enter appearances, in writing, in order to become parties.
- E. 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 applicant, in addition to the municipality, may, prior to the decision, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- F. The Chairman, Acting Chairman or Hearing Officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. Parties shall have the right to be represented by counsel and have the right to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

- H. The Board or the Hearing Officer shall keep a taped recording, or a stenographic record, if requested, of the proceedings. The appearance fee for a stenographer shall be shared equally by the petitioner and the Board. The cost of the original transcript shall be paid either by the Board, if the Board or Hearing Officer orders the transcript; the person appealing the decision of the Board; or the party requesting the original transcript. The cost of additional copies of the original shall be paid by the person requesting such copies.
- I. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issues involved except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports, staff memoranda or other materials, except advice from their solicitor, unless the parties are afforded the 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 representatives unless all parties are given opportunity to be present.
- J. The Board or the Hearing Officer 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 petition is contested or denied, the decision shall be accompanied by findings of fact, related conclusions with reference to the provisions of law relied upon and the appropriate reasons for arriving at those conclusions. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available 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. 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 named above or fails to hold the hearing within sixty (60) days from the date of the petitioner's request, 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 deemed to be rendered in favor of an applicant because of the Board's failure to meet or render a decision on time, the Board shall give public notice of said decision within ten (10) days of the last day it could have met to so act. If the Board fails to provide such notice, the applicant may do so. Nothing in this Ordinance shall prejudice the right of any party opposing the petition to appeal the decision to a court of competent jurisdiction.
- K. A copy of the decision or findings, where no decision is called for, 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 names and addresses with the Board not later than the day of the last 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.
- L. The procedures described herein shall apply to all Zoning Hearing Board hearings, and the following sections shall further explain when the Zoning Hearing Board has jurisdiction in legal matters and the specific powers and duties of the Zoning Hearing Board for the various appeals permitted by this Ordinance and the PMPC.

SECTION 1102 JURISDICTION OF ZONING HEARING BOARD The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Township Supervisors as curative amendments.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleging defects in the process in enactment or adoption, such challenges to be appealed within thirty (30) days of the effective date of said Ordinance.
- C. Appeals from the determination of the Zoning Officer (classified as Administrative Reviews), including but not limited to granting, denial or failure to act upon an application for a permit; the issuance of a cease and desist order; permit revocation; or the registration or refusal to register a nonconforming use, structure or lot.
- D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of flood plain regulations contained in this or other Township ordinances affecting land use.
- E. Petitions for Variances from the terms of this Ordinance or from a flood hazard ordinance regulating land use, should such regulations ever be enacted separately, following the guidelines enumerated in this Article.
- F. Petitions for Special Exceptions under this Ordinance or a flood hazard ordinance regulating land use, should such regulation be enacted separately, following the guidelines enumerated in this Article.
- G. Appeals from the determination of the Zoning Officer or that officer or agency which shall be charged with the responsibility to administer transfers of development rights or performance density provisions under this Ordinance.
- H. Appeals from the determination of the Township Engineer or Zoning Officer in the determination of land use regulations with reference to sedimentation and erosion control and stormwater management when such regulations are not within the scope of the reviews conducted for subdivisions and land development plans or planned residential developments, as enacted. When such regulations are within the scope of those reviews, appeal is taken to the Township Supervisors pursuant to the enumerated jurisdictions of the Township Supervisors in this Article.

SECTION 1103 JURISDICTION OF THE TOWNSHIP SUPERVISORS The Township Supervisors shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Establish a schedule of fees and charges for activities required by this Ordinance.
- B. Applications for approval of subdivisions and land development plans.
- C. Applications for curative amendments.

D. Applications for amendments to the Zoning Ordinance.

E. Appeals from the determination of the Zoning Officer or the Township Engineer in the administration of provisions of law with reference to sedimentation and erosion control and stormwater management insofar as those provisions are within the scope of applications under the subdivision and land development regulations, as enacted. When not within such scope, the appeal is taken to the Zoning Hearing Board pursuant to the jurisdictions of the Zoning Hearing Board enumerated in this Article.

SECTION 1104 ADMINISTRATIVE REVIEWS

A. The Zoning Hearing Board shall hear and decide appeals, to be classified as Administrative Review procedures, where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures, has misinterpreted or misapplied a provision of this Ordinance, or has otherwise made an error in any order, requirement, decision or determination in the enforcement of this Ordinance. An Administrative Review shall also be utilized by an appellant who desires a determination or interpretation of the meaning or intent of a requirement of this Ordinance which has inconclusive or unclear language.

B. After the public hearing on an appeal, the Zoning Hearing Board shall have the authority, so long as such action is in conformity with the terms of this Ordinance, to reverse, affirm, or modify, wholly or partly, the order, requirement, decision, or determination made by the Zoning Officer.

SECTION 1105 SPECIAL EXCEPTIONS The Zoning Hearing Board shall hear and decide petitions for Special Exceptions specifically authorized in this Ordinance. Decisions to grant or deny the petition shall be subject to the following:

A. Such use shall be specifically authorized as a Special Exception in this Ordinance.

B. The Special Exception use shall satisfy all requirements and conditions specified within this Ordinance.

C. Where it is deemed necessary to implement the purposes and intent of this Ordinance, reasonable conditions and safeguards, in addition to those expressed in this Ordinance, may be required by the Board in granting the Special Exception.

D. The Special Exception shall be compatible with adjacent and nearby properties and shall not adversely affect the public health, safety or welfare.

E. The Special Exception use shall be designed to provide satisfactory arrangement for:

1. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and conveniences, traffic flow and control, and the access in case of fire or catastrophe.

2. Off-street parking and loading areas where required, with particular attention to the items in #1 above, the requirements of Article VI of this Ordinance, and the economic, noise, glare, or

odor effects of the Special Exception on adjoining properties in the district.

3. Refuse and service areas to be located and maintained in a safe and sanitary manner, well screened on three sides. Trash and rubbish shall be stored in covered vermin proof containers.
4. Utilities to be located underground where possible and to be compatible with the surrounding area. Availability, ease of access and safety precautions shall be considered.
5. Screening and buffering with reference to type, dimensions, and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district and compliance with Article VII of this Ordinance.
7. Required yards and other open spaces as specified elsewhere in this Ordinance.

SECTION 1106 VARIANCES

- A. The Zoning Hearing Board shall hear and decide petitions for Variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in unnecessary hardship. A Variance may be granted provided that all of the following findings are made, where relevant, in a given case:
 1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located; and
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a Variance is, therefore, necessary to enable the reasonable use of the property, and
 3. That such unnecessary hardship has not been created by the petitioner; and
 4. That the Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 5. That the Variance if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible of the regulation in issue; and
 6. That the Variance, if authorized, will not confer on the petitioner any special privilege that is denied by this Ordinance to the owners of other lands, structures, or buildings in the same

zoning district; and

7. That nonconforming use of neighboring lands, structures, or buildings in the same district and permitted or nonconforming use of lands, structures or buildings in other zoning districts shall not be considered grounds for the granting of a Variance; and
 8. That a Variance shall not be granted solely for financial reasons or to facilitate financial gain.
- B. In granting a Variance, reasonable conditions and safeguards may be attached where it is deemed necessary to implement the purposes and intent of this Ordinance.

SECTION 1107 ORDINANCE CHALLENGES The Zoning Hearing Board shall hear challenges to the validity of the zoning ordinance or map, except as provided by the PMPC. In all such challenges, the Zoning Hearing Board shall take evidence and make a record thereon. At the conclusion of the hearing, the Zoning Hearing Board shall decide all contested questions and shall make findings on all relevant issues of fact.

SECTION 1108 EXPIRATION OR REVOCATION OF A ZONING HEARING BOARD DECISION

- A. The granting or approval of a Special Exception or Variance shall be valid only for the petitioner and the property specified in the petition. Alterations or changes to the use or building authorized by the Zoning Hearing Board shall require re-application to the Board. If the Special Exception or Variance has not been implemented within two (2) years of the date of the Zoning Hearing Board decision, said approval shall expire and become null and void. If the property affected by the Variance or Special Exception is transferred in ownership prior to the implementation of the Variance or Special Exception, said approval shall immediately become invalid upon such transfer of ownership.
- B. The Zoning Hearing Board may revoke approval of a Variance or Special Exception where:
1. The petitioner repeatedly violates conditions or safeguards specified in the Board's decision, or
 2. The petitioner initiates use or construction contrary to the Board's decision, or
 3. The petitioner is found to have misrepresented or falsified information pertinent to the Board's decision, or
 4. The Board's original decision was in error and the revocation is instituted within thirty (30) days of the original decision or prior to substantial reliance thereon by the petitioner.
- C. Violation of the conditions or safeguards or use or construction contrary to that specified by the Zoning Hearing Board decision shall be deemed a violation of this Ordinance, punishable under Article XVIII of this Ordinance. Revocation of the Zoning Hearing Board approval shall not preclude the Zoning Officer from instituting civil enforcement procedures or the Township from proceeding in a court of law or equity to prevent or remedy violations of this Ordinance.

ARTICLE XII

APPEALS FROM THE ZONING HEARING BOARD

Any person or persons or agent of the Township aggrieved by any decision of the Zoning Hearing Board may appeal to the Court of Common Pleas. Appeals and time limitations for the filing of said appeals shall be taken in accordance with the PMPC and other prevailing laws of the Commonwealth of Pennsylvania.

ARTICLE XIII

DUTIES OF ADMINISTRATIVE OFFICIAL ZONING HEARING BOARD, TOWNSHIP SUPERVISORS AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Officer and then the Zoning Hearing Board. Recourse from the decisions of the Zoning Hearing Board shall be to the courts as provided in Article XII.

It is further the intent of this Ordinance that the duties of the Township Supervisors in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Ordinance. Under this Ordinance, the Township Supervisors shall have only the duties of (1) considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law, (2) establishing a schedule of fees and charges as stated in Article XIV, and (3) those duties specifically noted in Section 1103 and other Articles of this Ordinance.

ARTICLE XIV

SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Township Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for Building and Zoning Permits, Certificates of Zoning Compliance, appeals, petitions, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer, and may be altered or amended only by the Township Supervisors.

ARTICLE XV

AMENDMENTS

SECTION 1501 The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. However, no such action may be taken until after a public hearing is held by the Township Supervisors., at which parties in interest and citizens shall have an opportunity to be heard.

SECTION 1502 Notice of the time and place of such hearing shall be published in a newspaper of general circulation once each week for two (2) successive weeks. 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. If the proposed amendment includes a change to the Official Zoning Map, notice of the public hearing shall be conspicuously posted at sufficient points along the tract to notify potentially interested parties. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

SECTION 1503 If the amendment is initiated by any parties other than the Township Planning Commission, the Township Supervisors shall submit each such amendment to the Township Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Township Planning Commission with an opportunity to submit recommendations.

SECTION 1504 In all cases, the proposed amendment shall be submitted to the Lebanon County Planning Department at least thirty (30) days prior to the hearing for review and comment.

SECTION 1505 If after any public hearing held upon an amendment, the proposed amendment is revised, or further 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.

SECTION 1506 Within thirty (30) days after enactment, a signed copy of the amendment to the Zoning Ordinance shall be forwarded to the Lebanon County Planning Department.

ARTICLE XVI

PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standard shall govern.

ARTICLE XVII

COMPLAINTS REGARDING VIOLATIONS

SECTION 1701 Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a formal complaint in writing. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. He shall record properly such complaint, investigate, and take action thereon as provided by this Ordinance. Any person may also report a complaint orally, but such complaint shall not mandate formal investigation on the part of the Zoning Officer.

SECTION 1702 If it appears that a violation of the provisions of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice in the following manner:

- A. 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;
- B. An enforcement notice shall state at least the following:
 1. The name of the owner of record and any other person against whom the municipality intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 6. 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.

ARTICLE XVIII

PENALTIES FOR VIOLATION

SECTION 1801 Any person, partnership, or corporation who or which has violated the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Zoning Officer on behalf of the Township of North Annville, pay a judgment of not more than \$500 per day plus all court costs, including reasonable attorney fees incurred by the Township of North Annville as a result thereof.

SECTION 1802 District justices shall have initial jurisdiction in proceedings brought by the Zoning Officer in accordance with this Article. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the Zoning Officer may enforce the judgment on behalf of the Township of North Annville 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 violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

SECTION 1803 All fines collected for violation of the Zoning Ordinance shall be paid over to the Township of North Annville.

SECTION 1804 The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

SECTION 1805 Nothing herein contained shall prevent the Township, or the Zoning Officer at the request of the Township, from taking appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this Ordinance.

ARTICLE XIX

SEPARABILITY CLAUSE

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

ARTICLE XX

REPEAL OF CONFLICTING ORDINANCES
EFFECTIVE DATE

All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective on April 3, 2004.

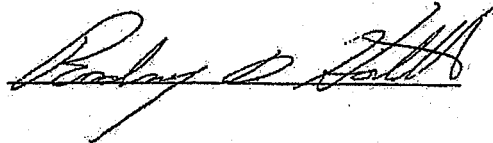
Ordained and enacted into law this 29th day of March, 2004, to become effective five (5) days from the date hereof.

ATTEST:

Township Supervisors
Township of North Annville



(Secretary)







**NORTH ANNVILLE TOWNSHIP
ORDINANCE NO. 1-2012**

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A BUILDING AND ZONING PERMIT FOR ANY CONSTRUCTION OR DEVELOPMENT; PROVIDING FOR THE ISSUANCE OF SUCH BUILDING AND ZONING PERMITS; SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN AREAS OF NORTH ANNVILLE TOWNSHIP WHICH ARE SUBJECT TO FLOODING; AND ESTABLISHING PENALTIES FOR ANY PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

WHEREAS, the Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to the local governmental units to adopt floodplain management regulations to promote public health, safety and the general welfare of its citizenry.

WHEREAS, the Township Supervisors of North Annville Township deem it to be in the best interests and general welfare of the citizens and the residents of this Township to adopt floodplain management regulations; and

WHEREAS, the Township Supervisors of North Annville Township desire to establish rules and regulations regarding new construction within areas of the Township which are subject to flooding and prescribe penalties for violations thereof:

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Township Supervisors of North Annville Township, Lebanon County, Pennsylvania, as follows:

FLOODPLAIN MAP

The Official Zoning Map of North Annville Township shall be amended to reflect the change in terminology regarding the Floodplain Districts. The current F1 - Approximated Floodplain shall be renamed to SFHA - Zone A. The current F2 - Floodway and F3 - Flood Fringe shall be renamed to SFHA - Zone AE.

Article IV, 406-406.11, Floodplain Districts, is hereby repealed and replaced with the following provisions:

SPECIAL FLOODPLAIN HAZARD AREA

SECTION 406 INTENT These regulations are designed to prohibit or restrict construction of any permanent building or structure, or uses and activities in the Special Flood Hazard Area (SFHA), in order to prevent unnecessary loss of life or property from possible natural catastrophe, as well as to protect stream valleys from ecologically detrimental development that may contribute to a water pollution problem, create erosion in and around watercourses, and induce flooding conditions. In addition, these provisions are intended to prevent the creation of health, welfare, and safety hazards, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, to minimize future flood damage, and comply with federal and state floodplain management requirements.

SECTION 406.1 DEFINITION OF TERMS UTILIZED IN THE SFHA

To the extent that any of these definitions conflict with definitions contained in Article II, Section 201, the below definitions will be controlling for purposes of interpretation of SFHA provisions.

- A. **Accessory Use or Structure** - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

- B. Alluvial Soils Maps – Soils maps prepared by the United States Department of Agriculture, Soil Conservation Service which indicate the location of soil types. Alluvial soils on these maps are soils of floodplains that are sediment deposits washed from upland areas. The presence of an alluvial soil indicates that the land has been flooded at some previous point in time.
- C. Base Flood – A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the "100-year flood").
- D. Base Flood Elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.
- E. Basement – Any area of the building having its floor below ground level on all sides.
- F. Building – A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human occupancy.
- G. Construction – The term "construction" shall include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including manufactured homes, and gas or liquid storage tanks. For floodplain purposes, "new construction" includes structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the municipality.
- H. Development – Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- I. Existing Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- J. Expansion to an Existing Manufactured Home Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- K. Flood – A general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.
- L. Flood Insurance Rate Map (FIRM) - The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- M. Flood Insurance Study (FIS) – The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- N. Floodplain Area – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- O. Floodproofing – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

- P. Floodway – The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the Base Flood without cumulatively increasing the water surface elevation of that flood more than one (1) foot at any point.
- Q. Highest Adjacent Grade – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- R. Historic Structure – Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Dept. of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.
- S. Lowest Floor – The lowest floor of the lowest fully enclosed area (including basements). An unfinished flood resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
- T. Manufactured Home – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes (1) all mobile homes and (2) camping trailers, recreational vehicles, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- U. Manufactured Home Park and/or Subdivision – A lot or area which is a planned development and designated to contain two or more manufactured homes for rent or for sale. Any lot or area proposed to utilize such design where individual manufactured home sites are proposed for sale shall be known as a manufactured home subdivision.
- V. Market Value – For the purposes of this Ordinance, shall be determined utilizing the market value established by the Lebanon County Tax Assessment Office.
- W. Minor Repair – The replacement of existing work with the equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, Partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain, leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- X. New Construction – Structures for which the start of construction commenced on or after June 5, 2012, and indicates any subsequent improvements to such structures. Any construction started after September 28, 1979, and before June 5, 2012, is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within ninety (90) days of permit issuance.

- Y. New Manufactured Home Park or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.
- Z. Person – An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- AA. Recreational Vehicle – A vehicular-type of portable structure which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) self-propelled or mounted on or drawn by another vehicle, and (4) primarily designed as temporary living accommodations for recreation, camping or travel or seasonal use and not as a permanent dwelling. The term recreational vehicle includes but is not limited to travel trailers, camping trailers, truck campers and self-propelled motor homes.
- BB. Regulatory Flood Elevation – The base flood elevation (BFE) plus a freeboard safety factor of two (2) feet.
- CC. Special Flood Hazard Area (SFHA) – Means an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the FIRM as Zones A, AO, A1-30, AE, A99, or AH.
- DD. Start of Construction – Includes substantial improvement and other proposed new development and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within ninety (90) days from the date of the permit and shall be completed within two (2) years after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- EE. Structure – A walled and roofed building, including a gas or liquid storage tank (principally above ground), a manufactured home, or any other man-made object usually assembled of interdependent parts or components which is designed to have a more or less fixed location, whether or not permanently attached at that location.
- FF. Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- GG. Substantial Improvement – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however include any project for the improvement of a structure to correct existing violations of the

state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior of the State Historic Preservation Officer. Any exemption from the ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

HH. Toxic Materials – The following materials and substances, which are listed in Section 38.7 of the Department of Community and Economic Development Flood Plain Management regulations, adopted pursuant to the Pennsylvania Flood Plain Management Act (Act 1978-166) have been determined to be dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Pesticides (including insecticides, fungicides, and rodenticides)
16. Sodium
17. Sulfur and sulfur products
18. Radioactive substances, insofar as such substances are not otherwise regulated.

II. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether by the municipality, a third party, or the Department of Labor and Industry. Applicable to residential and commercial buildings. The Code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

JJ. Violation – Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 406.2 DELINEATION OF DISTRICTS The Special Flood Hazard Area (SFHA) shall include all areas of this municipality subject to inundation by flood waters of the Base Flood. The basis for the delineation of the SFHA shall be the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) (dated June 5, 2012 or the most recent revision thereof). The above-referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the municipality and declared to be part of this Ordinance.

The A and AE Zones are necessary to equitably enforce floodplain management controls in the SFHA. The A Area/District shall be those areas of the municipality identified as an A Zone on the FIRM included in the FIS prepared by FEMA for which no one-percent (1%) annual chance flood elevations have been provided. The actual elevation and extent of the district is to be determined by the Base Flood Elevation. In order to determine the Base Flood Elevation, the following variety of sources of data shall be used:

- A. All digital data developed as part of the Flood Insurance Study,

- B. Alluvial Soil Maps prepared by the U. S. Soil Conservation Service,
- C. Local data from the 1972 flood,
- D. Army Corps of Engineers – Flood Plain Information Reports,
- E. U. S. Geological Survey – Flood Prone Quadrangles, and
- F. Other available studies and sources of flood plain information.

For these areas, elevation and floodway information from Federal, State or other acceptable sources shall be used when available. In lieu of the previously mentioned, the municipality shall require the applicant to determine the Base Flood Elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality or a qualified agent thereof. The actual elevation and extent of the district shall be determined by the Base Flood Elevation.

Floodway areas in the AE Zones, where flood heights and velocities are greatest, must have more restrictive provisions to prevent encroaching development from elevating flood levels or creating more danger to life or destruction of property. It has been delineated for purposes of this Ordinance using criteria that a certain area within the floodplain must be capable of carrying the water of the Base Flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in the Flood Insurance Study and shown on the accompanying Flood Insurance Rate Maps (FIRM). In the AE Zones outside of the floodway, where base flood elevations have been determined, and the dangers of flooding are generally of a lesser degree, more types of development may occur, but with necessary restrictions. In a detailed study area, the AE Zones outside of the floodway shall be that area of the One Hundred (100) Year Flood Plain not included in the Floodway District. The basis for the outermost boundary of the AE Zone shall be the Base Flood Elevations contained in the flood profiles of the previously referenced Flood Insurance Study, and as shown on the accompanying maps.

All subdivision proposals and other proposed new developments shall provide Base Flood delineations; however, subdivision proposals and other proposed new development greater than 50 lots or 5 acres, whichever is the lesser, shall include actual Base Flood elevation data. It shall be the responsibility of the developer to provide the required Base Flood elevation data, in a form comparable to HEC-2, which shall be certified as accurate by a Registered Professional Engineer.

Initial interpretations of the boundaries of the SFHA shall be made by the Floodplain Administrator. Where interpretation is needed concerning the exact location of any boundary of the SFHA, the Zoning Hearing Board shall make the necessary determination after hearing all evidence presented by the person or persons contesting the location of district boundaries. The burden of proof shall be the responsibility of the appellant, and he shall provide any and all technical information to support his case.

The identified floodplain area may be revised or modified by the municipal governing body where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

SECTION 406.3 DISTRICT PROVISIONS All uses, activities, construction, including manufactured homes, and other development occurring within the SFHA shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable state and federal codes, ordinances and requirements, including but not limited to, Uniform Construction Code (UCC) and the Lebanon County Subdivision and Land Development Ordinance.

Under no circumstances shall any use, encroachment, activity and/or development adversely affect the capacity of the stream channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.

No structure, including manufactured homes, or land shall hereinafter be used and no structures, including manufactured homes, shall be located, relocated, constructed, reconstructed, enlarged, structurally altered or substantially improved except in full compliance with the terms and provisions of this Ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

All permitted uses shall be regulated by the provisions of the nearest zoning district as shown on the Official Zoning Map. Where there happen to be conflicts between the provisions or requirements of the SFHA – A Zones and AE Zones and the nearest zoning district, the more restrictive provisions shall apply. In the event that any portion of the SFHA be declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the nearest zoning district shall be deemed to be the district in which the SFHA are located.

- A. SFHA – A ZONE AND FLOODWAY AREA IN THE AE ZONES In the A Zones and the floodway area in the AE Zones no development, including manufactured homes, shall be permitted except where it can be demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels within the community during the occurrence of the base flood discharge.

Permitted Uses – In the A Zones and floodway area of the AE Zones, the following uses and activities are permitted provided that (1) the information required in Section 406.13 of this Ordinance is submitted as a part of the permit application, (2) they are in compliance with the provisions of the nearest zoning district, (3) they will not result in any increase in the level of the Base Flood anywhere, (4) they are not prohibited by this or any other ordinance, (5) they do not require the placement or use of permanent on-lot sewage facilities within any of the SFHA, and (6) they do not require encroachments, new construction, manufactured homes, substantial improvements, fill, vehicles or parts thereof, or other development except as outlined below:

1. Agricultural uses such as general farming, horticulture, truck gardening, nurseries, pasturing, grazing, forestry, and sod farming and wild crop harvesting.
2. Public and private recreational uses and activities such as parks; picnic grounds; areas for short term camping or recreational vehicle uses; golf courses, boat launching and swimming areas; hiking, bicycling, and horseback riding trails; wildlife and nature preserves; game farms; fish hatcheries; shooting ranges; and hunting and fishing areas. Open structures such as picnic pavilions, consisting of a slab, open structural supports such as posts and pillars, and a roof shall be permitted only if constructed in compliance with the Uniform Construction Code (UCC).
3. All uses and open structures customarily accessory to permitted uses in the nearest adjoining district such as yard areas, gardens, or play areas; signs, unroofed porches, patios, open porches or carports provided that said structures are not enclosed by screening, latticing, studs, or structural supports less than eight (8) feet apart which would in any manner restrict the flow of flood water and debris and are in compliance with the applicable requirements of the Uniform Construction Code; impervious parking and loading areas; and airport landing strips. Accessory structures shall not include manufactured homes, vehicles or parts thereof.
4. Utilities, public facilities and improvements such as railroads, streets, bridges, transmission lines, pipelines, water and sewage treatment plants, and other similar or related uses.
5. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
6. Extraction of sand, gravel, and other materials.
7. Storage of materials and equipment provided that they are not buoyant; toxic to humans, animals, or vegetation; flammable or explosive, and are not subject to major damage by flooding; or

provided that such material and equipment is firmly anchored to prevent flotation or movement; and/or can be readily removed from the area within the time available after flood warning.

- B. AE ZONES OUTSIDE THE FLOODWAY AREAS – In the AE Zones outside the floodway areas, where base flood elevations have been determined, the development and/or use of land shall be permitted in accordance with the regulations of the nearest zoning district provided that all uses, activities and/or development shall be undertaken in strict compliance with Section 406.4 of this Ordinance and the Uniform Construction Code (UCC) and any other applicable state or federal codes and ordinances.

No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the Base Flood Elevation (BFE) more than one (1) foot at any point.

- C. PROHIBITED USES – In the SFHA – A Zones and AE Zones, the following uses and activities are strictly prohibited:

1. Hospitals, sanitariums, sanatoriums, clinics, etc. whether public or private.
2. Public or private nursing homes.
3. Jails or prisons.
4. Public or private schools or institutions of higher education.
5. New manufactured home parks and manufactured home subdivisions, and substantial improvements to existing manufactured home parks.
6. A new or substantially improved structure which will be used for the production or storage of any materials which are toxic, flammable or explosive or which will be used for any activity requiring the maintenance of a supply of more than 550 gallons of such materials or any amount of radioactive substances.
7. Any other use, activity, or development not specifically permitted under the terms of this Ordinance.

SECTION 406.4 FLOOD DAMAGE CONTROL REGULATIONS

A. Basements and First Floors

1. All new construction (including manufactured homes) and substantial improvements (including manufactured home) of residential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the Base Flood Elevation. Additionally, manufactured homes shall be placed on a permanent foundation; anchored to resist flotation, collapse, or lateral movement.
2. All new construction and substantial improvements of non-residential structures must have the lowest floor (including basements) constructed at or above an elevation of two (2) feet above the Base Flood elevation; or together with attendant utility and sanitary facilities, be floodproofed to an elevation of two (2) feet above the Base Flood Elevation in accordance with the following:
 - a. Plans showing details of all floodproofing measures, prepared by a registered professional engineer or architect, and showing the size of the proposed structure and its relation to the lot where it is to be constructed.

- b. A determination of elevations of existing ground, proposed finished ground, lowest floor level, and floodproofing limits; certified by a registered professional engineer, surveyor, or architect.
- c. A certificate prepared by the registered professional or architect who prepared the plans in (1) above, that the structure in question, together with attendant utility and sanitary facilities, is designed so that: (1) below an elevation of two (2) feet above the Base Flood Elevation the structure is watertight, with walls substantially impermeable to the passage of water, (2) the structure will withstand the hydrostatic, hydrodynamic, buoyant, impact, and other forces resulting from the flood depths, velocities, pressures, and other factors associated with the Base Flood.

B. Electrical, Mechanical, and Plumbing Systems

1. All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other critical electrical installation shall be permitted only at elevations of two (2) feet above the Base Flood Elevation.
2. No electrical distribution panels shall be allowed at an elevation less than two (2) feet above the Base Flood elevation.
3. Water heaters, furnaces, and other critical mechanical installations shall be permitted only at elevations of two (2) feet or more above the Base Flood Elevation.

C. Space Below the Lowest Floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria: (1) a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space; (2) the bottom of all openings shall be no higher than one (1) foot above grade; (3) openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they may permit the automatic entry and exit of floodwaters.

D. Additionally, all new construction (including manufactured homes) and substantial improvement (including manufactured home) of residential and non-residential structures shall comply with all applicable requirements of the Uniform Construction Code (UCC).

SECTION 406.5 ADDITIONAL SAFEGUARDS

- A. No encroachments, including manufactured homes, new construction or development, shall be located within a designated floodway. Where the floodway has not been specifically identified for a stream or waterway, no encroachments shall be permitted within the stream channel (from top of bank to top of bank). Furthermore, encroachments outside the stream banks but within the SFHA shall be permitted only when in compliance with this Ordinance and Pennsylvania Department of Environmental Protection permit requirements.
- B. No part of any private on-lot sewage disposal system shall be constructed within any SFHA.
- C. Community water supply systems and sanitary sewage systems shall be designed and located to preclude infiltration of flood water into the system and discharges from the system into flood waters.

- D. The municipality will endeavor to coordinate its floodplain management program with neighboring municipalities, particularly when the property(ies) in question is located near a municipal boundary.
- E. All buildings and structures, including manufactured homes, shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- F. The following shall not be placed or caused to be placed in any of the designated SFHA: fences, except two-wire fences; other structures, or other matter which may impede, retard, or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream of flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.
- G. Recreational vehicles to be placed within any SFHA shall be on the site for fewer than one-hundred, eighty (180) consecutive days and fully licensed and ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanent foundation or attached additions.
- H. Filling or the dumping of fill material is prohibited in the SFHA on vacant lots or on land not scheduled for approved construction activities. Fill shall ONLY be used in the SFHA to raise the finished surface of the lowest floor of a structure to an elevation of a minimum of two (2) feet above the Base Flood Elevation provided the following conditions are met:
 1. Fill shall extend beyond a structure for a sufficient distance to provide acceptable access. For residential structures, fill shall extend laterally fifteen (15) feet beyond the building line from all points. For non-residential structures, fill shall be placed to provide access acceptable for the intended use. At grade access, with fill extending laterally fifteen (15) feet beyond the building line, shall be provided to a minimum of twenty-five (25%) percent of the perimeter of a non-residential structure.
 2. Fill shall consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 3. Fill material shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
 4. Fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the Floodplain Administrator.
 5. Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
 6. Use of fill shall be permitted only when the property owner or applicant provides a document acceptable by the Floodplain Administrator, certified by a registered professional engineer, stating that the cumulative effect of the proposed fill, in conjunction with the other anticipated development, will not result in an increase in the water surface elevation of the Base Flood at any point.
- I. Prior to any stream or watercourse alteration or relocation, a permit shall be obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands. Also adjacent communities, the Department of Community and Economic Development, and the Federal Emergency Management Agency (FEMA) must be notified. Additionally, the municipality must be assured that the flood carrying capacity of an altered or relocated watercourse will be maintained by the developer.
- J. The placement of any manufactured home in the SFHA is prohibited except as a replacement unit in an existing manufactured home park or an existing manufactured home subdivision. Said replacement units and any substantial improvements thereto shall comply with Section 406.4 of this Ordinance and be placed on a permanent foundation: elevated so that the lowest floor of the

manufactured home is at least two (2) feet above the Base Flood Elevation; anchored to resist flotation, collapse, or lateral movement; and comply with the Uniform Construction Code (UCC).

SECTION 406.6 FACTORS TO BE CONSIDERED BY THE ZONING HEARING BOARD WHEN REVIEWING VARIANCES In reviewing applications for Variances, the Zoning Hearing Board shall consider and shall apply all relevant factors specified in this Ordinance, in the Pennsylvania Municipalities Planning Code (Act 247, as amended), and other state or federal ordinances and shall apply all of the following factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed structure or use and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use or structure with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use or structure to the Comprehensive Plan and floodplain management programs of the area.
- J. The safety of access to the property in times of flood by ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.
- L. No variance shall be granted to allow either in whole or in part any prohibited use listed in Section 406.3(C) of this Ordinance.
- M. Where appropriate, variances may be granted for the reconstruction, rehabilitation or restoration of historical structures as defined herein.
- N. The granting of a variance shall provide relief only from the specific term(s) of the floodplain regulations requested, not exemption from all floodplain regulations or any applicable insurance premiums, nor any state or federal permitting requirements.
- O. Variances shall not be granted which result in any increase in the Base Flood Elevation.
- P. Variances shall be granted only when and where the applicant demonstrates compliance with the provisions of the Pennsylvania Municipalities Planning Code (Act 247, as amended).
- Q. Variances shall be granted only when they are shown to be the minimum relief necessary, considering the flood hazard.
- R. When variances are granted, written notification, signed by the appropriate local official, shall be given to the applicant indicating that:

1. Increased insurance premium rates will result; and
 2. Construction occurring below the Base Flood Elevation will increase risks to life and property.
- S. Other factors which are relevant to the purpose of this Ordinance.

SECTION 406.7 NONCONFORMITIES A structure, or use of a structure or land which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following:

- A. Existing nonconforming structures or uses located in the SFHA – A Zones and floodway areas of the AE Zones:
1. Shall not be moved, replaced or substantially improved, but may be modified, altered, or repaired to incorporate all applicable floodproofing measures as per Section 406.4 of this Ordinance and the Uniform Construction Code (UCC), provided that such measures and elevation techniques do not raise the level of the Base Flood.
 2. May be expanded or enlarged, but not substantially improved, provided that said expansion or enlargement (a) does not exceed 25% of the area of the first floor of the structure existing at the effective date of a floodplain management regulation adopted by the municipality, (b) is not constructed below the existing first floor elevation, and (c) complies with all applicable floodproofing requirements of Section 406.4 of this Ordinance and the Uniform Construction Code. Plans for the above mentioned expansion or enlargement shall be accompanied by a side profile of the existing and proposed structures and shall indicate existing grade, floor elevations, use of fill, etc.
- B. Existing nonconforming structures or uses located in the AE Zones, outside the floodway areas, where base flood elevations have been determined:
1. May be substantially improved, moved, replaced, modified, altered, or repaired provided that such work is conducted in full compliance with the provisions of this Ordinance, Section 406.4 of this Ordinance, and the Uniform Construction Code (UCC), and any other applicable codes or ordinances.
 2. May be enlarged or expanded in a manner which is not a substantial improvement as defined by this Ordinance, and provided that said enlargement or expansion complies with the above requirements (a), (b), and (c) of Section 406.7– A2.
- C. If any nonconforming structure or use, including manufactured homes, located in the SFHA is demolished, removed, substantially damaged or destroyed by any means, including floods, to an extent of fifty (percent (50%) or more of the market value of the structure, it shall not be reconstructed, replaced, or continued except in conformity with the provisions of this Ordinance, Section 406.4 of this Ordinance, and the Uniform Construction Code (UCC), and any other applicable ordinance.

SECTION 406.8 LOT AREA, YARD AND SIGN REQUIREMENTS The lot area, yard, sign and other district requirements of the land in question shall be the same as the district requirements of the nearest zoning district.

SECTION 406.9 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR The Township's duly appointed Zoning Officer is hereby appointed to administer and enforce this Ordinance and is referred to as the Floodplain Administrator.

SECTION 406.10 DUTIES OF THE FLOODPLAIN ADMINISTRATOR

- A. The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this Ordinance and all other applicable codes and ordinances.
- B. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- C. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises, or development in the identified floodplain area, upon presentation of the proper credentials, at any reasonable hour to enforce the provisions of this Ordinance.
- D. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the permit and report such fact to the municipal governing body for whatever action it considers necessary.
- E. The Floodplain Administrator shall maintain all records associated with the requirements of this Ordinance including, but not limited to, permitting, inspection, and enforcement.
- F. The Floodplain Administrator or other authorized official shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

SECTION 406.11 BUILDING PERMITS REQUIRED Building permits shall be required before any new construction, substantial improvement, placement or relocation of any structure (including manufactured homes) or development is undertaken within any identified flood-prone area of the municipality. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by the State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344; and any other required local, State, or Federal permits, including but not limited to the following permits when applicable; floodway, wetland, surface mining, earth disturbance, or the State Fire Marshall. No permit shall be issued until this determination has been made. The applicant shall submit to the Floodplain Administrator copies of all other required State and Federal permits. Copies of all required permits shall be maintained by the Floodplain Administrator as a part of the building permit file.

After the issuance of a building permit or site plan approval by the Floodplain Administrator, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator.

SECTION 406.12 APPLICATION PROCEDURES AND REQUIREMENTS Applications for a Building and Zoning Permit shall be filed by the property owner, his authorized agent or an individual with a proprietary interest in the property, said individual to hereafter be known as the applicant. Applications shall be submitted to the Floodplain Administrator and contain the following:

- A. Building and Zoning Permit Application Form - On a form supplied by the Floodplain Administrator, the applicant shall provide information to describe the size, location, and nature of the proposed building, structure or use. The applicant shall sign the application form to verify the accuracy of their information.

- B. Plot Plan – All applications for a Building and Zoning Permit shall be accompanied by a plot plan in accordance with the following:
1. Name and address of the applicant.
 2. Name and address of the owner of the land on which the proposed construction is to occur.
 3. Name and address of contractor.
 4. Site location address.
 5. Three (3) copies of the plot plan shall be submitted. In lieu thereof, an 8½" x 11" plot plan is acceptable, provided it is suitable for photocopying.
 6. The plot plan shall show, where applicable, size, shape, and dimensions of the lot; size and location of all existing buildings; size, location, and use of all proposed buildings, additions, or alterations; parking lots; parking spaces, driveways, signs, and other site improvements; and other information as may be necessary to determine conformance with this Ordinance.
 7. Brief description of proposed work and estimated cost, including a breakout of flood related cost and market value of the building before the flood damage occurred where appropriate.
- C. Application Fee – All applications for a Building and Zoning Permit shall be accompanied by a fee in accordance with the current schedule of fees adopted by resolution by the municipality.
- D. Placards – In addition to the Building and Zoning Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Building and Zoning Permit, the date of issuance, and signed by the Floodplain Administrator.
- E. Start of Construction – Work on the proposed construction and/or development shall begin within ninety (90) days after the date of issuance and shall be completed within two (2) years after the date of issuance of the Building and Zoning Permit or the Building and Zoning Permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service.

Time extensions shall only be granted if the written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request

SECTION 406.13 ADDITIONAL ADMINISTRATIVE REQUIREMENTS

- A. To ensure that all construction and development on property which contains identified floodplain areas will be conducted employing flood damage controls, the Floodplain Administrator shall require the following additional information to be included as part of an application for a permit:
1. A plan, at a scale of one (1) inch being equal to one hundred (100) feet or less, shows a north arrow, scale, and date, the location of all existing and proposed buildings structures, and other improvements, which accurately locates the proposed construction and/or development with respect to existing bodies of water or watercourses, identified floodplain area boundaries, stream channel, and if available, information pertaining to the floodway, and flow of water including

direction and velocities, existing floodplain development and all proposed subdivision and land development to assure that:

- a. All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - b. All public utilities and facilities, such as sewer, water, gas, telephone, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided to reduce exposure to flood hazard;
 - d. Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - e. Building materials are flood-resistant;
 - f. Appropriate practices that minimize flood damage have been used; and
 - g. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
2. Such plan shall also include existing and proposed contours (at intervals determined to be adequate by the Floodplain Administrator based upon site conditions) and elevations of the grounds, Base Flood Elevations, structure elevation, lowest floor elevation based upon North American Vertical Datum of 1988, size of structure, location and elevation of streets, water supply, sanitary sewage facilities, supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC or latest revisions thereof, soil types and flood proofing measures. When proposed construction and/or development involves structures and/or fill to be located within the designated floodplain, such plan shall also include details of proposed fill, pile structures, retaining walls, foundations, erosion control measures, and the Floodplain Administrator may require more detailed contour and elevation data. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 3. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure, and that the plans for the development of the site adhere to the restrictions cited in this Ordinance, the Uniform Construction Code (UCC), and other applicable ordinances.
 4. A document certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a SFHA when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
 5. A document certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of the flood proofing measures which have been incorporated into the design of the structure and/or the development.
 6. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 7. Where excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

- B. Review of Application by Others – The Floodplain Administrator may require that a copy of all plans and specifications for construction and/or development affecting identified floodplain areas be submitted to other appropriate agencies and/or individuals (e.g. County Conservation District, planning commission, municipal engineer, etc.) for review and comment prior to the issuance of a building permit. When proposed construction and/or development involves structures and/or fill which will be located directly within the designated floodplain, the Floodplain Administrator shall submit said plans and specifications to the appropriate agencies and/or individuals as indicated above. Recommendations from these sources shall be considered for possible incorporation into the proposed plan and may be made a condition for approval of a Building and Zoning Permit.
- C. A record of all variances granted, including their justification, shall be maintained by the community as well as reported in the annual report to the Department of Community and Economic Development (DCED) and the biennial report to FEMA.

SECTION 406.14 ENFORCEMENT

- A. Notices – Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
1. Be in writing;
 2. State the name of the owner of record and any other person against whom the municipality intends to take action;
 3. State the location of the property in violation;
 4. State the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance;
 5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance;
 6. State the date before which the steps for compliance must be commenced and the date before which the steps must be completed, not to exceed thirty (30) days;
 7. State that the recipient of the notice has the right to appeal to the municipal zoning hearing board within a prescribed period of time in accordance with procedures set forth in this ordinance;
 8. State that failure to comply with the notice within the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation, with possible sanctions clearly described;
 9. Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State.
- B. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement

proceeding commenced by the Township of North Annville, pay judgment of not more than five hundred (\$500) dollars plus all court costs, including reasonable attorney fees incurred by the Township of North Annville as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district judge. If the defendant neither pays nor timely appeals the judgment, the Township of North Annville may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district judge and therefore each day that a violation continues shall constitute a separate violation.

- C. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- D. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township of North Annville the right to commence any action for enforcement pursuant to this Section.
- E. District judges shall have initial jurisdiction over proceedings brought under this Section.

SECTION 406.15 CONFLICTING ORDINANCES Ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give the SHFA - A Zones full force and effect. This Ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

SECTION 406.16 SEVERABILITY Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance be declared to be invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 406.17 STATEMENT OF DISCLAIMER The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study; however, larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain districts or that land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of this municipality or any officer or employee thereof for any flood damage that results from reliance on this Ordinance or any administrative decision made thereunder.

SECTION 406.18 ENACTMENT This Ordinance shall be effective on June 5, 2012, and shall remain in force until modified, amended or rescinded by North Annville Township, Lebanon, Pennsylvania.

ENACTED AND ADOPTED by North Annville Township this 14th day of May, 2012.

NORTH ANNVILLE TOWNSHIP

ATTEST:

Adam D. Wolf
Secretary

By: [Signature]
Chairman

NORTH ANNVILLE TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA
ORDINANCE NUMBER 3-2014

AN ORDINANCE AMENDING THE TOWNSHIP OF NORTH ANNVILLE ZONING ORDINANCE BY DELETING THE CURRENT REGULATIONS FOR THE AGRICULTURAL DISTRICT LOCATED IN SECTION 401 THROUGH 401.6 AND REPLACING THEM WITH NEW AGRICULTURAL DISTRICT REGULATIONS CONTAINED IN THIS ORDINANCE WHICH SHALL INCLUDE NEW SECTIONS 401 THROUGH 401.7.

WHEREAS, North Annville Township is experiencing development pressures within the Township; and

WHEREAS, North Annville Township is primarily an agrarian community consisting of farms, agricultural uses, and businesses related to agriculture; and

WHEREAS, North Annville Township desires to retain its agrarian character and preserve its agricultural district; and

WHEREAS, the North Annville Township Board of Supervisors believes it is in the best interest of the Township to adopt the Zoning Regulations which will preserve and foster agricultural uses within the Township of North Annville.; and

WHEREAS, the North Annville Township Board of Supervisors convened a Public Hearing pursuant to Public Notice as required by the Municipalities Planning Code on May 12, 2014 in order to receive public comment on the proposed amendment to the Agricultural District.

AND NOW, on the 9th day of June, 2014, comes the North Annville Township Board of Supervisors and hereby ordains and adopts Ordinance No. 3-2014 as follows:

1. REPEALER. Sections 401 through 401.6 of the current North Annville Township Zoning Ordinance are hereby repealed and new Sections 401 through 401.7 which are attached to this Ordinance No. 3-2014 are hereby adopted and enacted in place of the foregoing deleted Sections of the North Annville Township Zoning Ordinance.

2. INCONSISTENT PROVISIONS. Ordinances or parts of Ordinances in conflict with this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give the Agricultural District regulations contained within Ordinance No. 3-2014 full force and effect. This ordinance supersedes any other conflicting provisions which may be in effect in the agricultural district. However, any other Ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive provisions shall apply.

3. SEVERABILITY. Should any section, sub-section, paragraph, sentence, clause, or phrase of this Ordinance be declared to be invalid for any reason whatsoever, such a decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

4. ENACTMENT. This Ordinance shall take effect immediately as permitted by law and shall remain in force until modified, amended or rescinded by the North Annville Township Board of Supervisors.

ORDAINED AND ADOPTED by the Township of North Annville Board of Supervisors
this 9th day of June, 2014.

ATTEST:

NORTH ANNVILLE TOWNSHIP

Adam D. Woep
Secretary

By: Brent A. Kember
Chairman

By: Randall K. Kember
Vice-Chairman

ARTICLE IV
DISTRICT REGULATIONS

A-1 - AGRICULTURAL

SECTION 401 INTENT The regulations of the Agricultural District are designed to protect and preserve the existing agricultural lands of the Township and those areas where environmental conditions are most conducive to agricultural operations which will produce high crop yields. Principal protection and preservation emphasis is concentrated on existing farm land and conversion to non-farm usage is discouraged. Limited residential, non-residential, and farm related commercial uses are permitted to facilitate those individuals who may desire to locate in an agricultural setting.

401.1 PERMITTED USES

- A. Agriculture, horticulture, non-intensive and intensive animal husbandry, nurseries and greenhouses provided they do not involve retail sale. Please refer to District Requirements in Section 401.4 for setbacks regarding manure, fertilizer, or other odor or dust producing substances and structures in which livestock are kept.
- B. Forestry and forestry reserves.
- C. Public conservation areas for the preservation of open space, water, soil, forest, and wildlife resources.
- D. Dog kennels, riding stables, and animal hospitals. Please refer to District Requirements in Section 401.4 for setbacks regarding buildings in which animals are kept, kennel runway(s), animal training ring(s) or other enclosure(s) which concentrates animals.
- E. Public park and recreation areas, game refuges and similar non-intensive uses.
- F. Rod and gun clubs.
- G. Churches and cemeteries.
- H. Publicly owned nursery, kindergarten, elementary, middle, and high schools.
- I. Public structures owned or operated or organized by the municipality.
- J. Single family detached dwellings.
- K. Mobile homes
- L. Customary accessory uses and structures incidental to any of the above permitted uses, including the following:

1. Roadside stands for the sale of farm products grown on the premises with sufficient off-street parking provided for customers. The roadside stand and parking area shall be setback a minimum 20' from the road right-of-way.
2. Home occupations and no impact home-based businesses as regulated in Article V.

M. Communications antennas as regulated in §520.

N. Outdoor wood-fired boilers as regulated in §521.

401.2 Upon approval of the Zoning Hearing Board, the following Special Exception uses are permitted provided the use complies with the conditions listed herein and Article XI of this Ordinance.

- A. Agricultural oriented commercial uses (farm implement dealers, feed mills, seed stores, butchering shops etc.)
- B. Saw mills and other establishments associated with forestry.
- C. Communications towers as regulated in §520.
- D. Golf courses and country clubs

401.3 GENERAL DISTRICT REQUIREMENTS All principal buildings, structures, and uses erected or established after the adoption date of this Part shall comply with the following requirements:

- A. Existing farms shall be permitted the following number of new lots or principal uses, based upon farm size at the date of the adoption of this Part.

<u>Size of Farm</u>	<u>Maximum Number of Lots or Uses</u>
0 acres to less than 10 acres	Any number in accordance with §401.3 (C)(4) and 401.4
10 acres to less than 50	2
50 acres to less than 100	3
100 acres to less than 175	4
175 acres to less than 250	5
250 acres to less than 400	6
400 acres or more	7

Existing unsubdivided dwellings and principal, nonresidential uses located on the farm shall not be considered part of the permitted allotment. The maximum permitted number of new lots or uses shall apply whether or not individual lots are subdivided at the time

the uses are established. Resubdivision of lots created after the adoption date of this Part shall be subject to the maximum allotment determined for the original farm or property.

B. All applications for building and zoning permits to erect a single family dwelling or principal, nonresidential use structure on unsubdivided land and all applications for subdivision shall be accompanied by an agricultural plan identifying the following:

- (1) Size, shape, and dimensions of the farm, size and location of all existing buildings, and size, location and use of all proposed buildings.
- (2) Lots or uses previously approved under these regulations.
- (3) Land under active cultivation and land in woodlots or forests.
- (4) Soil information for the farm, including soil series and soil capability class, subclass, and unit as classified within the 1981, Soil Survey of Lebanon County, Pennsylvania, and Agricultural Handbook No. 210 of the United States Department of Agricultural Soil Conservation Service.
- (5) Notation as to which lot or lots carry with it a right of further subdivision or erection of accessory farm or nonfarm single family dwelling or principal nonagricultural buildings, if any such right remains from the quota allocated to the farm. This right of further subdivision or erection of accessory farm or nonfarm single family dwellings or nonagricultural principal buildings or an indication that no further subdivision or erection of such dwellings or principal buildings is permissible, shall also be included in the deed to the newly created lot. This restriction shall remain in effect as long as further subdivision is prohibited under the zoning ordinance in effect.

C. Applications to erect or establish a use or subdivide a farm or property shall be reviewed subject to the following criteria:

- (1) The least suitable farmland (highest numbered soil capability unit) should be utilized for development, unless the applicant can demonstrate: (a) its suitability for the proposed use or (b) design advantages that support the use of other frontage land (view, location, alignment with farming patterns, proximity to other dwellings, etc.). When a soil has been determined to be unsuitable because of slope, drainage, flooding, sewage disposal deficiencies or other physical characteristics, then the least suitable remaining farmland should be utilized for development.
- (2) When a farm is comprised entirely of prime farmland (soil capability classes I and II) then the least suitable or least prime land should be utilized for development.
- (3) Lots and uses shall be grouped, where possible, adjacent to other similar lots and uses to avoid a scattering of development. Lots and uses shall not be located near

intensive farming operations. Subdivision or development shall not necessitate any new streets, except that one (1) lot or use may be accessed via an unimproved fifty (50) foot right-of-way.

- (4) A maximum lot area of two (2) acres for single family dwellings is established in the district requirement chart in §401.4. The maximum lot area applies to subdivisions for new dwellings and subdivision of preexisting dwellings, even though the preexisting dwellings do not count in the lot allotment for the farm. The purpose of the maximum lot size is to prevent the creation of large lots which remove excessive amounts of agricultural land from crop production. The two (2) acre maximum lot size shall not apply to (a) lot additions for agricultural purposes and (b) subdivision of existing parcels of ten (10) acres or less in size. The Zoning Hearing Board may grant a special exception to allow the creation of a lot in excess of the two (2) acre maximum lot size if the applicant demonstrates that physical characteristics of the property (excessive slope, drainage problems, soil limitations, flooding, sewage disposal deficiencies, ground water recharge area, property shape, etc.) dictate that lot design exceeding the two (2) acre standard is desirable; or that lot size will result in consolidation of residual land after other suitable lots have been removed; or that the lot will contain areas which are unsuitable for farming; or that the existing configuration of the tract will result in lot design and layout which would otherwise unavoidably physically isolate the excess land from the remainder of the farm; or that the landowner demonstrates that the lot size must be increased to insure an acceptable level of nitrate-nitrogen in the groundwater in accordance with the regulations of the Pennsylvania Department of Environmental Protection and any approve planning module for land development.
- (5) Application for the last lot or use permitted within a farm or property shall be accompanied by a proposed deed for the residual farm land or property. Said proposed deed shall contain a restriction to identify that subdivision and development allotments have been used and that no further subdivision, development or establishment of additional principal uses shall be permitted. Said restrictive deed shall be recorded within thirty (30) days of the subdivision or permit approval for the last allowable lot or use. Failure to record said deed, subsequent removal of the deed restriction or subsequent subdivision or establishment of additional uses or lots shall constitute a violation of this Part, punishable in accordance with Article 18 of this Chapter.

401.4 LOT AND YARD REQUIREMENTS A lot area, lot width, lot coverage, yard depths, and building height satisfying the requirements of the following table, unless otherwise specified heretofore in §401.1, §401.2, §401.3, shall be provided for every dwelling unit and/or principal non-residential building or use hereafter erected, altered, or established in this district.

District Requirements

Use	Lot Requirements				Yard Requirements			
	Min. Lot Area	Max. Lot Area	Min. Lot Width	Max. Lot Coverage	Front	One Side	Total Sides	Rear
Non-Residential Building Specified in Section 401.1.A. to 401.1.I.	1 Acre	--- (*)	150 ft.	30%	50 ft.	20 ft.	40 ft.	50 ft.
Manure, fertilizer, or other odor/dust producing substances and structures in which livestock or fowl are kept shall meet the following setbacks	1 Acre	--- (*)	150 ft.	30%	100 ft. or 200 ft. to any residentially zoned property	100 ft. or 200 ft. to any residentially zoned property	each side shall be 100 ft. or 200 ft. to any residentially zoned property	100 ft. or 200 ft. to any residentially zoned property
Dog kennels, riding stables, and animal hospitals provided that buildings in which animals are kept and kennel runways, animal training ring or other enclosure which concentrates animals shall meet the following setbacks.	1 Acre	--- (*)	150 ft.	30%	100 ft.	100 ft.	200 ft.	100 ft.
Non-Residential Building Specified by Special Exception in Sections 401.2.A., 401.2.B., 401.2.C. & 401.2.D.	1 Acre	4 Acres	150 ft.	30%	50 ft.	20 ft.	40 ft.	50 ft.

Residential, Single Family Detached	1 Acre	2 Acres	125 ft.	20%		50 ft.	20 ft.	40 ft.	50 ft.
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*Maximum lot area shall not apply to lot additions for agricultural purposes and permitted uses specified within Sec. 401.1.A. to 401.1.I.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height unless authorized as a Special Exception.

401.5 MINIMUM OFF-STREET PARKING REQUIREMENTS Off-street parking shall be provided in accordance with Article VI.

401.6 SIGNS AND ADVERTISING STRUCTURES Signs shall be permitted in accordance with Article VII of this Ordinance.

401.7 SUPPLEMENTARY DISTRICT REGULATIONS The Supplementary District Regulations in Article V shall apply, where applicable, as additional requirements for this district.

ORDINANCE NO. 2-2019

AN ORDINANCE OF THE TOWNSHIP OF NORTH ANNVILLE AMENDING THE NORTH ANNVILLE TOWNSHIP ZONING ORDINANCE OF 1973 IN ORDER TO PROVIDE FOR A DEFINITION OF "SOLAR FARM" AND AMENDING THE AGRICULTURAL ZONE OF THE NORTH ANNVILLE TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR A CONDITIONAL USE FOR SOLAR FARMS. ARTICLE 5 IN THE SUPPLEMENTAL DISTRICT REGULATIONS IS AMENDED TO CREATE A NEW SECTION 522, WHICH PROVIDES CONDITIONS FOR THE ESTABLISHMENT OF A SOLAR FARM IN NORTH ANNVILLE TOWNSHIP.

WHEREAS, North Annville Township adopted the North Annville Township Zoning Ordinance of 1973;

WHEREAS, North Annville Township has a large area within its borders which is zoned Agricultural;

WHEREAS, the Township has recently had a number of land owners who have demonstrated interest in the establishment of Solar Farms within the Township;

WHEREAS, Solar farms exist for the creation of electrical power from the sun for sale of that power to the commercial market;

WHEREAS, the Township believes it is in the best interest of the Township to provide a location within the Township zoning map for the establishment of Solar Farms along with regulations for the establishment of such uses in the Township.

AND NOW, BE and it HEREBY is ORDAINED and ENACTED by the North Annville Township Board of Supervisors amending the North Annville Township Zoning Ordinance of 1973, as follows:

1. **DEFINITION:** Article II, Section 201.4, is hereby amended by the addition of the following definition:

a. **Solar Farm (Utility Scale Solar Application):** A Solar Application and/or Applications installed on land for the sale of solar energy for the purpose of commercial gain by the Landowner or Tenant of the subject parcel.

2. **CONDITIONAL PERMITTED USE:** Article IV, Section 401.1 is hereby amended by the addition of sub-section O. O shall include a new use permitted under certain conditions and stated as follows:

O. Solar Farms upon compliance with certain conditions defined in Section 5.22 and after Notice and Hearing before the North Annville Township Board of Supervisors. Said Hearing shall be held upon requisite Notice under the Municipalities Planning Code and opportunity for comment by the Planning Commission.

3. **CONDITIONS:** Article 5, **Supplemental District Regulations,** is amended to include a new Section as follows:

a. Section 522 – As of the effective date of this Ordinance, Solar Farms (Utility Scale Solar Applications) shall be a conditional use subject to the following conditions:

1. No Solar Farm may be established upon any farm land or Agriculturally Zoned land which has an Agricultural Conservation Easement filed against it which remains in effect.

2. The minimum lot size for the establishment of any Solar Farm shall be fifty (50) acres.

3. The solar panels and/or other implements used in the construction and structure of the Solar Farm, including, but not limited to, any solar panels shall be set back a minimum of fifty (50) feet from any adjacent lot line.
 4. A permanent evergreen vegetative buffer must be provided or fencing which accomplishes the same purpose of buffering.
 5. The maximum lot coverage may not exceed fifty (50%) percent of the total lot size.
 6. The Applicant must demonstrate that it has adequate liability insurance in minimum amounts of one million (\$1,000,000.00) per incident and two million (\$2,000,000.00) per aggregate.
 7. The Applicant must demonstrate and provide adequate bonding to remain in place to be used by the Township if the applicant ceases operation and fails to remove the panels and other implements related to the use within one hundred and eighty (180) days of the cessation of operation.
 8. The Applicant must have an approved Stormwater Management Plan as required by the Lebanon County Stormwater Management Ordinance.
4. **REPEALER:** All Ordinances or parts of Ordinances that are inconsistent herewith, shall be and the same are expressly repealed.

5. **SEVERABILITY:** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this local government unit that such remainder shall be and shall remain in full force and effect.
6. **EFFECTIVENESS:** This Ordinance shall become effective in accordance with law.

DULY ENACTED AND ORDAINED, this 14 day of Oct., 2019, by the governing body of this Township, in lawful session duly assembled.

ATTEST:

**NORTH ANNVILLE TOWNSHIP
SUPERVISORS**

Adam D. Wolf

Randall H. Lauer
Chairman

Charles B. Meyer
Vice Chairman