

HAINES TOWNSHIP

CENTRE COUNTY, PENNSYLVANIA

ZONING ORDINANCE CHAPTER 51

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ARTICLE I

GENERAL PROVISIONS

51.1.1 Title

This Ordinance shall be known and may be cited as the "Haines Township Zoning Ordinance".

51.1.2 Purposes of Ordinance

This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements, as well as fire protection.
- B. To prevent one or more of the following: overcrowding, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To promote the orderly growth and development of the Township.
- D. To protect prime agricultural land.
- E. To provide for the protection of natural and historic features and resources.
- F. To encourage the continuity of sustainable development and viability of agricultural operations. The zoning ordinance does not restrict agricultural operations or changes to or expansions of agricultural operations where agriculture has traditionally been present, unless the agricultural operation will have a direct adverse effect on the public health and safety.
- G. To be generally consistent with the Penns Valley Region Comprehensive Plan.

51.1.3 Interpretation and Conflict

In addition to compliance with this Ordinance, all other Township ordinances in effect from time to time shall be considered and complied with. Where a provision of this Ordinance is found to be in conflict with a provision of any building or housing code or any applicable health and safety regulations, or any other ordinance of the Township existing on the effective date of this Ordinance or thereafter, or in any regulation issued under the authority of any such code, regulation, or ordinance, the provision which establishes the higher standard for the protection of the environment, health, safety and welfare of the public at large, including residents of the Township, shall prevail.

51.1.4 Municipal Liability

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

51.1.5 Community Development Objectives

This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of the Township. As such, this Ordinance is founded upon the expressed or implied community development goals and objectives as stipulated in the Penns Valley Region Comprehensive Plan, as amended.

ARTICLE II
DEFINITIONS

51.2.1 Interpretation

The following rules of construction shall apply to this Ordinance:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The words "shall" and "will" are mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; words used in singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

51.2.2 Specific Words and/or Phrases

For the purposes of this Ordinance, the following words or terms shall be defined as follows:

ABANDONMENT - The visible or otherwise apparent discontinuance of the use.

ABUTTING - Having property or district lines in common.

ACCESS - A way or means of approach to provide vehicular or pedestrian physical entrance and exit to a property.

ACCESS DRIVE - A paved surface or other durable all-weather surface, other than a street, which provides vehicular and/or pedestrian access from a street or a private road to a lot.

ACCESSORY APARTMENT - A second dwelling unit either in or added to an existing single-family detached dwelling, or located over a garage, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

ACCESSORY BUILDING - A building customarily incidental or subordinate to the principal use of the building, and located on the same lot with the principal building.

ACCESSORY DAY CARE - A subordinate building or a portion of the main building on a lot that serves primarily as a day care facility, as defined herein, and is accessory to a house of worship, a place of employment or a public or non-public school and is a Commonwealth licensed and/or registered facility in which care is provided or is intended to be provided for six (6) or more children and/or six (6) or more adults.

ACCESSORY STRUCTURE – A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot.

ACCESSORY USE - A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or principal structure.

ACT - The Pennsylvania Municipalities Planning Code, Act 247, as amended ("MPC").

ADA – Americans with Disabilities Act of 1990, Public Law 101-336.

ADAPTIVE REUSE - A process that adapts buildings for new uses while retaining their historic features.

ADULT-ORIENTED BUSINESS - An establishment open to the general public of the age of eighteen (18) years or older, where more than twenty percent (20%) of the occupied area of the facility is used for one or more of the following purposes:

A. **ADULT BOOK STORE** - Establishment which offers for sale, for rent, for lease, for view on the premises or for loan, pictures, photographs, drawings, sculptures, motion picture film, or similar visual representation of sexual conduct, or sexual excitement, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts of sexual conduct or sexual excitement; or offers for sale devices, equipment, stimulants or other materials for use in sexual conduct or sexual excitement.

B. **ADULT THEATER** - An establishment in which there is offered for view motion picture film, video tape or similar visual representation of sexual conduct or excitement, commonly referred to as "X-Rated" movies, peep shows, or the equivalent thereof.

C. **CABARET** - An establishment, club, restaurant, theater, or hall which features topless dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or specified sexual activities for observation by patrons therein.

D. **ADULT MASSAGE PARLOR OR ADULT MASSAGE STUDIO** - A commercial establishment whose business emphasis is the administration of sexually oriented massage to patrons by employees.

AGENT - Any person designated and authorized to act on behalf of the landowner or developer in the submission of land development plans to the Planning Commission and Township Supervisors for obtaining approval thereof.

AGRICULTURE OPERATION - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and/or in the production, harvesting and preparation for market or use of crops and commodities. This term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURE ROADSIDE STAND - A permanent stand that sells fresh agricultural produce from a farm.

AIRPORT - A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

ALLEY - A thoroughfare other than a side street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION - As applied to a building or structure, any change or rearrangement in the total floor area, in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location or position to another.

ANIMAL EQUIVALENT UNIT (“AEU”) – 1,000 pounds of live weight of any animal on an annualized basis. Annualized means that if animals are not present on an operation for a whole year, the animal units are adjusted for the proportion of time during the year that animals are present on the operation. The calculation involves determining the number of AEUs of all animals on the farm based on the number animals and their average weights and then adjusting that for the actual number of days (out of 365) that the animals are on the operation. To determine the number of AEUs on a farm, the following formula can be used for each type of animal and then added together to get the total AEUs on the farm:

AEUs for each type of animal = [average number of animals on a typical day that the animals are there x animal weight (lbs.) ÷ 1,000] x [number of days the animals on the operation per year ÷ 365]

ANIMAL FEEDING OPERATION (“AFO”) - A facility where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

ANIMAL WASTE STORAGE FACILITY - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities generally used are as follows: underground storage, in ground storage, earthen bank, stacking area, and above-ground storage.

ANTENNA - Any arrangement of wires or metal rods used in sending and/or receiving of electromagnetic waves.

ANTENNA SUPPORT STRUCTURE - Any structure, mast, pole, tripod, or tower, including any guide wires and braces utilized for the purpose of supporting an antenna or antennas.

APPLICANT - A landowner or developer, as defined in this Ordinance, who has filed an application with the Township for development including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plot or plan, or for the approval of a development plan.

AREA, Dedicated to Keeping of Livestock – For purposes of calculating maximum number of livestock permitted, any buildings, septic systems, driveways, gardens and front yards

must be removed from consideration. The area used for calculations shall be clearly unoccupied areas dedicated to the housing and pasturing of livestock.

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

BARN - A large farm building used for storing crops, seed or farm machinery or for housing livestock.

BASEMENT – The level of a building having at least one-half or more of its height of not less than six (6') feet (measured from floor to ceiling) below the average finished grade of the surrounding ground.

BED AND BREAKFAST INN - A single-family residential unit where not more than ten (10) guest rooms are rented to overnight guests on a per day basis and may include breakfast or brunch.

BERM - A mound of soil, either natural or manmade, used for containment or obstruction.

BLOCK - A tract of land bounded on one side by a street and on the other sides (normally three) by streets, railroad rights-of-way, waterways, un-subdivided areas and other definite barriers.

BOARD OF SUPERVISORS - The elected Supervisors of Haines Township.

BOARDING / ROOMING HOUSE - An owner-occupied housing unit where, for compensation, provisions are made for lodging for no more than five (5) persons in an existing building and its appurtenant structures specifically designed or otherwise suitable in whole or in part for the accommodation of roomers.

BOARDING STABLE - A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation.

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

BUFFER YARD - An open area whose dimensions normally exceed the normal building setback or yard requirement used to protect low-density uses and zoning districts from adjacent higher-density uses and districts.

BUILDING - Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING AREA - The area designated on a subdivision plan to be approved for the construction of principal and accessory buildings.

BUILDING COVERAGE - The square footage of the horizontal area measured with the outside of the exterior walls of the ground floor of all principal and accessory buildings on a

lot.

BUILDING HEIGHT - the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE - A line parallel to the front, side, or rear lot line set so as to provide the required yard.

BUILDING SETBACK LINE - The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way or property line and the line defining side and rear yards, where required.

CAMPGROUND – A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth, and adults with social, recreational, and educational objectives and operated and used for five (5) or more consecutive days during one or more seasons a year.

CAMPING UNIT - A tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

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

CELLAR - An underground space with more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

CEMETERY - A parcel of land used as a burial ground for human or animal remains.

CERTIFICATE OF USE - The certificate issued by a duly authorized Township official, which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the structure in its several parts, together with any special stipulations or conditions of the building permit.

CHICKEN – A domesticated female chicken considered a chick, pullet or adult.

CHURCH AND PLACE OF WORSHIP - A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses, including cemeteries but not including campgrounds, which shall be considered a primary use and shall meet the campground requirements, herein.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

CLUB, LODGE OR FRATERNAL ORGANIZATION - The use of land or structures by a non-profit group not operating for the purpose of trade or business, but operating for social and community service activities among group members and their guests.

COMMERCIAL GREENHOUSE – A commercial activity devoted to the raising and sale of plants and implements for gardening.

COMMERCIAL WIND ENERGY FACILITY – An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as approved in the development plan that are appropriate to recreational and other open-space uses of the land, and shall not include playground, athletic field or other open space areas of any schools or churches to be included within the proposed development.

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 omni directional 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 TOWER - A structure other than a building such as a monopole, self-supporting or guyed tower designed and used to support a Communications Antenna.

COMMUNICATIONS TRANSMITTING AND RECEIVING FACILITY - A communications tower or other facility, which transmits or receives a radio, television, or other communication signal.

COMMUNITY CENTER - The use of land and structures for social and community service activities which are charitable, educational or religious in nature and are for public rather than private gain including recreational programs, counseling services and human service agencies & programs.

COMPREHENSIVE PLAN - An official public document prepared in accordance with the MPC, consisting of maps, charts, and textual material that constitutes a decision about the physical and social development of the Township, as amended from time to time.

CONDITIONAL USE - A use permitted in a particular Zoning District as authorized by the Township Board of Supervisors.

CONCENTRATED ANIMAL OPERATION (“CAO”) – An agricultural operation where the animal density of all livestock on the farm exceeds two (2) animal equivalent units (AEUs) per acre on an annualized basis. This definition includes all livestock, including nonproduction animals such as horses used for recreation and transportation. An operation with less than 8 AEUs is not considered to be CAO regardless of the animal density.

CONCENTRATED ANIMAL FEEDING OPERATIONS (“CAFO”) - An animal feeding operation that: (a) confines more than 1,000 animal units (“AU”); or (b) confines between 301 to 1,000 AU and discharges pollutants into waters of the United States through a manmade ditch, flushing system or similar manmade device, or directly into waters of the United States that originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation. Animal quantities equivalent to 1,000 AU are 1,000 slaughter and feeder cattle, 700 mature dairy cattle, 2,500 swine each weighing more than 25 kilograms (55 pounds), 30,000 laying hens or broilers (if a facility uses a liquid manure system), and 100,000 laying hens or broilers (if a facility uses continuous overflow watering).

CONSERVATION AREA – An undeveloped and undisturbed area, set aside for the preservation and/or continuation of the natural environment, to promote recreational use, agricultural use and retention of open space and undeveloped floodplain areas and to provide areas of wildlife habitat.

CONSTRUCTION -The erection, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

CONTINUING CARE RETIREMENT COMMUNITY - A community facility licensed by the Commonwealth and offering a range of housing, support and health care services so older people do not have to move when their needs change.

CONTRACTOR’S SHOP AND YARD: A building(s) and/or space used for the storage of construction equipment and/or building, roadway or pipeline materials. Such uses may also include equipment repair facilities and office space.

CONVENIENCE STORE WITHOUT GAS DISPENSING - A retail store, which offers food and related items but does not dispense fuel.

COVERAGE - That portion or percentage of a lot covered by the building area, vegetation or impervious surface as designated.

CURB – The raised edge of a pavement surface to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

DAY CARE - Care provided for individuals, either children or adults by an unrelated individual which is provided for part of a 24-hour day.

DAY CARE CENTER – A Commonwealth certified home, other than the person’s own home, operated for profit or not-for-profit, in which day care is provided at any one time to no more than six (6) persons unrelated to the operator.

DECISION – A final adjudication of any board or other body granted jurisdiction under this

Ordinance or the MPC, either due to the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Centre County

DECK – An open platform designed and used for outdoor living purposes as an accessory use to a structure.

DEDICATION - An act transmitting property or an interest thereto.

DENSITY -The total number of dwelling units per acre of land.

DCED -The Department of Community and Economic Development of the Commonwealth of Pennsylvania or any successor agency.

DEP - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

DCNR -The Department of Conservation and Natural Resources of the Commonwealth of Pennsylvania or any successor agency.

DESIGN STANDARD – A standard that sets forth specific improvement requirements.

DETACHED BUILDING - A building surrounded by open space on the same lot.

DETERMINATION – A final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following: (1) the governing body; (2) the zoning hearing board; or (3) the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

DEVELOPMENT - Any activity, construction, disturbance of land, subdivision or land development (each as defined in the MPC), alteration, improvement, redevelopment, change in land use or similar action.

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

DRAINAGE - The removal of surface water or groundwater from land by drains, grading, or other means.

DRIVEWAY - A vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

DRY CLEANING ESTABLISHMENT - A business premise equipped with dry cleaning equipment.

DWELLING - A building or structure designed to provide living quarters for one (1) or more persons, including manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

EASEMENT - A right-of-way granted for the limited use of land for public, quasi-public or private purposes.

ESSENTIAL SERVICE FACILITY – A building on a lot used primarily for services provided by public utilities regulated by the Pennsylvania Public Utilities Commission, municipal authorities, the Township, government agencies, or other providers of water, sanitary or storm sewers, gas, electrical, telephone, and other utilities, by means of pipes, wires, conduits, cables, poles, fire alarm boxes, police call boxes, traffic signals, mains, drains, hydrants, and similar transmission and distribution systems, including equipment and accessories in connection therewith but not including buildings, as reasonably necessary for the furnishing of adequate services for the public health, safety, or welfare. Essential services do not include communications antenna, communications towers, outdoor wood-burning furnaces or boilers, and renewable energy sources such as geothermal, solar, windmill, and hydroelectric energy.

ESSENTIAL SERVICE STRUCTURE – A building or structure on a lot that is an accessory structure and which is used primarily for the provision of public utility services for the public's health, safety, or welfare.

FAMILY - One or more persons related by blood, marriage, legal guardianship, licensed or court appointed foster care, or legal adoption including any domestic servants or gratuitous guests thereof who maintain one common household and reside in one dwelling unit; or no more than two (2) persons, who are not related to each other by blood, marriage, legal guardianship, licensed or court appointed foster care, or legal adoption, in addition to any respective minor children, domestic servants or gratuitous guests thereof, residing in one dwelling unit and living and cooking together as a single housekeeping unit.

FARM - Any parcel of land, which is used for Agriculture Operations as defined herein.
FARM-RELATED SALES AND SERVICES - A business that supports the farm activity.

FARMSTEAD -The area of farm parcel occupied by the farmhouse, barns, outbuildings, an accessory dwelling unit (i.e., accessory apartment, attached or detached unit), parking areas and business structures, excluding structures that are associated only with the farming activities in remote fields.

FARMSTEAD ACCESSORY DWELLING - An additional accessory apartment attached or detached unit for a family member or farm employee. Only one such unit shall be present within the farmstead.

FARMSTEAD BUSINESS - An accessory business to the principal agriculture use, owned and operated by a family member within the farmstead.

FARMSTEAD PRINCIPAL SINGLE FAMILY DETACHED DWELLING UNIT - The primary residential unit associated with the farm.

FENCE - Any freestanding and uninhabitable device constructed of wood, glass, metal, plastic materials, wire, wire mesh or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy or to protect the property so screened or divided or to define and mark the property line when such device is permitted to be erected on or within six (6) inches of any front, side or rear line.

FISH AND WILDLIFE MANAGEMENT AREA - An area owned and managed by a conservancy group, non-profit, or local, Commonwealth or Federal agency, whose primary interest is the management of land and natural resources that will protect the fisheries and wildlife habitats.

FISH HATCHERY – A facility for the artificial breeding, hatching and initial growing of finfish and shellfish.

FORESTRY - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FRONTAGE - The horizontal or curvilinear distance along the street line upon which a lot abuts.

GARAGE - An accessory building for the storage of one (1) or more motor vehicles accessory and incidental to the primary use of the premises, if no business, occupation or service is conducted for profit therein.

GARBAGE - Animal and vegetable waste resulting from the handling, storage, and sale, preparation, cooking and serving of foods.

GARDENING - The cultivation of herbs, fruits, flowers or vegetables, excluding the keeping of livestock.

GASOLINE/SERVICE STATION - A building on a lot or part thereof, that is used primarily for the retail sale of gasoline, oil or other fuel and which may include facilities used for polishing, greasing, washing, dry cleaning or otherwise cleaning or servicing automobiles and other vehicles.

GOLF COURSE - Any regulation 18-hole, 9-hole or executive (par 3) golf course including any driving ranges, chip-n-putt, nine-hole, or miniature golf courses.

GOVERNING BODY – The Haines Township, Centre County, Pennsylvania Board of Supervisors.

GREENWAY - A greenway may be any one or combination of the following: (1) a linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or over land along a railroad right-of-way converted to recreational use, a

scenic road, or other route; (2) a natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated areas; and (4) strip or linear parks designated as a parkway or greenbelt.

GROUND FLOOR - The level of a building closest to the mean grade of the front of the building.

HALFWAY HOUSE - A non-institutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution.

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

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

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

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

HELIPAD - A heliport but without auxiliary facilities.

HOME OCCUPATION - An accessory use or service-oriented occupation operated for gain or profit conducted entirely within a dwelling or building accessory thereto, which is carried on by the inhabitants thereof and is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

HOTEL - A building designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals. A conference/convention center may be part of a hotel.

IMPERVIOUS SURFACE - A surface that does not absorb rain, including all buildings and other structures, parking areas, driveways, roads, sidewalks, storage areas and areas of concrete, nonporous asphalt and stone and other such areas.

IMPROVEMENT - A physical addition, installation or change required to render land suitable for the use intended, including but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees.

INDIVIDUAL ON-LOT SEWAGE SYSTEM - Any system of piping, tanks, or other facilities serving a single lot for collecting and disposal of sewage waste material as regulated by the Pennsylvania Department of Environmental Protection.

INDUSTRY - The manufacturing, compounding, processing, assembling, or treatment of materials, articles, or merchandise.

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

INTENSIVE AGRICULTURE – A use which includes, but is not necessarily limited to: a) slaughter areas, b) areas for processing of manure, and c) concentrated animal feeding operations, as defined herein.

JUNK - Discarded materials, articles or things possessing value in part, gross or aggregate, including, but not limited to, scrapped and inoperable motor vehicles and parts thereof, but not including garbage or other organic waste or farm machinery, provided that said farm machinery is used in connection with an active agricultural business, or objects or materials accumulated on any premises as the by-products, waste or scraps of a legitimate business, other than a junkyard as defined in this Ordinance.

JUNKYARD - Any place or establishment where junk is stored or accumulated out of doors or in any manner other than within a building, edifice or structure that is enclosed on all sides, where the business of selling, buying or dealing in junk is carried on or where ten (10) or more motor vehicles which are unlicensed, inoperable and do not have a current and valid inspection sticker as required by the Motor Vehicles Laws of the Commonwealth of Pennsylvania are stored out of doors; but not including any place where inoperable motor vehicles intended to be repaired are stored for a period not in excess of thirty (30) days in connection with a bona fide automotive repair business.

KENNEL -A facility licensed through the Department of Agriculture, containing indoor and outdoor housing facilities for the sheltering of four (4) or more canines.

LAND DEVELOPMENT - Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any other purpose involving:
 - (1.) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2.) the division or allocation of land or space, whether initially or

cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominium, building groups or other features.

- B. A subdivision of land.
- C. Development in accordance with 53 P.S. § 10503(1.1).

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

LARGE ANIMAL – An animal of the bovine, equine, sheep, swine, goat, or camelid families.

LAUNDRY ESTABLISHMENT - A business premise equipped with large-scale clothes washing equipment.

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

LIGHT MANUFACTURING – Any manufacturing uses with no or low environmental impacts, where by their very nature produce no or little impacts to nearby properties in terms of smoke, noise, soot, dirt, vibration, etc., and in which substantially all work, including storage of materials, occurs inside the building.

LIVESTOCK - Any wild or domestic animal including, but not limited to, the bovine, swine or sheep family.

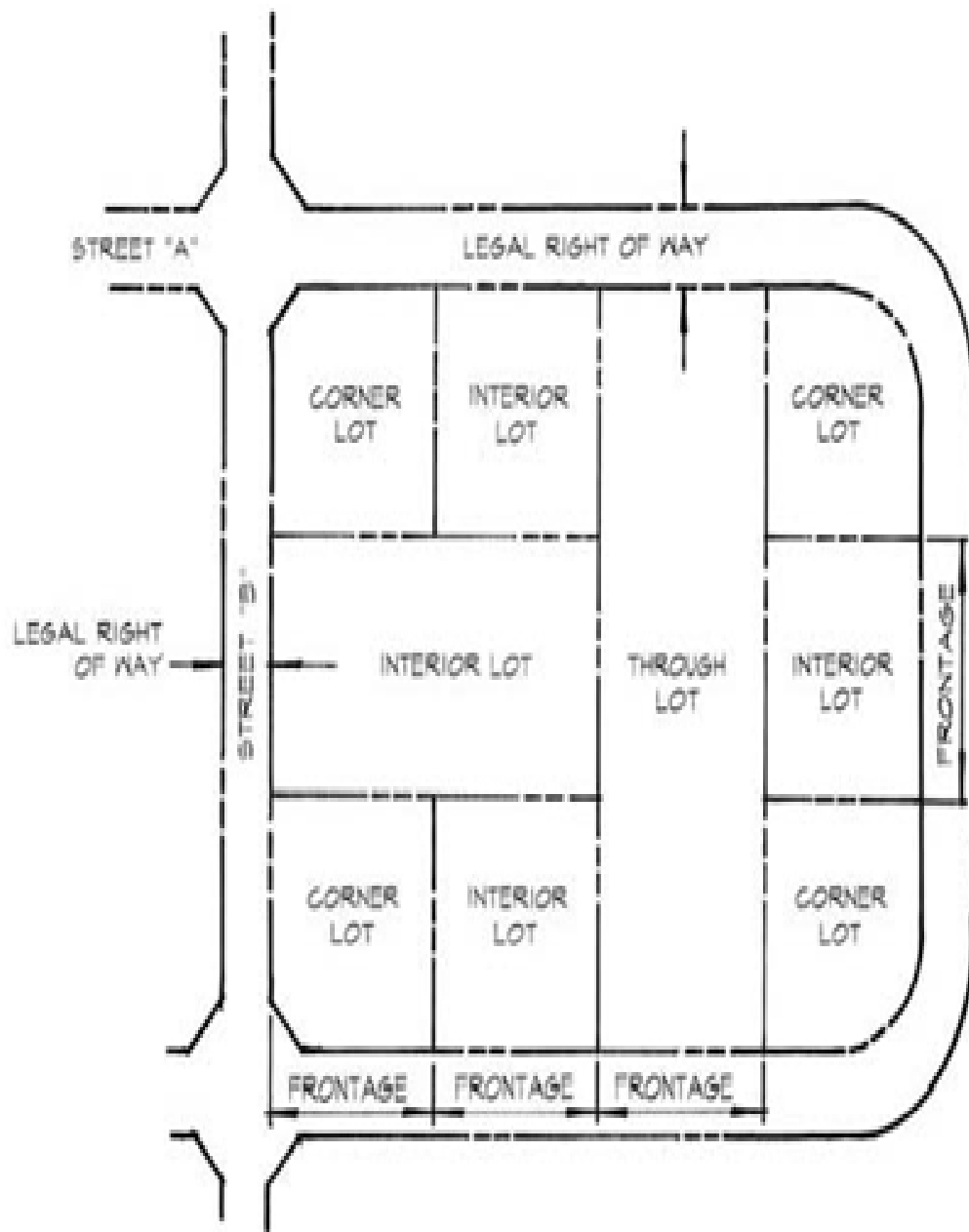
LOADING SPACE - An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on or has access to a street.

LONG-TERM CARE NURSING HOME - A facility defined and licensed by the Commonwealth of Pennsylvania Department of Health in accordance with Title 28 of the Pennsylvania Code, Chapter 201. The facility provides skilled or intermediate nursing care services 24 hours a day and 7 days a week to individuals who do not require more intensive hospital-based care.

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

- A. **LOT, AREA** - The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street, but including the area of any easement.
- B. **LOT, CORNER** - A lot with two (2) adjacent sides abutting on streets, which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. A lot abutting on a curved street the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.

- C. LOT, INTERIOR - A lot other than a corner lot.
- D. LOT, MINIMUM WIDTH - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
- E. LOT, NONCONFORMING - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
- F. LOT, REVERSE FRONTAGE - A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts. In the case of a lot fronting on streets of different classification, access to the lot shall be from the lower classified roadway in accordance with the Haines Township Comprehensive Plan Classification of Roadways.
- G. LOT, THROUGH - A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. Lots fronting on a street and an alley are not considered through lots.



EXAMPLE OF LOT TYPES

LOT AREA - The area within the property lines of a parcel of land excluding any area within a street right-of-way and including the area of any easement, future street right-of-way or abandoned alley, which has been deeded to the owner of that property.

LOT COVERAGE - The total of impervious areas including building area divided by lot area.

LOT LINES -The boundary lines of a lot as defined herein:

- A. **FRONT LOT LINE** - The lot line separating a lot from a street right-of-way. In the case of a corner lot or a lot abutting a street right-of-way on more than one side, the front lot line shall be determined based on the street address assigned by the post office.
- B. **REAR LOT LINE** - Any lot line that is parallel to or within forty-five (45) degrees of being parallel to a street line, except for a lot line that is itself a street line. In the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines, which are not street lines, is to be considered a "rear lot line". In the case of a lot having no street frontage or a lot of an odd shape, only the one (1) lot line further from any street shall be considered a "rear lot line".
- C. **SIDE LOT LINE** - Any lot line, which is not a street line or a rear lot line.
- D. **STREET LINE** - A line defining the edge of a street right-of-way and separating the street from abutting property or lots.

LOT WIDTH - The distance measured between the side lot lines at the required or proposed building setback line. When there is only one (1) side lot line, as in the case of single family semi-detached or some single family attached dwellings, the lot width shall be measured between the side lot line and the centerline of the party wall. For interior single-family attached dwellings, lot width shall be measured between the centerlines of party walls. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and directly opposite property line.

MANUFACTURING - The processing and/or converting of raw unfinished or finished materials or products into an article or substance of different character or for use for a different purpose.

MANURE -The fecal and/or urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MINING - All activity which removes from the surface or beneath the surface of the land materials, mineral resources, natural resources, or other elements of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Mining includes, but is not limited, to excavation necessary to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

MIXED USE - Occupancy of a building or land for more than one use.

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

MOBILE HOME LOT - A parcel of land in a mobile home and modular/manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the placement thereon of a single mobile or modular/manufactured home.

MOBILE HOME AND MODULAR/MANUFACTURED HOME PARK - A parcel or contiguous parcels of land, which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes or modular/manufactured homes.

MODULAR / MANUFACTURED HOME - A type of dwelling that is fabricated as sections at a facility and transported, assembled on the site as a completed structure. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.

MOTEL - A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients including auto courts, motor lodges and similar establishments.

MOTOR VEHICLE - A means of transportation designed for the conveyance of persons or property requiring a registration under the laws of the Commonwealth of Pennsylvania for operation upon public highways.

MULTI-FAMILY DWELLING: A multi-family dwelling unit, such as a duplex, triplex, quadraplex, townhouse, or garden apartments, and any other structures of similar nomenclature with a minimum of two (2) and a maximum of six (6) attached single-family dwellings, in a single structure, having a common wall or abutting fire walls between units.

- (i) Duplex: Two (2) dwelling units in a single structure accommodating two (2) families, which units are located one over the other or side by side, with a common fire wall.
- (ii) Triplex: Three (3) dwelling units in a single structure accommodating three (3) families with common fire walls or three (3) attached single family units with an open court in the center.
- (iii) Quadraplex: Four (4) dwelling units in a single structure accommodating four (4) families, each unit having at least one

(1) common or fire wall, with each dwelling unit being one (1) or two (2) stories in height.

- (iv) Townhouse: A multiple-family dwelling divided by party walls into distinct and non-communicating units, each dwelling unit of which has direct access to the outdoors.
- (v) Garden Apartment: Three (3) or more dwelling units in a structure accommodating three (3) or more families, which units are located one over the other, and which, when more than three (3) units are utilized, are attached side by side through the use of a common or fire wall and which may have side yards adjacent to each first story end unit.

MUNICIPAL BUILDING - Includes public and semi-public uses of a welfare and/or educational nature, such as parks, fire stations, municipal buildings and municipal garages, etc.

MUNICIPAL SOLICITOR — An attorney appointed by the Township.

MUNICIPAL WASTE - Municipal waste as defined in the Municipal Waste Planning, Recycling, and Waste Reduction Act of July 28, 1951 as may be amended and supplemented.

MPC - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted (53 P.S. § 10101 et seq.)

MUNICIPALITY – Haines Township, Centre County, Pennsylvania.

MUSEUM - A building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

NATURAL FEATURE - A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress or energy costs. Such features include those of which, if disturbed, may cause hazards or stress to natural habitats, property, or the natural environment.

NATURE PRESERVE – An area in which human activities are limited and where the natural environment is protected from man-made changes.

NIGHTCLUB – An establishment dispensing liquor and meals in which music, dancing, or entertainment is conducted.

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

NON-COMMERCIAL KEEPING OF CHICKENS – An accessory use to a dwelling unit involving the breeding, raising, caring for, housing, and principally the hobby (including agricultural clubs such as 4-H and FFA) or personal use of chickens and products derived from chickens by the occupant, owner or leaser of the lot on which such use is located.

NON-COMMERCIAL KEEPING OF LIVESTOCK – An accessory use to a dwelling unit involving the breeding, raising, caring for, housing, and principally the hobby (including agricultural clubs such as 4-H and FFA) or personal use of livestock and products derived from livestock by the occupant, owner or leaser of the lot on which such use is located.

NONCONFORMING SIGN - A sign, which does not conform to the regulations of the Zoning District in which it is located.

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

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

NUISANCE - Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

OFF-STREET PARKING - Parking of motor vehicles as an accessory use located upon the same lot as a permitted principal use, or in the case of joint parking, within close proximity to serve the parking requirements and needs of the principal use.

OFF-STREET PARKING SPACE - A parking space provided in a parking lot, parking structure, or private driveway.

OPEN SPACE - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.

OUTDOOR FLEA MARKET - An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

OUTDOOR FURNACE — Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a space or water heating system in a building or structure, outside of which the unit is located.

OUTDOOR LIGHTING – Illumination outdoors with lighting fixtures affixed to the exterior of buildings, attached to poles or suspended by approved methods. Lighting fixtures underneath the roof of an open-sided structure, including, but not limited to storage sheds, canopies and gas station marquees over gas pumps, are deemed outdoor lighting.

OUTDOOR STORAGE - Storage and/or display of materials necessary or incidental to the normal operation of a primary use.

OWNER - Any person who, alone or jointly or severally with other persons, has legal title to any premises or property.

PARCEL - A lot, or contiguous group of lots, in single ownership or under single control, and usually considered a unit for purposes of development.

PARKING LOT - Any lot, municipally or privately owned for off-street parking facilities, providing for the transient parking of automobiles or motor vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE - The area required for parking one motor vehicle.

PARTY - A person or group taking one side of a question, dispute, or contest.

PATIO - A surface, which is not covered by a roof or permanent awning and is designed, intended or used for outdoor living purposes as an accessory use to a structure.

PEDESTRIAN WALKWAY - An improved thoroughfare designated exclusively for pedestrian traffic.

PERMANENT SAWMILL - A permanent commercial activity in which timber is cut either on-site or transported into the site for further processing and storage.

PERSON - A person shall mean and include one or more individuals, partnerships, associations, organizations, corporations, and legal representatives, trustees in bankruptcy or receivers.

PERSONAL GREENHOUSE – A non-commercial activity devoted to the raising of plants and for storing implements for gardening.

PERSONAL SERVICE ESTABLISHMENT - Barber shops, beauty salons, gift shop, floral shop, print shop, health spas, massage parlors, photographic studios, self-service laundry establishments, dry-cleaning establishments, laundromats, radio and television repair, repair shops for home appliances and tools, bicycles, guns, locks, shoes and watches, tailor and dressmaking shops, and pet grooming with no overnight boarding.

PERSONAL SOLAR PANELS - An installation of a small number of ground mounted or roof mounted solar panels in order to generate electricity for the landowner's use.

PERSONAL WIND ENERGY FACILITY – An electric generating facility, whose main purpose is to supply electricity, consisting of one wind turbine and other accessory structures, to the residential building located on the same lot where the turbine is located.

PLANNING COMMISSION – The Haines Township Planning Commission.

POWER GENERATION FACILITY - A facility, including engines and dynamos and the building or buildings necessary for the commercial generation of power, as electric or nuclear power.

PREMISES - The property upon which an activity is conducted as determined by physical facts rather than property lines.

PRINCIPAL BUILDING - A structure enclosed within exterior walls built, erected, and framed of component structural parts; designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind; main structure on a given lot; a building in which is conducted the principal use of the lot on which it is situated.

PRINCIPAL USE - The main or primary use of property, buildings, or structures.

PRIVATE - Not publicly owned, operated or controlled.

PROFESSIONAL ENGINEER - An individual licensed and registered under the laws of this Commonwealth to engage in the practice of engineering.

PROFESSIONAL OCCUPATION - The practice of a profession entitled to practice under the laws of the Commonwealth of Pennsylvania.

PUBLIC - Owned, operated or controlled by a governmental agency (Federal, state or local, including an authority created by law for the performance of certain specialized governmental functions, and the Department of Education).

PUBLIC GROUNDS – Includes:

- A. parks, playgrounds, trails, paths and other recreational areas and public areas.
- B. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. publicly owned or operated scenic and historic sites.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING - A forum held pursuant to notice under 65 Pa.C.S. Ch. 7 (relating to open meetings).

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

PUBLIC PARK AND RECREATION AREA – A location for leisure-time activities, including but not limited to, sports and entertainment, that are open to anyone without restriction, except for the rules and standards of conduct and use.

PUBLIC UTILITY BUILDING OR STRUCTURE - A structure or building, which belongs to a public utility that is regulated by the PUC or any other governmental agency.

RECREATIONAL VEHICLE - A vehicular unit primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive of power or is mounted on or drawn by another vehicle and licensed under the laws of the Commonwealth of Pennsylvania.

RESIDENTIAL CONVERSION - A multi-family dwelling constructed by converting an existing single family dwelling into no more than two additional dwelling units, which does not substantially alter the exterior of the building.

RESTAURANT - A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on-premises consumption.

RETAIL BUSINESS – Retail business shall include variety stores, apparel stores, florists, drug stores, grocery stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting goods stores, book, stationary, magazines, candy and tobacco shops, and other outlets that sell merchandise on a retail basis, but not “adult-oriented businesses”.

RIDING ACADEMY- An establishment where horses are kept for riding or driving, or are stabled for compensation, or incidental to the operation of any club, association, farm or similar establishment.

RIGHT-OF-WAY – A strip of land acquired by reservation, dedication, prescription, purchase or condemnation and intended to be occupied by a street, trail, access way, waterline, sanitary sewer, and/ or other public utilities or facilities.

ROADWAY - The portion of a street or right-of-way, which is paved, improved, designated or intended for vehicular traffic.

SALES LOT – An open lot, used for the outdoor display or sales of new or used vehicles or motor vehicles, including but not limited to, motorcycles, all-terrain vehicles (“ATV”), snowmobiles, or mobile homes and where minor repair work (other than body and fender) may be done.

SCHOOL - Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania.

- A. SCHOOL, ELEMENTARY - Any school having regular sessions with employed instruction, which teaches those subjects that are fundamental and essential in general education for elementary grades.
- B. SCHOOL, PRIVATE - An educational facility not operated by a public agency.
- C. SCHOOL, PUBLIC - A public place of instruction other than a commercial school operated by a Public Agency.

SCREENING - The provision of a barrier to visibility, airborne particles, glare and noise

between adjacent properties, uses and/or districts, composed entirely of trees, berm, shrubs, hedges, sight-tight fences and/or other similar type materials.

SCREEN PLANTING - A vegetative material of sufficient height and density to conceal from the view of adjoining property owners the structures and uses on the premises on which the screen planting is located.

SEASONAL DWELLING – A dwelling, generally for recreation purposes, unoccupied for three or more consecutive months during any one (1) year period.

SETBACK - The line within a property defining the required minimum distance between any enclosed structure and the adjacent dedicated right of way, or in the case where a dedicated right of way is not present, the deed description line and the line defining rear and side yards where required.

SHOOTING RANGE - A facility where shotgun, rifle or handgun shooting or archery is practiced under controlled conditions.

SHORT-TERM RENTAL - The act of offering temporary living quarters within a building for a negotiated price to a guest with or without the mediating use of a rental housing exchange agency.

SIDEWALK - See definition of Walkway.

SIGHT TRIANGLE - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN - Any device, configuration, surface or fabric, whether permanent or temporary, which uses symbolic representations for visual communication and used for bringing a subject to the attention of the public. Additional sign definitions are as follows:

- A. **ADVERTISING SIGN** - A sign, which directs attention to a business, product, service, activity or entertainment sold or offered not upon the premises where such sign is located.
- B. **DIRECTIONAL SIGN** - A sign, which directs attention to a business, profession, industry or activity conducted upon the property in which the sign is located.
- C. **PROJECTING SIGN** - a sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches from such building.
- D. **TEMPORARY SIGN** - Any sign, banner, cardboard or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a limited period as specified in the Zoning Ordinance.

SILVICULTURE - A branch of forestry dealing with the development and care of forests.

SINGLE FAMILY DETACHED DWELLING - A building used by one (1) family having two (2) side yards.

SINGLE FAMILY SEMI-DETACHED DWELLING - A building used by one (1) family, having one (1) side yard and one (1) party wall in common with another building.

SITE - A parcel of land located in the Township, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

SLOPE - The face of an embankment or cut section; any ground whose surface makes an angle with the plain of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet over one hundred (100') feet of horizontal distance.

SMALL ANIMAL – A chicken, fowl, game bird, and any other animal which is by size and/or nature of a similar character to the aforementioned animals.

SOLAR FARM - An installation or area of land in which a large number of solar panels are set up in order to generate electricity for commercial use.

SOLID WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities.

SOLID WASTE MANAGEMENT ACT - The act of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., as may be amended and supplemented.

SOLID WASTE PROCESSING AND DISPOSAL FACILITY – A facility that uses any method or technology used for the purpose of reducing the volume or bulk of municipal or residual solid waste or any method or technology used to convert part or all of such solid waste materials for off-site reuse or a facility that transfers or composts solid waste. The term does not include a collection or processing center that is only for source-separated recyclable materials, including clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper and plastics.

SPECIAL EXCEPTION - A special exception shall be the permission or approval granted by a zoning hearing board in situations where provision therefore are made by the terms of a zoning ordinance and the Pennsylvania Municipalities Planning Code.

SPORTS CAMP – A recreational training facility providing a wide variety of sports instruction, training, and competitive sporting events. Recreational training activities may occur both indoors and outdoors on a year-round basis. These recreational facilities provide accommodations that may include recreational vehicle parking areas, cabins, lodges, dormitories, and campsite areas. Food services and concessions may also be provided for guests and patrons. Typical indoor and outdoor competition facilities may include but not be limited to athletic fields, stadiums, skate parks, bike and motorcycle tracks, and swimming pools.

STOOP - A covered or uncovered area at the front, side or rear door.

STORAGE SHED - A structure not intended for residential occupancy, which is necessary to the principal use of the property as a place to store personal property.

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 is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

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

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

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

SWIMMING POOL - Any permanently constructed swimming pool (inflatable, lined, or otherwise) that can be filled to a depth in excess of eighteen (18") inches.

TAVERN – An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use

TEMPORARY USE - A prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.

THEATRE – A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

TOWNSHIP - The Township of Haines, Centre County, Pennsylvania, or its agents or authorized representatives.

TOWNSHIP ENGINEER – A professional engineer licensed in the Commonwealth of Pennsylvania and duly appointed by the Township as its representative.

TRACT - In certain Zoning Districts and uses, the minimum amount of land required prior to subdivision into allowed lots.

TRUCK TERMINAL - A facility designed primarily to handle freight with limited warehousing of freight for no more than thirty (30) days, with secondary allowances for service, repair and storage of vehicles involved in the normal operation.

UNDEVELOPED LAND – Any lot, tract or parcel of land which has not been graded or in any other manner prepared development.

USE - The specific purpose, for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE - The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised, for an adjustment/relief to some regulation or provision of this Ordinance which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and intent of this Ordinance.

VEHICLE REPAIR GARAGE – A building(s) on a lot used primarily for mechanical repairs, storage, rental, or servicing of automobiles, trucks, and similar motor vehicles.

VETERINARY OFFICE – A building on a lot used primarily by a qualified professional trained in the care and treatment of animals and in particular domestic animals, including the office, waiting room, examination room, treatment area and overnight quarters.

WALKWAY - An area designed for pedestrians constructed to the standards set forth in the Centre County Subdivision and Land Development Ordinance.

WATERCOURSE - A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

YARD -A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale, or storage, located on the same lot with a building or structure.

- A. YARD, BUFFER - A space open to the sky and unoccupied by any building, structure, or merchandise for display, sale, or storage, located on the same lot with a building or structure, but in addition to and outside of the required front yard, rear yard, and side yards.
- B. YARD, FRONT - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the right of way line and the principal building. The depth of the front yard shall be measured from the right of way line to the principal building. On a corner lot there shall be a front yard along the street line.
- C. YARD, REAR - An open unoccupied space on the same lot with a principal building, extending the full width of the lot, situated between the rear line of the lot, and the principal building. The depth of the rear yard shall be measured between the rear line of the lot and the principal building. A building shall not extend into the required rear yard. On a corner lot, the rear yard should be the yard area opposite the street of address.
- D. YARD, SIDE - An open unoccupied space in the same lot with the building between the side line of the lot and the principal building. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards. On a corner lot, there should only be one side yard.

ZONING - A police power measure, enacted primarily by general purpose units of local

government, in which the community is divided into districts or zones within which permitted and special uses are established as well as regulations governing lot size, building bulk, placement, and other development standards.

ZONING DISTRICT - A section of a municipality designated in this Ordinance text and delineated on the Zoning Map, in which requirements for the use of land and building and development standards are prescribed.

ZONING HEARING BOARD - The Haines Township Zoning Hearing Board.

ZONING MAP - The map delineating the boundaries of Zoning Districts, which along with the zoning text, comprises the Ordinance.

ZONING OFFICER - The individual authorized by the Township to be the administrator of the daily application of the provisions contained in this Ordinance or any regulations promulgated hereunder.

ZONING PERMIT - A document signed by the Zoning Officer, as required in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the Ordinance or is an authorized variance thereof.

ARTICLE III

DESIGNATION OF DISTRICTS

51.3.1 Districts

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

FC - Forested Conservation District	Article IV	page 34
A - Agriculture District	Article V	page 38
RR - Rural Residential District	Article VI	page 43
V-1 - Village Mixed-Use District	Article VII	page 48

V-2 - Village Residential
I - Industrial District
FO - Floodplain Overlay District

Article VIII page 54
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51.3.2 Zoning Map

The locations and boundaries of said districts shall be as shown upon the map attached to and made part of this Ordinance which map shall be designated "Haines Township Zoning Map". The said map, notations, references and data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

51.3.3 District Boundaries

The boundaries between districts are as shown by lines properly identified as District Boundary Lines or as shown on the Zoning Map. Where uncertainty exists as to boundaries of any districts as shown on said map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the centerlines of streets, highways, railroad lines or streams, such centerlines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersection of lot lines, such lines shall be said district boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to centerlines of streets and highways, such district boundaries shall be construed as parallel thereto and at such distances therefore as indicated on the Zoning Map.
- D. Un-subdivided land or where a district boundary divides a lot, the location of such boundary, unless dimensions indicate the same, shall be determined by the use of the scale appearing on the map.

51.3.4 Interpretation of Boundaries

In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the zoning map as to location of district boundaries.

51.3.5 Use Adjustment on District Boundaries

In un-subdivided land where a district boundary line divides a lot held in single and separate ownership, the following rules shall apply:

- A. The use in a less restrictive district may extend over the portion of the lot in the more restrictive district a distance of, not more than fifty feet (50') beyond the district boundary line providing such extension does not extend to the frontage of the less restrictive district along a street.
- B. The frontage of the less restricted district may extend over the portion of the lot in the more restricted district a distance of not more than fifty feet (50') beyond the district

line.

51.3.6 Application of Regulations

Except as herein provided:

- A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformance with the regulations herein specified for the district in which it is located.
- B. No building shall hereafter be erected, altered or moved:
 - 1. That would exceed the height limit set forth in this Ordinance.
 - 2. That would occupy a greater percentage of lot area than what existed prior to the erection, alteration or moving of the building.
 - 3. That would have narrower, smaller rear yards, side yards or front yards than what existed prior to the erection, alteration or moving of the building.

ARTICLE IV

Forested Conservation - FC

51.4.1 Intent

The Forested Conservation (FC) District is established for the following purposes:

- A. To retain the Township's forested resources.
- B. To promote, protect and facilitate the preservation of natural and scenic values in the environment and to conserve forests in accordance with Section 604(1) of the MPC.
- C. To give high priority to protecting continuous areas of forested lands, which

provide connectivity and habitat for plants and animals and help to maintain the ecological process and to prevent fragmentation of these resources.

- D. To recognize the Township's forested resources as a part of a larger ecological system in the Penns Valley Region, Centre County and the State Forest District and to continue protection measures of resources at the fringes of this system.

51.4.2 Permitted or Conditional Uses

Uses are permitted by right or conditional use in accordance with the Forested Conservation District Use Schedule set forth in this Article IV.

Uses in the Forested Conservation District may be subject to additional criteria set forth in the Use Regulations, Article XI and General Regulations, Article XII of this Ordinance.

Accessory uses shall be permitted in accordance with the Forested Conservation District Use Schedule and subject to the Use Regulations set forth at Article XI and the General Regulations set forth at Article XII of this Ordinance.

51.4.3 Use Schedule

A. Permitted Primary Uses

1. Fish and Wildlife Management Area
2. Forestry
3. Nature Preserve
4. Silviculture
5. Agriculture Operation
6. Single Family Detached Dwelling
7. Short-Term Rental
8. Church and Place of Worship
9. Bed and Breakfast Inn
10. Public School
11. Private School
12. Veterinary Office
13. Seasonal Dwelling
14. Cemetery
15. Light Manufacturing

B. Conditional Uses

1. Commercial Wind Energy Facility
2. Campground
3. Communications Transmitting and Receiving Facility
4. Essential Service Facility
5. Fish Hatchery
6. Permanent Sawmill
7. Shooting Range

C. Accessory Uses

1. Accessory uses and buildings incidental to any principal uses
2. Garage
3. Barn
4. Swimming Pool
5. Personal Greenhouse
6. Home Occupation
7. No-Impact Home-based Business
8. Non-Commercial Keeping of Chickens
9. Non-Commercial Keeping of Livestock
10. Outdoor Furnace
11. Personal Solar Panels
12. Personal Wind Facility
13. Essential Service Structure

51.4.4 Minimum Lot Requirements

<u>A. Permitted Primary Uses</u>	<u>Minimum Lot Size</u>	<u>Minimum Width (ft.)</u>	<u>Maximum Impervious Coverage</u>
1. Fish and Wildlife Management Area	None	None	None
2. Forestry	None	None	None
3. Nature Preserve	None	None	None
4. Silviculture	None	None	None
5. Agriculture Operation	5 acres	150	30%
6. Single Family Detached Dwelling	1 acre	100	35%
7. Short-Term Rental	1 acre	100	35%
8. Church and Place of Worship	2 acres	100	50%
9. Bed and Breakfast Inn	1 acre	100	35%
10. Public School	10 acres	100	50%
	<u>Minimum Lot Size</u>	<u>Minimum Width (ft.)</u>	<u>Maximum Impervious Coverage</u>
11. Private School	2 acres	100	50%
12. Veterinary Office	1 acre	100	50%
13. Seasonal Dwelling	1 acre	100	35%
14. Cemetery	None	None	35%
15. Light Manufacturing	2 acres	100	50%
<u>B. Conditional Uses</u>			
1. Commercial Wind Energy Facility	10 acres	100	50%
2. Campground	10 acres	100	50%
3. Communications Transmitting and Receiving Facility	1 acre	100	50%

4. Essential Service Facility	2 acres	100	50%
5. Fish Hatchery	5 acres	100	50%
6. Permanent Sawmill	5 acres	100	50%
7. Shooting Range	10 acres	100	50%

C. Accessory Uses

The lot requirements shall be those of the primary use to which the use is accessory.

51.4.5 Setbacks

A. <u>Permitted Primary Uses</u>	<u>Front Setback (ft.)</u>	<u>Side Setback (ft.)</u>	<u>Rear Setback (ft.)</u>
1. Fish and Wildlife Management Area	None	None	None
2. Forestry	None	None	None
3. Nature Preserve	None	None	None
4. Silviculture	None	None	None
5. Agriculture Operation	25	10	25
6. Single Family Detached Dwelling	25	10	25
7. Short-Term Rental	25	10	25
8. Church and Place of Worship	25	10	25
9. Bed and Breakfast Inn	25	10	25
10. Public School	25	10	25
11. Private School	25	10	25
12. Veterinary Office	25	10	25
13. Seasonal Dwelling	25	10	25
	<u>Front Setback (ft.)</u>	<u>Side Setback (ft.)</u>	<u>Rear Setback (ft.)</u>
14. Cemetery	20	20	20
15. Light Manufacturing	25	10	25

B. Conditional Uses

The following setbacks apply to all conditional uses in the Forested Conservation District:

- Front Setback – 25 feet
- Side Setback – 10 feet
- Rear Setback – 25 feet

C. Accessory Uses

The setbacks shall be those of the primary use to which the use is accessory.

51.4.6 Height Regulations

The height of a Principal Building shall not exceed fifty-five (55') feet unless otherwise provided for in Article XII of this Ordinance.

51.4.7 Off-Street Parking Requirements

Off-Street Parking shall be provided in accordance with the requirements of Article XIV of this Ordinance.

51.4.8 Sign Regulations

Signs shall be subject to the requirements of Article XV of this Ordinance.

ARTICLE V Agriculture - A

51.5.1 Intent

The Agriculture (A) District is established for the following purposes:

- A. To retain the Township's rural character, farms, and natural resources.
- B. To preserve prime agriculture and farmland considering topography, soil type and classification, in accordance with Section 603 (c)(7) of the MPC.
- C. To preserve agriculture operations, underlain with prime agriculture soils and a long-term probability for the continuation of farming, either through landownership or lease-hold opportunities.
- D. To sustain agriculture activities by permitting accessory businesses on the farmstead and home occupations provided the activity meets conditions that

will prevent added stress on roadways and will protect environmental features and natural resources.

- E. To give high priority to protecting continuous areas of prime agriculture soils (as described by the MPC) as land used for agriculture purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services Centre County soil survey. This protection is provided through the restriction of activities that would promote the conversion of these lands to non-agriculture activities and forever diminish their agriculture value.

51.5.2 Permitted or Conditional Uses

Uses are permitted by right or conditional use in accordance with the Agriculture District Use Schedule set forth in this Article V.

Uses in the Agriculture District may be subject to additional criteria set forth in the Use Regulations, Article XI and General Regulations, Article XII of this Ordinance.

Accessory uses shall be permitted in accordance with the Agriculture District Use Schedule and subject to the Use Regulations set forth at Article XI and the General Regulations set forth at Article XII of this Ordinance.

51.5.3 Use Schedule

A. Permitted Primary Uses

1. Fish and Wildlife Management Area
2. Forestry
3. Nature Preserve
4. Silviculture
5. Agriculture Operation
6. Single Family Detached Dwelling
7. Short-Term Rental
8. Church and Place of Worship
9. Club, Lodge or Fraternal Organization
10. Municipal Building
11. Bed and Breakfast Inn
12. Farm-Related Sales and Services
13. Boarding Stable
14. Riding Academy
15. Public School
16. Private School
17. Veterinary Office
18. Commercial Greenhouse
19. Seasonal Dwelling
20. Cemetery
21. Mining
22. Light Manufacturing

B. Conditional Uses

1. Heliport
2. Helipad
3. Airport
4. Campground
5. Essential Service Facility
6. Intensive Agriculture
7. Junkyard
8. Power Generation Facility
9. Solar Farm
10. Permanent Sawmill
11. Shooting Range

C. Accessory Uses

1. Accessory uses and buildings incidental to any principal uses
2. Farmstead Accessory Dwelling
3. Farmstead Business
4. Kennel
5. Animal Waste Storage Facility
6. Non-Commercial Keeping of Chickens
7. Non-Commercial Keeping of Livestock
8. Agriculture Roadside Stand
9. Garage
10. Barn
11. Personal Greenhouse
12. Swimming Pool
13. Home Occupation
14. No-Impact Home-based Business
15. Outdoor Furnace
16. Personal Solar Panels
17. Personal Wind Facility
18. Essential Service Structure

51.5.4 Minimum Lot Requirements

A. <u>Permitted Primary Uses</u>	<u>Minimum Lot Size</u>	<u>Minimum Width (ft.)</u>	<u>Maximum Impervious Coverage</u>
1. Fish and Wildlife Management Area	None	None	None
2. Forestry	None	None	None
3. Nature Preserve	None	None	None
4. Silviculture	None	None	None
5. Agriculture Operation	5 acres	150	30%
6. Single Family Detached Dwelling	1 acre	100	35%
7. Short-Term Rental	1 acre	100	35%
8. Church and Place of Worship	2 acres	100	50%

9. Club, Lodge or Fraternal Organization	2 acres	100	50%
10. Municipal Building	1 acre	100	50%
11. Bed and Breakfast Inn	1 acre	100	50%
12. Farm-Related Sales and Services	2 acres	100	50%
13. Boarding Stable	2 acres	150	50%
14. Riding Academy	2 acres	150	50%
15. Public School	10 acres	100	50%
16. Private School	2 acres	100	50%
17. Veterinary Office	1 acre	100	50%
18. Commercial Greenhouse	1 acre	100	50%
19. Seasonal Dwelling	1 acre	100	35%
20. Cemetery	None	None	35%
21. Mining	5 acres	100	50%
22. Light Manufacturing	2 acres	100	50%

B. Conditional Uses

1. Heliport	5 acres	100	50%
2. Helipad	1 acre	100	50%
3. Airport	10 acres	100	70%
4. Campground	10 acres	100	50%
5. Essential Service Facility	2 acres	100	50%
6. Intensive Agriculture	10 acres	100	50%

	<u>Minimum Lot Size</u>	<u>Minimum Width (ft.)</u>	<u>Maximum Impervious Coverage</u>
7. Junkyard	5 acres	100	50%
8. Power Generation Facility	25 acres	100	50%
9. Solar Farm	10 acres	100	50%
10. Permanent Sawmill	5 acres	100	50%
11. Shooting Range	10 acres	100	50%

C. Accessory Uses

The lot requirements shall be those of the primary use to which the use is accessory.

51.5.5 Setbacks

A. <u>Permitted Primary Uses</u>	<u>Front Setback (ft.)</u>	<u>Side Setback (ft.)</u>	<u>Rear Setback (ft.)</u>
1. Fish and Wildlife Management Area	None	None	None
2. Forestry	None	None	None

3. Nature Preserve	None	None	None
4. Silviculture	None	None	None
5. Agriculture Operation	25	10	25
6. Single Family Detached Dwelling	25	10	25
7. Short-Term Rental	25	10	25
8. Church and Place of Worship	25	10	25
9. Club, Lodge or Fraternal Organization	25	10	25
10. Municipal Building	25	10	25
11. Bed and Breakfast Inn	25	10	25
12. Farm-Related Sales and Services	25	10	25
13. Boarding Stable	25	10	25
14. Riding Academy	25	10	25
15. Public School	25	10	25
16. Private School	25	10	25
17. Veterinary Office	25	10	25
18. Commercial Greenhouse	25	10	25
19. Seasonal Dwelling	25	10	25
20. Cemetery	20	20	20
21. Mining	25	10	25
22. Light Manufacturing	25	10	25

B. Conditional Uses

The following setbacks apply to all conditional uses in the Agriculture District:

- Front Setback – 25 feet
- Side Setback – 10 feet
- Rear Setback – 25 feet

C. Accessory Uses

The setbacks shall be those of the primary use to which the use is accessory.

51.5.6 Height Regulations

The height of a Principal Building shall not exceed fifty-five (55') feet unless otherwise provided for in Article XII of this Ordinance.

The Farmstead Accessory Dwelling as defined and specified herein shall be permitted in addition to the maximum number of allowed Dwelling units; however, only one (1) such Farmstead Accessory Dwelling shall be allowed on a Farmstead.

51.5.7 Off-Street Parking Requirements

Off-Street Parking shall be provided in accordance with the requirements of Article XIV of this Ordinance.

51.5.8 Sign Regulations

Signs shall be subject to the requirements of Article XV of this Ordinance.

51.5.9 Agriculture Nuisance Disclaimer

All lands within the Agriculture Zoning District are located within an area where land is routinely used for agricultural production. Owners, residents and other users of property within the Agriculture Zoning District may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of property within the Agriculture Zoning District should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that applicable laws of the Commonwealth of Pennsylvania may bar them from obtaining a legal judgment against such normal agricultural operations.

ARTICLE VI Rural Residential – RR

51.6.1 Intent

The Rural Residential (RR) District is established for the following purposes:

- A. To preserve the rural character of the Township and to protect natural resources and environmental features by providing a range and style of compatible low-density residential, agriculture, commercial, recreational and accessory uses that will retain large quantities of open space and stabilize natural resource loss and land values.
- B. To promote a development style that will minimize the cost to the Township for services and infrastructure.
- C. To recognize the community's values regarding these rural areas as set forth in the Penns Valley Region Comprehensive Plan, as amended.
- D. The focus for the Rural Residential District is the protection of environmental features and conservation of open space by integrating greenways or wide expanses of undeveloped lands with concentrated areas of development, using a conservation subdivision design concept.

51.6.2 Permitted and Conditional Uses

Uses are permitted by right or conditional use in accordance with the Rural Residential District Use Schedules set forth in this Article VI.

Uses in the Rural Residential District may be subject to additional criteria set forth in the Use Regulations, Article XI and General Regulations, Article XII of this Ordinance.

Accessory uses shall be permitted in accordance with the Rural Residential District Use Schedules, and subject to the Use Regulations set forth at Article XI and the General Regulations set forth at Article XII of this Ordinance.

51.6.3 Use Schedule

A. Permitted Primary Uses

1. Fish and Wildlife Management Area
2. Forestry
3. Nature Preserve
4. Silviculture
5. Public Park and Recreation Area
6. Agriculture Operation
7. Single Family Detached Dwelling
8. Short-Term Rental
9. Church and Place of Worship
10. Club, Lodge or Fraternal Organization
11. Municipal Building
12. Bed and Breakfast Inn
13. Farm-Related Sales and Services
14. Boarding Stable
15. Riding Academy
16. Public School
17. Private School
18. Veterinary Office
19. Commercial Greenhouse
20. Seasonal Dwelling
21. Cemetery
22. Light Manufacturing

B. Conditional Uses

1. Campground
2. Communications Transmitting and Receiving Facility
3. Continuing Care Retirement Community
4. Convenience Store without Gas Dispensing
5. Essential Service Facility
6. Golf Course
7. Halfway House
8. Long-Term Care Nursing Home
9. Mobile Home and Modular/Manufactured Home Park
10. Outdoor Flea Market
11. Sports Camp

C. Accessory Uses

1. Accessory uses and buildings incidental to any principal uses
2. Farmstead Accessory Dwelling
3. Farmstead Business
4. Kennel
5. Non-Commercial Keeping of Livestock
6. Non-Commercial Keeping of Chickens
7. Agriculture Roadside Stand
8. Garage
9. Barn
10. Personal Greenhouse
11. Swimming Pool
12. Home Occupation
13. No-Impact Home-based Business
14. Personal Solar Panels
15. Personal Wind Facility
16. Essential Service Structure

51.6.4 Minimum Lot Requirements

A. <u>Permitted Primary Uses</u>	<u>Minimum Lot Size</u>	<u>Minimum Width (ft.)</u>	<u>Maximum Impervious Coverage</u>
1. Fish and Wildlife Management Area	None	None	None
2. Forestry	None	None	None
3. Nature Preserve	None	None	None
4. Silviculture	None	None	None
5. Public Park and Recreation Area	None	None	None
6. Agriculture Operation	5 acres	150	30%
7. Single Family Detached Dwelling	1 acre	100	35%
8. Short-Term Rental	1 acre	100	35%
9. Church and Place of Worship	2 acres	100	50%
10. Club, Lodge or Fraternal Organization	2 acres	100	50%
11. Municipal Building	1 acre	100	50%
12. Bed and Breakfast Inn	1 acre	100	50%
13. Farm-Related Sales and Services	2 acres	100	50%
14. Boarding Stable	2 acres	150	50%
15. Riding Academy	2 acres	150	50%
16. Public School	10 acres	100	50%
17. Private School	2 acres	100	50%

18. Veterinary Office	1 acre	100	50%
19. Commercial Greenhouse	1 acre	100	50%
20. Seasonal Dwelling	1 acre	100	35%
21. Cemetery	None	None	35%
22. Light Manufacturing	2 acres	100	50%

B. Conditional Uses

1. Campground	10 acres	100	50%
2. Communications Transmitting and Receiving Facility	1 acre	100	50%
3. Continuing Care Retirement Community	10 acres	100	50%
4. Convenience Store without Gas Dispensing	2 acres	100	50%
5. Essential Service Facility	2 acres	100	50%
	<u>Minimum Lot Size</u>	<u>Minimum Width (ft.)</u>	<u>Maximum Impervious Coverage</u>
6. Golf Course	25 acres	100	50%
7. Halfway House	2 acres	100	50%
8. Long-Term Care Nursing Home	10 acres	100	50%
9. Mobile Home and Modular/Manufactured Home Park	5 acres	100	50%
10. Outdoor Flea Market	2 acres	100	50%
11. Sports Camp	25 acres	100	50%

C. Accessory Uses

The lot requirements shall be those of the primary use to which the use is accessory.

51.6.5 Setbacks

<u>C. Permitted Primary Uses</u>	<u>Front Setback (ft.)</u>	<u>Side Setback (ft.)</u>	<u>Rear Setback (ft.)</u>
1. Fish and Wildlife Management Area	None	None	None
2. Forestry	None	None	None
3. Nature Preserve	None	None	None
4. Silviculture	None	None	None
5. Public Park and Recreation Area	None	None	None
6. Agriculture Operation	25	10	25

7. Single Family Detached Dwelling	25	10	25
8. Short-Term Rental	25	10	25
9. Church and Place of Worship	25	10	25
10. Club, Lodge or Fraternal Organization	25	10	25
11. Municipal Building	25	10	25
12. Bed and Breakfast Inn	25	10	25
13. Farm-Related Sales and Services	25	10	25
14. Boarding Stable	25	10	25
15. Riding Academy	25	10	25
16. Public School	25	10	25
17. Private School	25	10	25
18. Veterinary Office	25	10	25
19. Commercial Greenhouse	25	10	25
20. Seasonal Dwelling	25	10	25
21. Cemetery	20	20	20
22. Light Manufacturing	25	10	25

B. Conditional Uses

The following setbacks apply to all conditional uses in the Rural Residential District:

- Front Setback – 25 feet
- Side Setback – 10 feet
- Rear Setback – 25 feet

C. Accessory Uses

The setbacks shall be those of the primary use to which the use is accessory.

51.6.6 Height Regulations

The height of Principal Building shall not exceed fifty-five (55') feet in accordance with the requirements of Article XII of this Ordinance.

51.6.7 Off-Street Parking Requirements

Off-Street Parking shall be provided in accordance with the requirements of Article XIV of this Ordinance.

51.6.8 Sign Regulations

Signs shall be subject to the requirements of Article XV of this Ordinance.

ARTICLE VII

Village Mixed Use – V-1

51.7.1 Intent

The Village Mixed Use (V-1) District is established for the following purposes:

- A. To recognize the original settlement patterns of the Township's largest villages, Aaronsburg and Woodward.
- B. To be consistent with specific objectives including, but not limited to, retaining a community which is pedestrian oriented; providing services, community facilities, and workplaces within walking distance to residences; and maintaining the historic community character.
- C. To be consistent with specific objectives set forth in the Penns Valley Region Comprehensive Plan, as amended. These objectives include promoting small, mixed-use village-style development; supporting residential and non-polluting business uses; and protecting the current villages with sign and parking requirements.
- D. To recognize the community's values regarding the Village Mixed Use designation as set forth in the Penns Valley Region Comprehensive Plan. The focus for the Village Mixed Use designation is the rehabilitation, maintenance, and use of the original village structures; the accommodation of ancillary, small shops and businesses compatible with the historic and residential character of the community; and the recognition that the Village Mixed Use designation will continue to be the densest single-family residential neighborhood in the Township.

51.7.2 Permitted and Conditional Uses

Uses are permitted by right or conditional use in accordance with the Village Mixed Use District Use Schedules set forth in this Article VII.

Uses in the Village Mixed Use District may be subject to additional criteria set forth in the Use Regulations, Article XI and General Regulations, Article XII of this Ordinance.

Accessory uses shall be permitted in accordance with the Village Mixed Use District Use Schedules, and subject to the Use Regulations set forth at Article XI and the General Regulations set forth at Article XII of this Ordinance and the following conditions:

Accessory uses and reuse of existing buildings shall be permitted under the following conditions:

- A. Adaptive use of existing alleyway (rear access) barns and garages or use of new alleyway buildings shall be permitted in accordance with the Village Mixed Use District Use Schedule.
- B. No more than two adaptive reuses or new alleyway building commercial uses shall be allowed on the lot.
- C. An Applicant must clearly demonstrate which portions of the existing buildings will be used for specific uses.

51.7.3 Use Schedule

A. Permitted Primary Uses

1. Forestry
2. Public Park and Recreation Area
3. Hotel
4. Convenience Store without Gas Dispensing
5. Motel
6. Museum
7. Theatre
8. Single Family Detached Dwelling
9. Single Family Semi-Detached Dwelling
10. Short-Term Rental
11. Church and Place of Worship
12. Club, Lodge or Fraternal Organization
13. Municipal Building
14. Bed and Breakfast Inn
15. Professional Occupation
16. Residential Conversion
17. Restaurant
18. Public School
19. Private School
20. Retail Business

21. Personal Service Establishment
22. Vehicle Repair Garage
23. Cemetery
24. Boarding/Rooming House
25. Library

B. Conditional Uses

1. Essential Service Facility
2. Tavern
3. Nightclub

C. Accessory Uses

1. Accessory uses and buildings incidental to any principal uses
2. Parking Lot
3. Garage
4. Barn
5. Non-Commercial Keeping of Chickens
6. Personal Greenhouse
7. Swimming Pool
8. Home Occupation
9. No-Impact Home-based Business
10. Personal Solar Panels
11. Personal Wind Facility
12. Essential Service Structure

51.7.4 Minimum Lot Requirements

A. <u>Permitted Primary Uses</u>	<u>Minimum Lot Size</u>	<u>Minimum Width (ft.)</u>	<u>Maximum Impervious Coverage</u>
1. Forestry	None	None	None
2. Public Park and Recreation Area	None	None	None
3. Hotel	20,000 sq. ft.	100	70%
4. Convenience Store without Gas Dispensing	20,000 sq. ft.	100	70%
5. Motel	20,000 sq. ft.	100	70%
6. Museum	20,000 sq. ft.	100	70%
7. Theatre	20,000 sq. ft.	100	70%
8. Single Family Detached Dwelling	20,000 sq. ft.	100	70%
9. Single Family Semi-Detached Dwelling	20,000 sq. ft.	100	70%
10. Short-Term Rental	20,000 sq. ft.	100	70%
11. Church and Place of Worship	20,000 sq. ft.	100	70%
12. Club, Lodge or	20,000 sq. ft.	100	70%

	Fraternal Organization			
13.	Municipal Building	20,000 sq. ft.	100	70%
14.	Bed and Breakfast Inn	20,000 sq. ft.	100	70%
15.	Professional Occupation	20,000 sq. ft.	100	70%
16.	Residential Conversion	20,000 sq. ft.	100	70%
17.	Restaurant	20,000 sq. ft.	100	70%
18.	Public School	20,000 sq. ft.	100	70%
19.	Private School	20,000 sq. ft.	100	70%
20.	Retail Business	20,000 sq. ft.	100	70%
21.	Personal Service Establishment	20,000 sq. ft.	100	70%
22.	Vehicle Repair Garage	20,000 sq. ft.	100	70%
		<u>Minimum Lot Size</u>	<u>Minimum Width (ft.)</u>	<u>Maximum Impervious Coverage</u>
23.	Cemetery	None	None	70%
24.	Boarding/Rooming House	20,000 sq. ft.	100	70%
25.	Library	20,000 sq. ft.	100	70%

B. Conditional Uses

1.	Essential Service Facility	20,000 sq. ft.	100	70%
2.	Tavern	20,000 sq. ft.	100	70%
3.	Nightclub	20,000 sq. ft.	100	70%

C. Accessory Uses

The lot requirements shall be those of the primary use to which the use is accessory. Accessory structures are not allowed in front yards in the District.

51.7.5 Setbacks

A. <u>Permitted Primary Uses</u>	<u>Side Setback (ft.)</u>	<u>Rear Setback (ft.)</u>
1. Forestry	None	None
2. Public Park and Recreation Area	None	None
3. Hotel	5	15
4. Convenience Store without Gas Dispensing	5	15
5. Motel	5	15
6. Museum	5	15
7. Theatre	5	15

8. Single Family Detached Dwelling	5	15
9. Single Family Semi-Detached Dwelling	5	15
10. Short-Term Rental	5	15
11. Church and Place of Worship	5	15
12. Club, Lodge or Fraternal Organization	5	15
13. Municipal Building	5	15
14. Bed and Breakfast Inn	5	15
15. Professional Occupation	5	15
16. Residential Conversion	5	15
	<u>Side</u> <u>Setback (ft.)</u>	<u>Rear</u> <u>Setback (ft.)</u>
17. Restaurant	5	15
18. Public School	5	15
19. Private School	5	15
20. Retail Business	5	15
21. Personal Service Establishment	5	15
22. Vehicle Repair Garage	5	15
23. Cemetery	5	15
24. Boarding/Rooming House	5	15
25. Library	5	15

B. Conditional Uses

The following setbacks apply to all conditional uses in the Village Mixed Use District:

Front Setback – See below.
Side Setback – 5 feet
Rear Setback – 15 feet

C. Accessory Uses

The setbacks shall be those of the primary use to which the use is accessory.

51.7.6 Front Setback Regulations for Principal Buildings

- A. The front setback shall retain the existing character of the block in which the principal building is situated. The front setback shall be measured from the right-of-way lines or ultimate right-of-way lines for the lot or multiple lots within the deed of record.

- (1.) Front yard setback. The front yard setback shall be dependent on the characteristics of existing developed lots in the block and the primary point of access. All principal buildings shall front on a street, unless the only access to the lot as of the effective date of this Ordinance is by an alleyway, in which case the lot may front on the alleyway. Front yard setbacks shall be in accordance with the following standards.

- (a) A lot within a block shall conform to the setbacks of the existing principal structures on the developed lots, in that, the front yard setback on the lot shall not be less than the developed lot with the least front yard setback nor greater than the developed lot with the largest front yard setback as measured from the right-of-way line.

51.7.7 Height Regulations

The maximum building height for buildings shall be forty (40') feet.

51.7.8 Off-Street Parking Requirements

Off-Street Parking shall be provided in accordance with the requirements of Article XIV of this Ordinance.

51.7.9 Sign Regulations

Signs shall be subject to the requirements of Article XV of this Ordinance.

ARTICLE VIII

Village Residential – V-2

51.8.1 Intent

The Village Residential (V-2) District is established for the following purposes:

- A. To be consistent with specific objectives set forth in the Penns Valley Region Comprehensive Plan, as amended. These objectives include promoting small, village-style development; supporting residential and non-polluting business uses; and protecting the current villages with sign and parking requirements.
- B. To recognize the community's values regarding the Village Residential District as set forth in the Penns Valley Region Comprehensive Plan, Future Land Use Chapter. The focus for the Village Residential District is medium density residential development with home-based businesses. The area would accommodate diversity in housing type, value and style.
- C. To provide connections to the village core and encourage village residential characteristics wherever possible. Specific objectives include retaining a community, which is pedestrian oriented with connections to services, community facilities, and workplaces in the Village Mixed Use District and within walking distance of the Village Residential District.

51.8.2 Permitted and Conditional Uses

Uses are permitted by right or conditional use in accordance with the Village Residential District Use Schedules set forth in this Article VIII.

Uses in the Village Residential District may be subject to additional criteria set forth in the Use Regulations, Article XI and General Regulations, Article XII of this Ordinance.

Accessory uses shall be permitted in accordance with the Village Residential District Use Schedules, and subject to the Use Regulations set forth at Article

XI; and the General Regulations set forth at Article XII of this Ordinance.

51.8.3 Use Schedule

A. Permitted Primary Uses

1. Forestry
2. Public Park and Recreation Area
3. Day Care Center
4. Long-Term Care Nursing Home
5. Museum
6. Single Family Detached Dwelling
7. Single Family Semi-Detached Dwelling
8. Multi-Family Dwelling
9. Short-Term Rental
10. Church and Place of Worship
11. Club, Lodge or Fraternal Organization
12. Municipal Building
13. Bed and Breakfast Inn
14. Professional Occupation
15. Residential Conversion
16. Public School
17. Private School
18. Community Center
19. Cemetery
20. Boarding/Rooming House
21. Personal Service Establishment

B. Conditional Uses

1. Essential Service Facility

C. Accessory Uses

1. Accessory uses and buildings incidental to any principal uses
2. Non-Commercial Keeping of Livestock
3. Non-Commercial Keeping of Chickens
4. Garage
5. Barn
6. Personal Greenhouse
7. Swimming Pool
8. Home Occupation
9. No-Impact Home-based Business
10. Personal Solar Panels
11. Personal Wind Facility
12. Essential Service Structure

51.8.4 Minimum Lot Requirements

	<u>Minimum</u>	<u>Minimum</u>	<u>Maximum</u>
A. <u>Permitted Primary Uses</u>	<u>Lot Size</u>	<u>Width (ft.)</u>	<u>Impervious Coverage</u>

1. Forestry	None	None	None
2. Public Park and Recreation Area	None	None	None
3. Day Care Center	20,000 sq. ft.	100	60%
4. Long-Term Care Nursing Home	20,000 sq. ft.	100	60%
5. Museum	20,000 sq. ft.	100	60%
6. Single Family Detached Dwelling	20,000 sq. ft.	100	60%
7. Single Family Semi-Detached Dwelling	20,000 sq. ft.	100	60%
	<u>Minimum Lot Size</u>	<u>Minimum Width (ft.)</u>	<u>Maximum Impervious Coverage</u>
8. Multi-Family Dwelling	20,000 sq. ft.	100	60%
9. Short-Term Rental	20,000 sq. ft.	100	60%
10. Church and Place of Worship	20,000 sq. ft.	100	60%
11. Club, Lodge or Fraternal Organization	20,000 sq. ft.	100	60%
12. Municipal Building	20,000 sq. ft.	100	60%
13. Bed and Breakfast Inn	20,000 sq. ft.	100	60%
14. Professional Occupation	20,000 sq. ft.	100	60%
15. Residential Conversion	20,000 sq. ft.	100	60%
16. Public School	20,000 sq. ft.	100	60%
17. Private School	20,000 sq. ft.	100	60%
18. Community Center	20,000 sq. ft.	100	60%
19. Cemetery	None	None	60%
20. Boarding/Rooming House	20,000 sq. ft.	100	60%
21. Personal Service Establishment	20,000 sq. ft.	100	60%

B. Conditional Uses

1. Essential Service Facility	20,000 sq. ft.	100	60%
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C. Accessory Uses

The lot requirements shall be those of the primary use to which the use is accessory.

51.8.5 **Setbacks**

Front	Side	Rear
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A. <u>Permitted Primary Uses</u>	<u>Setback (ft.)</u>	<u>Setback (ft.)</u>	<u>Setback (ft.)</u>
1. Forestry	None	None	None
2. Public Park and Recreation Area	None	None	None
3. Day Care Center	20	10	20
4. Long-Term Care Nursing Home	20	10	20
5. Museum	20	10	20
6. Single Family Detached Dwelling	20	10	20
	<u>Front Setback (ft.)</u>	<u>Side Setback (ft.)</u>	<u>Rear Setback (ft.)</u>
7. Single Family Semi-Detached Dwelling	20	10	20
8. Multi-Family Dwelling	20	10	20
9. Short-Term Rental	20	10	20
10. Church and Place of Worship	20	10	20
11. Club, Lodge or Fraternal Organization	20	10	20
12. Municipal Building	20	10	20
13. Bed and Breakfast Inn	20	10	20
14. Professional Occupation	20	10	20
15. Residential Conversion	20	10	20
16. Public School	20	10	20
17. Private School	20	10	20
18. Community Center	20	10	20
19. Cemetery	20	20	20
20. Boarding/Rooming House	20	10	20
21. Personal Service Establishment	20	10	20

B. Conditional Uses

The following setbacks apply to all conditional uses in the Village Residential District:

- Front Setback – 20 feet
- Side Setback – 10 feet
- Rear Setback – 20 feet

C. Accessory Uses

The setbacks shall be those of the primary use to which the use is accessory.

51.8.6 Height Regulations

The maximum building height for buildings shall be forty (40') feet.

51.8.7 Off-Street Parking Requirements

- A. Off-Street Parking shall be provided in accordance with the requirements of Article XIV of this Ordinance.
- B. Off-Street Parking shall be located in the rear of the Lot, if the Lot is accessible from an alleyway.

51.8.8 Sign Regulations

Signs shall be subject to the requirements of Article XV of this Ordinance.

ARTICLE IX

Industrial – (I)

51.9.1 Intent

The Industrial (I) District is established for the following purposes:

- A. To provide suitable locations for heavy commercial and industrial activities that generate higher levels of customer, employee and delivery traffic away from areas that would cause disruptions to residential neighborhoods or would be inappropriate in the countryside and on rural roadways due to the intensity of activities.
- B. To provide the opportunity for a mixture of various heavy commercial and industrial business activities in the Township.
- C. To provide areas to grow the local economy and provide local employment opportunities.
- D. To locate the Township's largest business activities within areas that have direct access to PA Route 45 and the potential for future public utilities.
- E. To establish reasonable standards for the protection of environmental features.
- F. To establish reasonable standards for the provision of facilities and operation of businesses to minimize air pollution, noise, glare, heat, vibration and fire safety standards.

51.9.2 Permitted and Conditional Uses

Uses are permitted by right or conditional use in accordance with the Industrial District Use Schedules set forth in this Article IX.

Uses in the Industrial District may be subject to additional criteria set forth in the Use Regulations, Article XI and General Regulations, Article XII of this Ordinance.

Accessory uses shall be permitted in accordance with the Industrial District Use Schedules, and subject to the Use Regulations set forth at Article XI and the General Regulations set forth at Article XII of this Ordinance.

51.9.3 Use Schedule

A. Permitted Primary Uses

1. Forestry
2. Agriculture Operation
3. Auction House
4. Communications Transmitting and Receiving Facility
5. Manufacturing
6. Municipal Building
7. Mining
8. Public Utility Buildings and Structures
9. Truck Terminal
10. Cemetery
11. Light Manufacturing

B. Conditional Uses

1. Adult-Oriented Business
2. Solid Waste Processing and Disposal Facility
3. Airport
4. Solar Farm
5. Essential Service Facility
6. Contractor’s Shop and Yard

C. Accessory Uses

1. Accessory uses and buildings incidental to any principal uses
2. Outdoor Furnace
3. Essential Service Structure

51.9.4 Minimum Lot Requirements

A. <u>Permitted Primary Uses</u>	<u>Minimum Lot Size</u>	<u>Minimum Width (ft.)</u>	<u>Maximum Impervious Coverage</u>
1. Forestry	None	None	None
2. Agriculture Operation	5 acres	150	30%
3. Auction House	5 acres	100	50%
4. Communications Transmitting and Receiving Facility	1 acre	100	50%
5. Manufacturing	10 acres	150	50%

6. Municipal Building	1 acre	100	50%
7. Mining	5 acres	100	50%
8. Public Utility Buildings and Structures	1 acre	100	50%
9. Truck Terminal	5 acres	100	50%
10. Cemetery	None	None	35%
11. Light Manufacturing	2 acres	100	50%

B. Conditional Uses

	<u>Minimum Lot Size</u>	<u>Minimum Width (ft.)</u>	<u>Maximum Impervious Coverage</u>
1. Adult Oriented Business	2 acres	100	50%
2. Solid Waste Processing and Disposal Facility	10 acres	100	70%
3. Airport	10 acres	100	70%
4. Solar Farm	10 acres	100	50%
5. Essential Service Facility	2 acres	100	50%
6. Contractor's Shop and Yard	1 acre	100	70%

C. Accessory Uses

The lot requirements shall be those of the primary use to which the use is accessory.

51.9.5 Setbacks

<u>A. Permitted Primary Uses</u>	<u>Front Setback (ft.)</u>	<u>Side Setback (ft.)</u>	<u>Rear Setback (ft.)</u>
1. Forestry	None	None	None
2. Agriculture Operation	25	10	25
3. Auction House	50	25	50
4. Communications Transmitting and Receiving Facility	50	25	50
5. Manufacturing	50	25	50
6. Municipal Building	50	25	50
7. Mining	50	25	50
8. Public Utility Buildings and Structures	50	25	50
9. Truck Terminal	50	25	50
10. Cemetery	20	20	20
11. Light Manufacturing	25	10	25

B. Conditional Uses

The following setbacks apply to all conditional uses in the Industrial District:

Front Setback – 50 feet
Side Setback – 25 feet
Rear Setback – 50 feet

C. Accessory Uses

The setbacks shall be those of the primary use to which the use is accessory.

51.9.6 Area and Bulk Regulations

A. Maximum building coverage: Fifty (50%) percent.

B. Minimum vegetative cover: Thirty (30%) percent.

C. Height regulations.

1. Height of Principal Building shall not exceed fifty-five (55') feet.

D. Special Buffer Strip Provisions:

Where the Industrial district abuts any Residential District, the required side and/or rear yard(s) for all uses shall be in accordance with 51.9.5.A. and said side and/or rear yard(s) shall contain a fifteen (15) foot buffer strip or green area. The purpose of said buffer strip is to provide a reasonable measure of protection to the adjacent residential districts.

The buffer strip shall be measured inward fifteen (15) feet from the perimeter property line (the side and/or rear property line(s)). The buffer strip shall remain completely free of man-made intrusions such as parking areas, storage areas, driveways, fences, signs, lighting fixtures, principal or accessory structures, other similar structures, use areas and fixtures.

The buffer strip may be landscaped, and it shall be maintained by the owner/occupant in such a manner as to insure that the buffer strip does not become a nuisance area nor does it present an unsightly appearance that would detract from the subject property and/or neighboring properties. Those portions of the buffer strip that are naturally wooded (tree covered) need not be maintained or landscaped and can remain in their natural state.

51.9.7 Application Requirements

In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed business for conformity with the requirements of this Ordinance, the following data shall be submitted with an application for a Zoning Permit in the Industrial District, in addition to the land development plan, if required.

- A. Description of operation.
- B. Plans for prevention or control of noise, vibration, glare, fire, hazards, air pollution, water pollution and traffic.
- C. Proposed fuel.
- D. Number of shifts and maximum employment per shift.
- E. Landscaping plans, if required.

51.9.8 Off-Street Parking Requirements

- A. Off-Street Parking shall be provided in accordance with the requirements of Article XIV of this Ordinance.
- B. The following additional standards shall apply to Off-Street parking lots in the Industrial District.
 - 1. Parking lots shall not be located closer than twenty (20') feet to a Public Right-of-Way.
 - 2. Parking lots shall be placed to the rear or side of the property, where feasible.
 - 3. Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from streets and sidewalks.
 - 4. Parking lots shall contain clearly defined internal pedestrian walkways linking the lot to the principal building on site and to the nearest walkway.
 - 5. Shared parking lots are encouraged in accordance with Article XIV.

51.9.9 Sign Regulations

Signs shall be subject to the requirements of Article XV of this Ordinance.

ARTICLE X

FLOODPLAIN DISTRICT (OVERLAY DISTRICT)

It is the intention of this district classification to provide special regulations to protect life and property, to minimize or eliminate economic and personal loss, and the public cost of rescue and cleanup, due to flooding. The specific provisions and regulations concerning the areas within the Floodplain District may be found in the Haines Township Floodplain Management Ordinance, Chapter 48.

Compliance with the regulations of the Floodplain Management Ordinance and the underlying Zoning District regulations is mandatory.

FLOODPLAIN OVERLAY DISTRICT BOUNDARIES

The boundary of the Floodplain District shall be as shown on the most recent Flood Insurance Rate Map ("FIRM"), as published by the Federal Emergency Management Agency, which is herein adopted and incorporated into this Ordinance by reference. Should FEMA publish an updated version of the FIRM, the updated FIRM map shall supersede the existing map, without formal amendment of this Ordinance.

Article XI

Use Regulations

51.11.1 Specific Standards for Designated Uses

- A. All uses identified in this Article must comply with the use regulations set forth for the Zoning District in which the use is to be located, unless different or inconsistent standards are established by this Article, in which case the standards in this Article shall take precedent.
- B. In addition to the General Regulations established in Article XII of this Ordinance, this Article sets forth standards that shall be applied to each individual use identified in this Article. The applicable standards of this Article must be satisfied before approval of an application for a Conditional Use or Zoning Permit application. The criteria for Conditional Uses in this Article shall be in addition to the applicable general criteria for Conditional Uses set forth in Article XVI. The Applicant shall be responsible for providing evidence of compliance with all applicable standards of this Article.

Residential Uses

51.11.2 Halfway House

- A. Prior to application, a copy of the applicable State laws and regulations governing such facilities must be furnished by the Applicant to the Zoning Officer.
- B. A Halfway House must be licensed, where required, by an appropriate government agency and shall comply with all applicable rules and regulations of the licensing body.
- C. A Halfway House shall be directly affiliated with a parent institution or organization, which shall provide full-time supervision and administration to the residents of the house.
- D. The Halfway House shall be limited to eight (8) residents. The limitation of eight (8) residents does not include the staff necessary to operate the Halfway House.
- E. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- F. The residents of the Halfway House shall reside on-premises to benefit from the services provided.

- G. Necessary permits for water supply and sanitary waste disposal must be obtained, if applicable.
- H. The Halfway House shall not be located within one thousand (1,000') feet of any the following uses:
 - 1. Campground;
 - 2. Church and Places of Worship;
 - 3. Park;
 - 4. Playground;
 - 5. Private School;
 - 6. Public School;
 - 7. Residential Dwelling.
- I. The Halfway House shall not be located within one thousand (1,000') feet of another Halfway House.
- J. Each application shall be accompanied by a statement describing the following:
 - 1. The character of the Halfway House;
 - 2. The policies and goals of the Halfway House, including its management of residents on and off the Halfway House property, and the means proposed to accomplish those goals;
 - 3. The characteristics of the residents and number of residents to be served; and
 - 4. The operating methods and procedures to be used, including security measures, enforcement and emergency notification plan.
- K. A Zoning Permit granted for a Halfway House shall be bound to the type and number of residents listed on the application. Any change in the type or number of residents being housed shall require a new hearing before the Township.

51.11.3 Mobile Home and Modular/Manufactured Home Park

- A. A Mobile Home and Modular/Manufactured Home Park shall only include mobile homes of single width or multiple widths or modular/manufactured homes, but shall not include travel trailers or motor homes.
- B. Yard and Area Regulations - The following yard setback and lot area regulations shall apply to all Mobile Home and Modular/Manufactured Home Parks developed pursuant to this Section.
 - 1. Setback from Tract Boundary - No mobile home or modular/manufactured home, auxiliary Park buildings and other Park structures may be located closer than forty (40') feet to any property line of a Mobile Home and Modular/Manufactured Home Park, regardless of whether that property line abuts a lot, water body, road or other Right-of-Way.

2. Minimum Structure Setbacks –

a. Front Yard - In no case shall the long side of a mobile home or modular/manufactured home be located closer than thirty (30') feet from the edge of the street Right-of-Way; provided, however, that the short side (ends of unit) of a mobile home may be located no closer to a street Right-of-Way than twenty-five (25') feet.

b. Side and Rear Yards - No mobile home, modular/manufactured home or accessory building may be located closer than ten (10') feet to any side or rear lot line of an individual mobile home lot.

c. Distance Between Structures - Mobile homes, modular/manufactured homes and roofed structures attached thereto shall be separated from each other, and from other buildings, other than accessory structures, at their closest points by a minimum of twenty (20') feet; provided, however, that whenever two mobile homes have their longer sides parallel or essentially parallel to each other for more than twenty-five (25%) percent of the length of either mobile home or modular/manufactured home, the minimum distance between the two mobile homes or modular/manufactured home shall be thirty (30') feet.

51.11.4 Home Occupation

- A. The home occupation shall be clearly secondary to the principal residential nature or use of the dwelling.
- B. There shall be no more than two (2) home occupations permitted per lot. The area devoted to the permitted occupation may be located within the owner's residence or a single building accessory thereto (including a farm building, i.e. a barn, shed, etc., in the Agricultural District). No more than a total of 25% of the gross floor area of the dwelling may be devoted to the home occupation located at the site.
- C. There shall be no change in exterior dimension of the dwelling to accommodate the home occupation, except as may be necessary for safety purposes.
- D. Persons engaged in a permitted home occupation shall be limited to the members of the household of the operator residing on the premises and no more than two (2) non-resident employees may be engaged in the home occupations.
- E. The majority of all goods or products sold on the premises must be produced on the premise.
- F. A home occupation shall not in any way alter the residential character of a neighborhood nor in any way adversely affect the safe and comfortable enjoyment of individual property rights of the neighborhood in which the use is located.

- G. No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be produced or detected at or beyond the property line of the lot containing the home occupation.
- H. The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood.
- I. One exterior display or sign no larger than 18" X 24", or a total area of 432 square inches, shall be allowed on the property where the home occupation is located.
- J. A minimum of two (2) additional off-street parking spaces shall be provided for each home occupation.
- K. Home occupations may include, but need not be limited to, any of the following activities provided that such use is clearly incidental and secondary to the principal residential use of the structure:
 - 1. Medical, dental, insurance, real estate and other professional offices;
 - 2. Custom dressmaking, tailoring and milliner facilities;
 - 3. Artist or musician studios;
 - 4. Tutoring facilities;
 - 5. Barber and beauty shops;
 - 6. Arts and crafts or antique shops;
 - 7. Custom baking or catering services; and
 - 8. Woodworking or carpentry shops.
- L. Other home occupations not specified above may be permitted upon finding of the Zoning Officer that such use complies with the criteria of this Section, other applicable codes and ordinances, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is to be located.

51.11.5 No-Impact Home-Based Business

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

51.11.6 Non-Commercial Keeping of Chickens

- A. Residents are permitted to keep chickens in the Agriculture (A), Village Mixed Use (V-1), Village Residential (V-2), Forested Conservation (FC) and Rural Residential (RR) Districts for personal use. Roosters are permitted for non-commercial purposes in all Zoning Districts except the Village Mixed Use (V-1) and Village Residential (V-2) Districts.
- B. For any property within the Village Mixed Use (V-1) and Village Residential (V-2) Districts, the maximum number of chickens allowed shall be six (6).
- C. Chickens shall be kept in a shingle roofed coop that is sanitary, ventilated, predator resistant, and enclosed in a way that contains the hens. An outdoor run is required which is predator proof and shall be enclosed so the chickens are contained.
- D. The coop and run shall not be located in the front or side yard areas within the Village Mixed Use (V-1) and Village Residential (V-2) Districts. The location of the coop and run shall follow the setback requirements for accessory structures.
- E. It shall be unlawful for the owner of any chickens to allow the same to run at large upon any of the common thoroughfares, sidewalks, passageways, play areas, parks, streets, alleys, or public highways or any place where people congregate or walk, or upon any public or private property. Any chicken not contained within an approved coop or run shall be deemed "at large."
- F. An owner of chickens within the Township is hereby required to house the same at all times under sanitary conditions so that the keeping of chickens shall not become either a public or private nuisance. The following provisions apply:
 - 1. All chicken feces accumulated on private property shall be removed by using the approved sanitary method of double bagging and placed in the trash for collection unless composted as provided for below.
 - 2. All coops and runs shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at any

property line of the lot on which the chickens are kept. In cases where chicken feces does accumulate on private property, the Township Ordinance Enforcement Officer may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and the owner shall be ordered to remove and dispose of the accumulated feces in an approved manner. Written notice shall be provided to the owner of the property which has been declared a public health hazard or nuisance of such violation and a time period not to exceed seven (7) days shall be given to abate the violation.

- G. It shall be unlawful for a person to spread, cause to be spread or to deposit chicken manure upon any ground or premises within the Township. However, chicken manure may be composted on the property where the chickens are housed and the composted material then applied to gardens and yards.
- H. Slaughtering or butchering of chickens for personal consumption or religious practices shall be permitted, provided that it is done wholly on the property where the chickens are kept. Slaughtering or butchering shall be conducted only in an indoor location and any waste created from slaughtering or butchering shall be disposed of in a proper and sanitary manner. Commercial slaughtering or butchering is prohibited.
- I. All feed, water and other items associated with the keeping of chickens shall be stored and dispensed in a way that prevents infestation by rats, mice, or other rodents or vectors. Failure to keep all feed, water and other items associated with the keeping of chickens in a clean and sanitary condition constitutes a violation of this Ordinance.

51.11.7 Non-Commercial Keeping of Livestock

- A. Non-Commercial Keeping of Livestock is a permitted accessory use in the Agriculture (A), Village Residential (V-2), Forested Conservation (FC) and Rural Residential (RR) Districts, subject to the following:
 - 1. Lot size and density restrictions
 - a. Large animals shall be permitted at a density of two (2) Animal Equivalent Units for each five (5) acres of unoccupied lot area dedicated to the housing and pasturing of Livestock. For ease of calculating, this is equivalent to 0.4 Animal Equivalent Units per acre.
 - b. Small animals shall be permitted at a density of six (6) animals per one (1) acre.
 - c. Minimum lot size of one-half (1/2) acre shall be required for the Non-Commercial Keeping of Livestock.
 - d. When calculating lot size and density restrictions, buildings, septic systems, driveways, gardens and front yards must be removed from consideration when calculating the number of Livestock permitted. The area

used for calculations shall be clearly unoccupied lot areas dedicated to the housing and pasturing of Livestock.

e. In the event any Livestock, excluding chickens, game birds and fowl, gives birth, thereby exceeding the number of livestock allowed by the minimum set forth in this subsection, the owner of said Livestock and/or the occupier of the premises where the Livestock reside shall conform to the number of Livestock for the density requirements within one year of the birth of the Livestock. Chickens, game birds and fowl shall conform to the number for the density requirements within six (6) months of the birth of the Livestock.

2. Setback requirements

a. Livestock structures, excluding structures for chickens, fowl, game birds, rabbits and other similar animals shall be located a minimum of thirty (30') feet from all property lines.

b. Livestock structures for fowl, game birds, rabbits and other similar animals shall be located in accordance with the setback requirements of the Agriculture (A), Village Residential (V-2), Forested Conservation (FC) and Rural Residential (RR) Districts,.

c. Livestock structures shall not be permitted in the front yard in the Village Residential (V-2) Zoning District.

3. Fencing

a. All Livestock shall be kept within a livestock enclosure at all times when the Livestock are not leashed, haltered or bridled and under the direct control of the owner or an authorized agent of the owner of the Livestock.

b. The height of the fencing shall be sufficient to keep the Livestock within the pen and shall be adequately constructed to prevent the Livestock from being able to escape from their confines.

4. Manure management

a. Non-Commercial Keeping of Livestock must comply with the Pennsylvania Nutrient Management Regulations, Pa. Code Title 25, Chapter 83, as required by the Department of Environmental Protection.

b. A minimum setback of one hundred (100') feet shall be provided for any area or structure used for the storage of animal wastes and applies to all property lines, wetlands, and waterways.

c. All Livestock wastes shall be properly stored and disposed of, so as not to be objectionable at the property line of the site where the Livestock reside.

d. The owner of the Livestock shall show that adequate provisions are being implemented to collect, store and dispose of the manure and other litter associated with the keeping of the Livestock. The containers to be used in the process shall be kept covered and shall be cleaned on a regular basis to avoid the potential for odors.

5. Animal Care

a. All Non-Commercial Keeping of Livestock must comply with the standards of Title 18 of the Pennsylvania Statutes, regarding animal cruelty provisions.

b. A shelter for the Livestock shall be provided. The structure shall have no less than one (1) wall and a sufficient roof area to provide a weather-proof shelter.

c. The shelter shall be of sufficient size to enable the Livestock to comfortably stand, turn around and lay down.

d. The shelter shall be ventilated to maintain the Livestock's health, control ambient temperature, and prevent accumulation of toxic gases.

6. General requirements

a. Livestock structures shall comply with the building height requirement in the Agriculture (A), Village Residential (V-2), Forested Conservation (FC) or Rural Residential (RR) District.

b. Livestock structures shall be kept in a sanitary condition and free from unpleasant odors and from conditions contributing to the breeding of flies.

c. The raising of Livestock for commercial use or profit is not permitted with the exception that Livestock raised for FFA or 4-H purposes may be sold by the FFA or 4-H program participant as part of the FFA or 4-H program.

d. The conversion of Non-commercial Keeping of Livestock to a commercial Livestock operation shall not be permitted.

e. The slaughtering of Livestock on the property where the Livestock are kept shall not be permitted in the Village Residential (V-2) Zoning District.

f. The disposal of dead animals shall be in accordance with the Domestic Animal Law, (3 Pa.C.S.A. § 2352). Dead animals shall be disposed of within 48 hours after death.

g. Non-commercial Keeping of Livestock shall not constitute a nuisance with regard to noise, odor, vectors, dust, vibration, or other nuisance effects beyond the property lines.

h. Animal feed that is not stored in the livestock structure shall be stored in sealed, rodent proof containers.

Commercial Uses

51.11.8 Adult-Oriented Business

A. Permits required. No person shall operate an Adult-Oriented Business without first obtaining a Zoning Permit as provided in this Ordinance and all other applicable permits required by law. The Zoning Permit will be reviewed annually for compliance. The Zoning Officer will also perform regular inspections.

B. Minimum Spacing and Proximity Requirements.

1. No Adult-Oriented Business shall be located within specified distances of certain land uses as set forth below:

a. No Adult-Oriented Business shall be located within five hundred (500') feet of any other Adult-Oriented Business.

b. No Adult-Oriented Business shall be located within five hundred (500') feet of the property line of a residential dwelling.

c. No Adult-Oriented Business shall be located within one thousand (1,000') feet of any parcel of land, which contains any one or more of the following specified land uses:

- (i.) Campground;
- (ii.) Church and Places of Worship;
- (iii.) Park;
- (iv.) Playground;
- (v.) Private School;
- (vi.) Public School;
- (vii.) Residential Dwelling.

d. The distance between any two (2) Adult-Oriented Business establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of each establishment. The distance between any Adult-Oriented Business establishment and any land use specified in Subparagraph (c) above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the Adult-Oriented Business establishment to the closest point on the property line of said land use.

C. No person operating an Adult-Oriented Business shall permit, or cause to be permitted, any stock in trade, which depicts, describes, or relates to specified

sexual activities and/or specified anatomical areas to be viewed from the exterior of the building.

- D. Any building or structure used and occupied as an Adult-Oriented Business shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed.
- E. No person shall place or cause to be placed or maintained in such a location as can be viewed by persons on any public street, any sign or signs, photographic, pictorial, or other graphic representation, that depict in whole or in part the following:
 - 1. Act or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - 2. Scenes where a person displays the vulva or the anus or other genitals.
 - 3. Scenes where artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above.
 - 4. Any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.
- F. Each and every entrance to the structure shall be posted with a notice of at least four (4) square feet that the use is an Adult-Oriented Business to restrict persons under the age of eighteen (18) from entrance.
- G. No unlawful sexual activity or conduct shall be performed or permitted.
- H. Any use or activity prohibited by the Pennsylvania Crimes Codes as amended and further defining the offense of obscenity, redefining obscene and further providing for injunctions shall be prohibited.

51.11.9 Tavern or Nightclub

- A. A Tavern or Nightclub shall be located a minimum of one thousand (1,000') feet from any school, child or adult daycare facility, community activity center, cultural facility or church or house of worship.
- B. The Applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light, noise and/or litter.
- C. Buffers and screens shall be in accordance with Article XII of this Ordinance.
- D. Necessary permits for water supply and sanitary waste disposal must be obtained.

Utility Uses

51.11.10 Communication, Transmitting and Receiving Facility

- A. Applications for the construction of a Communication, Transmitting and Receiving Facility shall include a written report containing the following:
1. Information describing the tower height and design.
 2. A cross-section of the structure.
 3. Engineering specifications detailing construction of tower, base, and guy wire anchorage.
 4. Information describing the proposed painting and lighting schemes and a description explaining how the facility will be designed to blend in with its surroundings. Context-sensitive design is encouraged in the area in which it is located, particularly in forested and agriculture areas.
 5. Information describing the tower's capacity, including the number and type of antennas that it can accommodate.
 6. Written certification of all tower structure information by a licensed professional engineer.
 7. If the location is proposed for a Heritage Inventory Site, as identified on the Centre County Heritage Inventory, or within a forest conservation district, an alternatives analysis must be performed to certify that there is not a suitable space on existing sites or structures where the intended facility can be accommodated and function with reasonable modification. This certification shall include:
 - a. An inventory of existing antennae support structures within a two (2) mile radius of the proposed site discussing the availability or unavailability of sites and reasons therefore;
 - b. Evidence of the Applicant's good faith efforts to locate the antenna on an existing structure;
 - c. Technological evidence that the facility must go where proposed in order to satisfy its function in the grid system and provide quality of service required by law; and
 - d. If no alternative site is available, a statement shall be provided regarding any adverse effects the facility would have on fauna, flora, and wildlife habitats.
 8. Written authorization from the property owner of the proposed site.
- B. The Applicant shall be licensed by FCC to operate a communication tower and/or communication antenna.

C. All other uses ancillary to the antenna, tower, and associated equipment are prohibited (except accessory equipment buildings) unless otherwise permitted in the Zoning District in which the site is located. This includes, but is not limited to, business offices, maintenance depot and vehicle storage.

D. Other standards of approval for antenna support structures and antenna related facilities include the following:

1. Setbacks.

a. Antenna support structures shall be set back from all property lines a distance equal to the yard setbacks applicable to other principal structures in the Zoning District.

b. The foundation and base of any Communications Tower shall be set back from a property line (not lease line) location in the Village Mixed Use (V-1) and Village Residential (V-2) Districts at least one hundred (100') feet and shall be set back from any other property line (not lease line) at least fifty (50') feet.

c. Structures shall be self-collapsing or have a clear fall area setback equal to the height of the structure and any attached antennae.

2. Antenna Support Structure Height.

a. The maximum height of any single antenna support structure located at a single site for one antenna shall be limited to fifteen (15') feet on existing structures or at the lowest height to function at the proposed location, based upon specific engineering data pertaining to the function of the antenna support structure to be supplied to the applicant.

b. An antenna support structure may exceed the maximum allowable height to allow for the co-location of another antenna; provided that the applicant shows the evidence that, the antenna support structure will be a shared location site.

c. The height of communication towers should be limited to two hundred (200') feet so as not to exceed the nearest ridgeline height.

3. Landscaping and Screening.

a. If the antenna support structure site is located in an area of existing woodlands, the existing woodlands shall not be disturbed or diminished beyond the minimum extent necessary. The existing woodlands shall be supplemented as needed to fully screen antenna support base.

b. If the site is not wooded, the entire outside perimeter of the fence surrounding the antenna support structure compound shall be planted with evergreen trees (or other planting as approved by the Township) at least six (6') feet in height at the time of planting. The planting area around the

antenna support structure shall have a minimum radius of ten (10') feet. The evergreens shall be planted every five (5') feet on center.

c. The site shall be landscaped to a density and height sufficient to screen the facility base tower and buildings from abutting properties.

4. Equipment or Accessory Buildings - Accessory buildings must conform to the yard setbacks as required for the Zoning District in which the tower is located.

5. Parking - At least two (2) off-street parking spaces shall be provided within the fenced area.

6. Security, Maintenance, and Fencing

a. The site shall be secured by a fence with a minimum height of six (6') feet and maximum height of eight (8') feet to limit accessibility by the general public.

b. All guy wires shall be clearly marked so as to be visible at all times and shall be located within the fence enclosure.

c. All equipment and buildings shall be constructed and maintained in accordance with the Pennsylvania Uniform Construction Code.

7. Lighting and Signs

a. No signs 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.

b. All communication towers shall have lights as may be required by the Federal Communications Commission, Federal Aviation Administration, or other governmental agency which has jurisdiction.

8. Color - Antenna support structures shall be painted in the color that best allows it to blend into the surroundings unless otherwise required by the Federal Aviation Administration regulations. The use of grays, blues, brown, and greens may be appropriate.

9. Antenna Support Structure Design and Structural Integrity - The owner of the antenna or antenna support structure shall provide a registered professional engineer's report documenting that the structure meets the structural standards of the applicable building code.

10. Other

a. A formal land development plan is not required if the antenna is to be mounted on an existing suitable and sound structure or antenna support structure.

b. Evidence shall be submitted from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, taking into consideration winds and other loads associated with location.

c. The Applicant, owner, or operator of the antenna shall be licensed by the Federal Communications Commission.

d. The tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation, and applicable Zoning regulations.

e. Certification of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per incident and property damage coverage in the minimum amount of \$1,000,000 per incident is required to cover the tower, antenna, and structures.

11. Abandonment

a. If an antenna support structure is unused as evidenced by notice to the Federal Communications Commission of intent to cease operations for a continuous period of twelve (12) months after said notice, it shall be deemed abandoned or if the antenna is out of operation for the same time period.

b. Any antenna support structure or antenna that is deemed to be abandoned must be removed within one hundred and eighty (180) days.

c. Removal of the antenna support structure shall be the responsibility of the owner of the antenna support structure. At the time of land development plan approval, the owner and/or his successors and assigns of the antenna support structure must enter into an agreement with the Township regarding the removal of an abandoned antenna support structure as herein defined.

d. In the case of multiple operators sharing the use of a single tower, this provision shall become effective when all users cease operation.

e. Prior to erection of such facility, the owner shall be bonded for the cost of removal based on an estimated value of removal and shall submit proof of the bond annually.

51.11.11 Essential Services

Essential Services shall meet the following site standards:

- A. Maintain the character of the Zoning District in which they are proposed.
- B. Be located so as not to hinder the natural or presumed development of the area or detract from the value of existing development.
- C. Do not constitute a safety or health hazard, a nuisance or have a noxious effect on the surrounding uses either to appearance or operations.

- D. Operating requirements necessitate the location of such uses and buildings within a Zoning District to serve the uses in the immediate vicinity of the essential service.
- E. Business facilities (e.g., administrative offices, repair facilities, storage areas for equipment and materials, etc.) of any essential service shall only locate in Zoning Districts in which such similar uses are allowed.

Industrial Uses

51.11.12 Junkyard

- A. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8') foot high opaque fence which shall be set back at least fifty (50') feet from all property lines and one hundred (100') feet from residentially-zoned or existing residential properties.
- B. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
- C. All completely-enclosed buildings used to store junk shall be set back at least fifty (50') feet from all property lines.
- D. No material may be stored or stacked so that it is visible from adjoining properties and roads.
- E. All additional Federal and State laws shall be satisfied. The Applicant shall provide documentation of compliance to the Zoning Officer from the applicable State or Federal agency.
- F. All junk shall be stored or arranged so as to permit access to firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8') feet. Junk shall be spaced in rows with at least twenty (20') feet between each double row so as to permit movement of firefighting equipment.
- G. No oil, grease, tires, gasoline, or other similar material shall be burned at any time. No hazardous materials as defined by State and Federal regulations shall be stored or burned at any time.
- H. A Junkyard shall be maintained in such a manner as to cause no public or private nuisance, not to cause any offensive or noxious sounds or odors, and not to cause the breeding or harboring of rats, flies, mosquitoes, or other vectors of disease.
- I. No Junkyard shall be located on land with a slope in excess of eight (8%) percent, prime agricultural soils, sinkhole prone soils, wetlands, woodlands, or floodplains.

51.11.13 Mining

- A. The Applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the Township upon receipt of the permit.
- B. The Applicant shall present duplicate sets of the plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the Township. The operator shall continue to present such documentation to the Township when it is submitted to the Department of Environmental Protection.
- C. A vegetative screen shall be provided. Where adjacent to a residential district, or public Right-of-Way, berms shall be constructed and planted with trees and shrubs to screen the operation completely from normal view.
- D. The Applicant shall demonstrate that the surface and subsurface water supplies for neighboring properties shall not be adversely affected by the proposed use. In order to fulfill this requirement, the applicant shall submit PA DEP approvals to the Township.
- E. The mine operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, locks, gates, and other means to deny access at unauthorized times.
- F. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- G. Sufficiently-long vehicle stacking lanes into the facility shall be provided so that waiting vehicles to be weighed or loaded will not back-up onto public roads.
- H. All Access Drives onto the site shall be paved in accordance with the applicable County or Township Subdivision and Land Development Ordinance.
- I. The operator shall maintain and make available to the public at its on-site office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- J. The operator shall provide the Township with copies of any notices of violation received from the Department of Environmental Protection or U.S. Environmental Protection Agency within two (2) weeks from the date such notice of violation was received by the operator.
- K. All mining operations shall comply with the following requirements:
 - 1. Shall not injure or detract from the lawful existing or permitted use of neighboring properties;

2. Shall not create any damage to the health, safety, or welfare of the Township or its residents or property owners;
 3. Shall not pollute the air in excess of standards set by federal or state statutes or regulations;
 4. Shall not create noises in excess of permitted levels established by federal or state statutes;
 5. Shall not exceed the blasting parameters established by the Pennsylvania Department of Environmental Protection;
 6. Shall not permit the emission of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property damage, including damage to special habitats or natural heritage areas as defined by the Pennsylvania Natural Diversity Inventory at any point beyond the property line of the emission source;
 7. Shall not impede the flow of natural watercourses;
 8. The storage of explosives and blasting agents, the bulk storage of flammable or combustible liquids and the bulk storage of liquefied petroleum gas must comply with state and federal regulations applicable to the types of storage stated in this subsection; and
 9. Shall not create storage for Junk or accessory Junkyard.
- L. A reclamation plan shall also be submitted to the Township as per PA DEP regulations
- M. As a condition of approval, the operator must provide evidence of a PA DEP approved reclamation plan showing that after the termination of operations, they must rehabilitate the area and conform to all applicable federal and state statutes and regulations.
- N. No structures or parking areas shall be located closer than one hundred (100') feet to any property line.
- O. Waste products or waste containers may be placed within side and rear yards, provided that they are screened from adjoining roads and properties. All such containers shall be set back not less than one hundred (100') feet from any adjoining property. All such containers shall be completely enclosed by a solid fence.
- P. Where screening, plantings or fencing has been installed, such screening, plantings and fencing shall be permanently maintained. All plant materials, which die, shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.

51.11.14 Power Generation Facility

A. Every Power Generation Facility shall be operated so that it does not emit a dangerous level of heat, glare, radiation, noise, vibration, fumes, odors or other objectionable emission beyond any boundary of the site on which the Power Generation Facility is located.

B. Outdoor storage and waste disposal.

1. No material or wastes shall be deposited upon a site in such form or manner that it may be transferred off site by natural causes or forces.

2. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents shall be stored outside in closed containers.

C. A Power Generation Facility shall comply with all applicable Federal and State air, water quality, environmental and regulatory permits and requirements including, but not limited to, the permits and approvals listed below. The Applicant shall provide documentation of compliance to the Zoning Officer from the applicable State or Federal agency.

D. Landscape Requirements

1. The landscape provisions in this Ordinance are intended to encourage development of an attractive working environment, to buffer objectionable views, to provide year-round landscape, and to provide for the mitigation of environmental impacts.

2. All screenings and buffers required by Section 51.12.5 shall be provided.

3. Landscaping is not required for side and rear property lines behind the front building setback line for property abutting other industrial zoned property.

4. Parking shall not be permitted in the screening or buffer area abutting any street.

E. Emergency Plan of Access

1. A written Plan of Access must be provided by the owner in the event of emergency conditions such as fire. The owner's plan of action for emergency access to buildings shall be submitted to the Township's Emergency Management Officer, Centre County EMA Office and the fire companies at the time of submission of an application for a Zoning Permit.

51.11.15 Solid Waste Processing and Disposal Facilities

A. The Applicant shall obtain any required permit or permits from the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any successor agency thereto, and shall present such permit or permits to the Township upon receipt.

- B. The Applicant shall present duplicate sets of plans, specifications, applications and supporting data that have been or shall be presented to the Department of Environmental Protection for review to the Township. The operator shall continue to present such documentation to the Township when it is submitted to the Pennsylvania Department of Environmental Protection.
- C. Operation of the facility shall at all times comply with all applicable State and Federal statutes and regulations. This shall include, but not be limited to, the Municipal Waste Planning, Recycling and Waste Reduction Act or any subsequent amendment or enactment of the Pennsylvania General Assembly regulating waste recycling and recovery and the regulations of the Pennsylvania Department of Environmental Protection implementing such statutes. The Applicant shall provide documentation of compliance to the Zoning Officer from the applicable State or Federal agency.
- D. Operation of the facility shall at all times comply with all applicable regulations of the Centre County Solid Waste Authority or any successor agency. Any permits or approvals required by such agency shall be obtained by the applicant and evidence of the grant of such permits or approvals shall be submitted to the Township.
- E. A fence measuring eight (8') feet high shall enclose the facility. The fence used shall have openings less than three (3") inches in any dimension, if any. A vegetative screen must be provided along the outside of the fence, facing away from the facility, with plantings at least thirty-six (36") inches high and placed in a double-staggered row with not less than five (5') feet on center between plants. The vegetation shall be of a variety to obtain a height of at least eight (8') feet at maturity. All screenings, and buffers required by Section 51.12.5 shall be provided.
- F. The Applicant shall demonstrate that the water supplies for neighboring properties shall not be adversely affected by the proposed use.
- G. The operator shall limit access to the site to those posted times when an attendant is on duty. In order to protect the public health, safety and welfare, access drives shall be secured by fences, gates, locks, or other means to deny access at unauthorized times.
- H. Vehicular access shall be designed as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- I. Sufficiently-long vehicle stacking lanes into the facility shall be provided so that vehicles waiting to be weighed or unloaded will not back up onto public roads.
- J. All driveways onto the site shall be paved to a roadway width of twenty-four (24') feet for a distance of at least one hundred (100') feet from the street Right-of-Way line. In addition, a one hundred (100') foot crushed stone section of access drives shall be placed just beyond the preceding one hundred (100') foot paved section to help collect any mud that may be attached to a vehicle's wheels.

- K. The Applicant shall provide a traffic study, prepared by a professional engineer experienced in the field of traffic analysis, of the physical conditions of the primary road system serving the site.
- L. If the traffic study demonstrates that improvements to Township roads shall be required in order to serve the proposed use or to alleviate the direct impacts of the proposed use upon the traffic network, the Applicant shall make such improvements and/or provide or guarantee financial security in an amount sufficient to cover the cost of such improvement.
- M. The operator shall maintain and make available to the public at its office all permits and approved plans required by all governmental regulatory agencies having jurisdiction over the permitting, operation, maintenance and/or reclamation of such a facility.
- N. The operator shall provide the Township with copies of any notices of violation received from the Pennsylvania Department of Environmental Protection or U.S. Environmental Protection Agency within two (2) weeks from the date such notice of violation was received by the operator.
- O. Litter control measures shall be implemented to prevent scattering of materials.
- P. All municipal waste awaiting recycling or resource recovery shall be stored within an enclosed area bounded by solid walls or fences and maintained in such a manner as to cause no public or private nuisance, not to cause any offensive or noxious sounds or odors and not to cause the breeding or harboring of rats, flies, mosquitoes, or other vectors of disease.
- Q. A three hundred (300') foot setback shall be maintained from all property lines during the operation of the recycling or resource recovery facility within which recycling or resource recovery activities shall be permitted.
- R. No structures shall be located closer than three hundred (300') feet to any property line.
- S. Where screening, plantings or fencing has been installed, such screening, plantings and fencing shall be permanently maintained. All required plant materials, which die, shall be promptly replaced in accordance with recognized nursery standards. All fencing shall be maintained in good repair.
- T. The unloading, transfer and deposition of materials shall be continuously supervised by a qualified facility operator. Vibrations and emissions into the air shall not be permitted outside the property. All regulations relating to the control of noise shall be observed.

51.11.16 Contractor's Shop and Yard

A contractor's shop and yard may be permitted as a Conditional Use in the Industrial zoning district as specified in the district regulations, Article IX.

- A. Construction, fabricating and fitting activities shall be conducted within an enclosed building or structure.
- B. Storage yards/staging areas shall not be limited in size if all required setbacks are met, but shall be buffered, screened and/or fenced from adjacent areas.
- C. Minimize potentially noxious, hazardous or nuisance occurrences to any adjacent property, including the provision of buffer yards and/or screening.
- D. Parking requirements for Contractor's Shops and Yards are listed under Article XIV Off-Street Parking/Loading.
- E. A "*Contractor's Shop and Yard*" that adjoins an existing residential district shall not begin mechanical or repair operations until 7:00 a.m. and shall cease these operations by 8:00 p.m.
- F. The Board of Supervisors may attach additional conditions pursuant to this section in order to protect the public's health, safety and welfare. These conditions may include but not be limited to increased setbacks.

Article XII

General Regulations

51.12.1 Purpose

The regulations set forth by this Article shall be minimum regulations and shall apply uniformly to each class of land use or kind of structure, except as provided herein.

51.12.2 Accessory Structures and Uses

- A. Unless otherwise indicated in the District Regulations or Article XI, the following requirements shall apply to accessory structures and uses, in any Zoning District in which they occur.

1. Attached Structures. An accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
2. Non-Attached Structures. A non-attached structure, standing apart from the principal structure, shall meet the following requirements:
 - a. An accessory structure may be built in a front yard, side yard or rear yard except in the Village Mixed Use where an accessory structure may not be built in a front yard.
 - b. Accessory structures shall not be placed within a public right-of-way.
3. Fences and Walls. The following regulations shall apply to the height and location of fences and walls.
 - a. No fence or wall (except a retaining wall, a wall of a building, or a wall or fence constructed in accordance with Article XI of this Ordinance) shall be erected to a height of more than four (4') feet in the front yard area and more than six (6') feet in any other yard area, in any Zoning District other than the Industrial District.
 - b. No fence or wall (except a retaining wall, a wall of a building, or a wall or fence constructed in accordance with Article XI of this Ordinance) shall be erected to a height of more than eight (8') feet in any yard in the Industrial District.
 - c. No fencing shall be erected which inhibits the sight distance at a street intersection, driveway or the clear sight triangle as established in the Centre County Subdivision and Land Development Ordinance or Township Subdivision and Land Development Ordinance, as applicable.
 - d. No fence shall be erected less than two (2') feet of the property line without written agreement between the adjoining property owner(s) on the placement location.
 - e. Fencing that is temporary and/or internal to a property with an agriculture operation shall be exempt from this Ordinance and all permit requirements of the Township.
4. Swimming Pools. Every outdoor swimming pool must conform to all applicable Township and Commonwealth codes and shall be subject to the following regulations:
 - a. No swimming pool shall be constructed in a front yard.
 - b. A swimming pool shall be setback a minimum of ten feet (10') from a property line, septic tank, absorption area or an impervious surface.

c. Water may not be discharged from a swimming pool directly onto adjacent properties or rights-of-way.

5. Forestry Operations. To encourage maintenance and management of forested or wooded open space and promote the conduct of forestry as a sound and economically viable use of forested land and forestry activities, including, but not limited to timber harvesting, and to be in compliance with the Pennsylvania Municipalities Planning Code, as amended, forestry shall be a permitted use by right in all Zoning Districts. The following standards apply to all commercial timber harvesting within the Township. These provisions do not apply to the cutting of trees for the personal use of a landowner or for pre-commercial timber stand improvement. The following requirements shall apply to all commercial timber harvesting operations in the Township:

a. Documentation of compliance with the requirements of all applicable state regulations including, but not limited to, the following: erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. Section 691.1 et seq; and stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. Section 693.1 et seq.).

b. Responsibility for Road Maintenance and Repair and Road Bonding Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189. The landowner and the operator shall be responsible for repairing any damage to Township roads, where weight limits have been set, caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages.

c. Violations Notices and Suspensions. Upon finding that a timber harvesting operation is in violation of any provision of these standards and regulations, the Township shall issue the operator and landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken and compliance achieved. The Township may order the immediate suspension of any operation upon finding that corrective action has not been taken by the date specified in a notice of violation. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by the Township, the operation is brought into compliance with the regulations herein or other applicable statutes or regulations.

6. Essential Service Structure. Essential Service structures shall be permitted in any Zoning District without regard to the use and area regulations, provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

a. Front, side and rear yards shall be provided in accordance with the regulations of the Zoning District in which the facility is located.

b. Height limitations shall be as set forth in the Zoning District regulations in which the facility is located.

c. Un-housed equipment shall be enclosed with a chain link fence six feet (6') in height.

d. Housed equipment, when the equipment is totally enclosed within a building, shall not require a fence or screen planting. However, the yard areas shall be in conformity with the Zoning District in which the facility is located.

e. The fence required for un-housed equipment shall be surrounded by an evergreen planting.

51.12.3 Lot Standards

A. Lot Area. The area, width and depth of lots shall provide adequate area for off-street loading, unloading, and/or parking space. Parcels with on-lot wastewater facilities and on-lot water service shall be provided with area in addition to the above-mentioned areas to accommodate an on-lot wastewater system and a replacement area and on-lot water service.

B. Yard and Setbacks.

1. Setbacks to Prevent Obstructions to Vision:

a. Walls, fences, signs, and vegetation which cause danger to traffic on any street by obscuring the clear sight triangle in accordance with the County Subdivision and Land Development Ordinance or Township Subdivision and Land Development Ordinance, as applicable, shall be prohibited.

2. All front yard setbacks shall be measured from the right-of-way line.

3. A front yard setback shall be required from each street on a corner lot. The rear yard shall be the yard opposite the yard designated by the property owner as the front and shall meet the rear yard requirements. The remaining side yard shall meet the side yard requirements.

4. Reverse Frontage Lots or Through-Lots. A front yard setback shall be required from each street, excluding alleyways, on reverse frontage or through-lots.

5. Building Extensions within a Setback.

a. Cornices, chimneys, steps, stoops, canopies, and similar extensions, including fire escapes and eaves, may be within the minimum front, side or rear yard setback.

b. Covered porches and patios, whether enclosed or unenclosed, shall be considered a part of the main building and shall not project into any front, side or rear yard setback.

51.12.4 Building and Structure Requirements

A. Height Regulations. The following height regulations shall apply throughout the Township:

1. The height regulations do not apply to the following structures or projections, provided that such structures or projections are set back a horizontal distance from the property line at least equal to their height measured from ground level.

a. Telecommunications towers, water towers, antennas, utility poles, smokestacks, farm silos, windmills, flagpoles and sports facilities.

2. In no case shall any freestanding or rooftop structure that extends above the maximum permitted height be used for the purpose of providing additional floor space or residential, commercial or industrial purposes.

B. Unenclosed Storage Regulations.

1. In the Village Mixed Use and Village Residential Zoning Districts, no boats, campers, recreational vehicles, trailers, and/or trucks with more than two (2) axles, except personal pickup trucks, shall be stored or parked within any front yard.

2. In all Zoning Districts, with the exception of the Industrial District, no outdoor stockpiling of any material is permitted in the front yard or alleyways.

51.12.5 Buffer Yards and Screening

A. Location.

1. Buffer yards shall be required for all non-residential uses, with the exception of agriculture activities, abutting residential uses or within the Village Residential or Rural Residential Zoning Districts, except as provided in Subsections 3 and 4 below. The buffer yard shall extend the entire length or width of the property line adjoining the Village Residential or Rural Residential Zoning Districts.

2. Screening and landscaping shall be provided for all nonresidential uses when abutting a residential use or within a residential district.

3. Where arterial or collector streets or railroads serve as a Zoning District boundary, no buffering or screening is required along the Zoning District boundary line.

4. In the Village Mixed Use District, no buffer yards shall be required.

B. Description.

1. The buffer yard widths shall be as follows:
 - a. Commercial and institutional uses: Fifteen (15') feet.
 - b. Industrial uses: Twenty (20') feet.
2. All buffer yards shall be planted with grass, seed, sod, or ground cover, shall be maintained, and shall be kept clean of all debris, rubbish, and weeds.
3. No structure, manufacturing or processing activity, parking (including driveways other than those necessary for access to the lot in question), or storage of materials shall be permitted in the buffer yard, unless otherwise stipulated in District Regulations and Article XI, Use Regulations.
4. Buffer yards may be placed within any required building setbacks.

51.12.6 Illumination

All exterior lighting including, but not limited to, the illumination of any sign, shall be arranged and shielded with full cut-off luminaries to prevent illumination or glare upon adjoining properties and/or public right-of-way.

51.12.7 Access Drives and Driveways

Access drives shall be located and constructed so as to provide safe ingress and egress with respect to the lot. If the "access drive" provides access to a State highway, issuance of a highway occupancy permit by the Pennsylvania Department of Transportation shall be required prior to the issuance of any permit in this Ordinance. The development of all access drives and driveways shall meet the requirements of all applicable Commonwealth, County and local regulations.

51.12.8 Environmental Performance Standard

All uses of land, buildings, structures, or industrial processes, shall be prohibited that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration, vehicle operations or emissions, or similar substances or conditions; provided, however, that uses may be permitted as provided in each Zoning District, if adequate provisions and safeguards to protect the health, safety and the general welfare of the community are established by a written agreement, subject to the securing of a permit and subject to the carrying out of such provisions, restrictions, and safeguards.

51.12.9 Uses Not Provided For

Whenever under this Ordinance a use is not specifically permitted, the Zoning Officer shall make a determination if the use is similar to and compatible with a permitted use in the Zoning District in which the subject property is located. If the use is determined to be similar to and compatible with a permitted use in the Zoning District in which the subject property is located, is not permitted in any other Zoning District under this Ordinance, and in no way is in conflict with the general purposes

and intent of this Ordinance, it shall be permitted. However, in those cases where the use has been denied after an Applicant has made an application to the Zoning Officer for such use and the Applicant wishes to appeal the Zoning Officer's determination, the Zoning Officer shall refer the case to the Zoning Hearing Board to hear and decide such request (provided that the applicant pays the appropriate fees).

The Zoning Hearing Board shall have the authority to permit the use or deny the use in accordance with the PA Municipalities Planning Code, Act 247, as amended. The use may be permitted if it is similar to and compatible with a permitted use in the Zoning District in which the subject property is located, is not permitted in any other Zoning District under this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance. The burden of proof shall be upon the Applicant to demonstrate that the proposed use would not be detrimental to the public health, safety and welfare of the area.

Article XIII

Nonconformities

51.13.1 General Regulations

All lawful uses of land, a building, a sign or other structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold or maintained even though such use may not conform to the use, height, area, yard and other regulations of the Zoning District in which it is located, provided such nonconforming conditions complies with the applicable requirements of this Article.

51.13.2 Nonconforming Structures

- A. Continuation. Any nonconforming structure existing on the effective date of this Ordinance, or created by an amendment to this Ordinance, may continue although such structure does not conform to the dimensional requirements of this Ordinance.
- B. Restoration. A nonconforming structure, which has been damaged or destroyed by fire, explosion, windstorm, or other natural or criminal acts, shall

meet the following restoration requirements.

1. A nonconforming structure with damage affecting not more than seventy-five (75%) percent of its market value may be reconstructed providing the structure is restored to meet the following requirements.
 - a. The restored structure shall not exceed the height, area, and density of the original damaged structure.
 - b. The restoration of the structure shall commence within one (1) year from the date the structure was damaged, shall continue uninterrupted and be completed within one (1) year after the restoration is commenced, otherwise the nonconforming structure status shall be void.
 2. A nonconforming structure with damage in excess of seventy-five (75%) percent of its market value, shall not be repaired, reconstructed, or used unless the property owner demonstrates a hardship before the Zoning Hearing Board and a Variance is granted.
 3. All nonconforming signs, and similar structures, when discontinued for a period of six (6) months or more, or damaged to an extent of fifty (50%) percent or more of replacement costs, shall not be continued, repaired, or reconstructed.
- C. Demolition. In the event any nonconforming structure is destroyed, or partially destroyed, and the owner has determined that reconstruction or restoration is not feasible, the owner will be responsible for the complete removal of the structure and debris as well as the filling of any excavated area within one year after the structure suffers damage.
- D. Extension or Alteration. The following requirements shall apply to the extension or alteration of structures.
1. A nonconforming structure may be extended or altered, providing the extension or alteration conforms to all dimensional requirements and all other applicable regulations of this Ordinance.
 2. Where a structure is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard than the extension of the original building line.
 3. The proposed alteration will not cause an increased detrimental effect on the surrounding neighborhood.

51.13.3 Nonconforming Lots

- A. Continuation. Any nonconforming lot, due to its lot area or lot width, existing as of the effective date of this Ordinance, or created by an amendment to this Ordinance, may be continued although such lot does not conform to the lot requirements for the Zoning District in which it is located.

B. Development. The following requirements apply to the development and use of a nonconforming lot.

1. All the requirements of this Ordinance shall be met with the exception of lot area and lot width. Furthermore, no lot shall be developed unless the following requirements are met.

a. In residential districts, only one (1) single family dwelling may be erected and the following minimum side yards shall be provided:

(i.) Interior lots with a width of fifty (50') feet or more, two (2) side yards shall be provided as required by the Zoning District regulations.

(ii.) Corner lots with a width of fifty (50') feet or more, two (2) front yards shall be provided. The front yard opposite the interior side yard may be reduced by the number of feet the lot width is less than the Zoning District requirement, but may not be reduced to less than the minimum side yard requirement. The side yard shall be provided as required by the Zoning District regulations.

(iii.) On lots less than fifty (50') feet in width, but not less than twenty-seven (27') feet in width, two (2) side yards shall be provided, each equaling twenty (20%) percent of the lot width.

b. On a lot in the Industrial District, the required side yards shall be determined by the Zoning Hearing Board upon application for a Variance based on the same criteria as above for residential structures.

2. Where possible, contiguous parcels under common ownership shall be re-platted to create conforming lots.

51.13.4 Nonconforming Uses

A. Continuation. Any nonconforming use existing on the effective date of this Ordinance, or created by an amendment to this Ordinance, may be continued although such use does not conform to the provisions of this Ordinance. Change in ownership or possession of the use or property shall not prevent the continuance of the nonconforming use.

B. Extension. Extension of the nonconforming use shall be approved by the Zoning Officer subject to the following standards:

1. Extensions shall be limited to the lot upon which the use exists, or a contiguous lot held in common ownership at the time the use became nonconforming.

2. The extension of the nonconforming use shall not replace a conforming use.

3. The extension shall conform to the requirements of the underlying Zoning District and applicable supplementary regulations including, but not limited

to, lot, building, setback, coverage, buffering, height, parking and sign requirements.

4. The extension of uses within structures shall not exceed an increase of twenty-five (25%) percent of the gross floor area occupied by the nonconforming use at the time of the enactment of this Ordinance, or at the time of an amendment to this Ordinance which created the nonconforming use.

C. Change of Use. The following regulations shall apply to the change of nonconforming uses:

1. A nonconforming use changed to a conforming use shall not be permitted to be changed back to a nonconforming use.

2. A nonconforming use shall be permitted to be changed to another nonconforming use upon application to the Zoning Officer. The nonconforming use must meet the applicable requirements of Article XI of this Ordinance and the following standards:

a. The Applicant shall show the nonconforming use cannot be changed reasonably to a use permitted in the Zoning District in which the nonconforming use is located.

b. The Applicant shall demonstrate the change will be less objectionable in external effects than the existing nonconforming use including, but not limited to:

(i.) Traffic impact;

(ii.) Environmental impact (e.g., noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration);

(iii.) Solid waste disposal; and

(iv.) Appearance.

c. The Applicant shall demonstrate the change will meet all other applicable requirements of this Ordinance, including but not limited to, parking, buffering, and signage.

D. Abandonment, Discontinuance and Delinquency.

1. The ceasing of a nonconforming use in a building or structure for a continuous period of one (1) year or more shall be considered the abandonment of the nonconforming use. Subsequent use of such building or structure shall be in conformity with the provisions of this Ordinance.

2. The ceasing of a nonconforming use of land for a period of six (6) months or more shall be considered the abandonment of the nonconforming use with the exception of normal farming practices, such as, the rotation of

crops. Subsequent use of such land shall be in conformity with the provisions of this Ordinance.

3. In the case of the death of the property owner and/or settling of an estate, the discontinuance of the nonconforming use shall not be considered an abandonment of the use in accordance with Section D(1) and (2) above until the estate is settled or a court order has been entered regarding the estate's disposition. A one (1) year grace period after such settlement or court order shall apply.

4. A nonconforming use shall be deemed abandoned in the event the Township or County acquires an unredeemed, tax delinquent property and sells said property. Subsequent use of the land shall be in conformity with the provisions of this Ordinance.

51.13.5 Documentation of the Nonconformance

- A. At the request of the property owner and based on evidence provided to the Zoning Officer, the Zoning Officer shall issue a Certificate of Nonconformance and shall register the nonconformity in the Township Log of Nonconformities, which shall be for the purpose of insuring to the owner the right to continue a nonconforming building or use. If no documented evidence is produced, it shall be assumed that the nonconformance is not a preexisting condition.
- B. The Certificate of Nonconformance and the Nonconformity Log shall set forth in detail all of the nonconforming conditions of said property.
- C. The Township shall retain a copy of the Certificate of Nonconformance in the Haines Township Log of Nonconformities.

Article XIV

Off-Street Parking and Loading

51.14.1 Purpose

The purpose of this Article is to develop standards for the provision of off-street parking and loading facilities for all uses including the size, quality, location and design of these facilities.

51.14.2 Minimum Size of Parking Spaces

- A. Standard Spaces. A parking space shall be a minimum of nine (9') feet wide by eighteen (18') feet deep.
- B. Spaces required under ADA. Parking spaces for the physically challenged shall be a minimum of thirteen (13') feet wide by eighteen (18') feet deep and shall be located in an area of less than five (5%) percent slope.

51.14.3 Schedule of Required Parking Spaces

- A. Off-street parking spaces shall be provided for each building erected or enlarged, or change in use, in accordance with the following schedule and the requirements set forth in Article XI, Use Regulations. Spaces shall be on the same lot as the use unless otherwise authorized in this Article.
- B. Uses not specifically listed shall comply with the requirements for the most similar use listed, unless the Applicant provides information that proves to the satisfaction of the Township that an alternative standard is applicable.

- C. Where a proposed building and/or use includes more than one type of use, the number of parking spaces shall be the sum of the parking requirements for each separate use.
- D. The Township may authorize a reduction of the number and size of off-street parking spaces in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed use(s) of the building and/or land and show reserved areas for expansion of the parking for future uses.

E. Minimum Off-Street Parking Space Requirements.

Category of Uses	Uses	Minimum Required Parking
Residential uses.		
	Halfway House	1 space per two beds, plus one space for each employee on the largest shift.
	Group quarters and student housing	1 per resident + 1 per employee on the largest shift
	Personal Care Center and nursing care centers	1 space for each 3 beds based on design capacity, plus 1 space for each employee on the largest shift.
	Boarding/Rooming House	1 space per bedroom or guest sleeping room, plus 2 spaces for permanent residents
	Single Family Dwelling and multiple family dwellings	2 spaces per dwelling unit.
Commercial / Office uses.		
	Banks and financial institutions	1 space for each 250 sq. ft. of gross floor area + 1 for each employee on the largest shift

	Business, professional, or public service office buildings and retail sales	1 space per 250 sq. ft. of gross floor area + 1 for each employee on the largest shift
	Convenience stores	1 space for 250 sq. ft. of gross floor area.
	Funeral homes	1 space for each 4 seats provided for patron use by design capacity plus 1 additional space for each full-time employee and each vehicle maintained on the premises.
	Hotels, motels and bed and breakfasts	1 for each guest room + 1 for each employee on the largest shift

Category of Uses	Uses	Minimum Required Parking
	Restaurants	1 space for every 2 seats of design capacity or 1 space for every 50 sq. ft. of gross floor area, whichever is larger; plus 1 space for every 2 employees on the largest shift.
	Vehicle, mobile / manufactured home, or trailer sales lot	1 space for each 500 sq. ft. of gross floor area, plus 1 space for each 3,000 sq. ft. of outside sales area, plus 1 additional space for each full-time employee.
	Vehicle Wash	3 spaces for each washing bay.
Recreational uses.		
	Bowling alley	5 spaces for each alley.
	Billiard room	4 spaces per table.
	Dance halls, swimming pools, roller rinks, clubs, lodges, and similar places and other commercial recreation buildings	1 space for each 100 sq. ft. of gross floor area or of water area in a swimming pool.

	Golf course	60 spaces per nine holes, plus one space per employee on the largest shift, plus 50 percent of the spaces otherwise required for any accessory uses (e.g., restaurants).
	Golf driving range and miniature golf	1 space for each tee or hole.
	Outdoor recreational facilities, sports arenas, auditorium, and theatres	1 space for each 4 seats.
	Public, semi-public or private playgrounds, or recreation areas	1 for each 5 persons of total facility capacity
	Campgrounds or RV Parks	2 for each camping space + 1 additional space for every 5 camping spaces

Category of Uses	Uses	Minimum Required Parking
Industrial uses.		
	Manufacturing plants, research or testing laboratories, wholesale establishments or warehouses	1 space for each 5,000 sq. ft. of gross floor area, plus 1 space for each 2 employees on the largest shift.
	Mini or self storage	1 space per 10 storage units, plus one space per employee.
	Transportation terminal	1 space for every 100 sq. ft. of waiting room space, plus 1 each employee on the largest shift.
	Contractor's Shops and Yards	1 space per employee and 3 customer spaces
Institutional uses.		
	Churches and religious institutions	1 space for each 4 seats of total facility capacity in a place of worship.

	Colleges, universities, or business, technical or fine arts schools	1 space for each 2 students, plus 1 space for each classroom, laboratory, or instruction area, plus required spaces for uses provided by the facility other than classrooms as regulated by this schedule.
	Day care centers	1 for each 5 students + 1 per employee
	Elementary and middle schools	1 space for 4 seats in an auditorium or 1 space for each 15 students of design capacity, whichever is greater, plus required spaces for uses provided by the facility other than classrooms.
Category of Uses	Uses	Minimum Required Parking
	Hospitals	1 space for each 3 beds plus 1 space for each employee on the largest shift.
6. Public and Cultural Uses.		
	Community buildings and social halls	1 space for each 250 sq. ft. of gross floor area.
	Public libraries, art galleries, and museums	1 space for each 250 sq. ft. of floor area open to the public, plus one (1) space for each employee

51.14.4 Reduction of Parking Requirements

- A. The minimum off-street parking requirements may be reduced upon application to be reviewed by the Planning Commission and approved by the Township.
- B. The following conditions must be satisfied to be granted a reduction.
 - 1. The plan shows all required spaces, access ways and buffer areas.
 - 2. The plan shows the spaces to be removed.
 - 3. Satisfactory documentation is submitted attesting to the reduced need for off-street parking.

4. The developer enters into an agreement and executes a performance bond to construct the waived space, when, in the opinion of the Township, such additional parking is deemed necessary.

51.14.5 Joint Parking Facilities

A. The following regulations shall apply to all zoning districts. Joint parking facilities shall be allowed subject to the following requirements.

1. The nearest point of the parking lot shall be no further distance to the nearest point of the property served as provided below:

- a. Residential use: One hundred (100') feet
- b. Commercial use: Two hundred (200') feet
- c. Industrial use: Three hundred (300') feet

2. The required parking shall be not less than the total required separately for each use with the following exceptions:

a. Where it shall be demonstrated that the uses are utilizing the lot at different periods of the day, a reduction may be granted to the total number of parking spaces. The required number of spaces shall be based on the use which requires the most spaces.

b. To encourage joint use of facilities in areas of contiguous commercial development fronting on Route 45, a parking reduction of ten (10%) percent may be granted in those areas which demonstrate safe and convenient walking distance between uses and meet the criteria in 1 above.

c. The parking area must remain under the control of the owner or operator of the use to which the parking area is appurtenant and shall be recorded as a deed restriction filed with the Centre County Recorder of Deeds to maintain the required number of spaces available throughout the life of the use.

B. In the Village Mixed Use District, community parking lots are encouraged, however, shall not be permitted on PA 45. Community parking lots may be available to nonresidential uses only in the Village Mixed Use area subject to the following.

1. The parking requirement for the use shall be reduced by one-half (1/2) of the required spaces for customers, subject to a determination that the community lot will be able to accommodate the additional parking required by the use.

2. Off-street parking shall continue to be provided on-site for employees and/or resident owners. Signage shall be displayed prominently on the site, indicating the availability and location of additional parking at the community parking lot.

3. An agreement shall be signed by the owner or operator of the use with the owner or operator of the community parking lot, indicating the estimated number, frequency, and expected time of parking space use and any other maintenance obligations.

51.14.6 Design Standards of the Parking Facilities

The following standards shall apply:

- A. Every parking lot shall be connected to a street by means of an unobstructed access drive.
- B. Parking lots shall be designed so that each motor vehicle may proceed to and from the parking space without requiring the moving of any other motor vehicle and without backing onto any public street.
- C. Parking areas shall not be within any of the following: a required buffer yard for future or existing street, unless otherwise stipulated in Article XI, Use Regulations of this Ordinance.
- D. No parking or other paved area shall be located within ten (10') feet of an on-lot wastewater system absorption area, septic replacement area, septic tank or cesspool.
- E. All parking areas shall include clearly defined and marked traffic patterns, raised curbs, and landscaped areas in accordance with the County Subdivision and Land Development Ordinance. Major vehicular routes shall be separated from major pedestrian routes.
- F. Parking spaces for the physically challenged shall be designed in conformance with the Americans with Disabilities Act of 1990, as amended. Multi-family, commercial, public, office, recreation and industrial uses shall provide handicapped parking spaces according to the following scale:

Total Parking Spaces	Required Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 % of total
1,001 and over	20 plus 1 for each 100 over 1,000

G. Setback requirements:

1. All parking lots shall be set back from any street line in conformance with the applicable building setback requirements.
2. All off-street parking shall be setback ten (10') feet from the principal structure.
3. All off-street parking shall be setback ten (10') feet from the side or rear lot line, with the exception of alleyways, in which case the parking area may be contiguous to the alley.
4. When the parking lot abuts a residential use or zone, a five (5') feet buffer area shall be provided contiguous to the property line of the residential use or zone in addition to the required setback.

51.14.7 Lighting of the Parking Facilities

The following shall apply:

- A. All public parking shall be adequately lit during evening operating hours.
- B. All standards shall be located on raised parking islands and not on the parking surface.
- C. Lighting shall be arranged and shielded with full cut-off luminaries and shall not fall off-site on adjacent properties.

51.14.8 Off-Street Loading

- A. Off-street loading berths, open or enclosed, are permitted as an accessory use to any use permitted under this Ordinance other than residential uses and subject to the following minimum provisions:
 1. Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use.
 2. The Applicant shall provide evidence at the time of application to demonstrate sufficient numbers of loading spaces are being provided.
- B. Design and Layout of Loading Facilities
 1. Each required space/berth shall not be less than twelve (12') feet in width, forty-five (45') feet in length, and fourteen (14') feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
 2. The maximum width of access drives and sidewalk openings, measured at the street line, shall be thirty-five (35') feet; the minimum width shall be twenty (20') feet.

3. Each space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot.
4. The loading facilities shall be designed subject to the same drainage, setback, and lighting requirements set forth for the parking facilities in this Ordinance.
5. All off-street loading areas shall be screened from any abutting residential use or zoning district and any public street or pedestrian walkway in accordance with this Ordinance.

Article XV

Signs

51.15.1 General Regulations for All Signs

The following regulations shall apply:

A. Determination of Size.

1. The size of the sign shall refer to the area of the sign facing, including any border framing or decorative attachments.
2. Where the sign consists of individual letters or symbols attached to a building, wall, or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape, which encompasses all of the letters and symbols.
3. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, with the following exceptions where the two (2) faces are placed back to back and no point more than three (3") inches from one another.
 - a. The area shall be taken as the area of one (1) face when the two (2) faces are of equal size.
 - b. The area shall be taken as the area of the larger face when the two (2) faces are of unequal size.

B. Location and Placement.

1. The location of signs shall not interfere with proper sight

distances on streets or be placed within the clear sight triangle as set forth in the County Subdivision and Land Development Ordinance.

2. No sign shall be located within a street right-of-way with the exception of those signs of a governmental body, including traffic signs and other regulatory notices.
3. No sign shall project over a public sidewalk or path.
4. Projecting signs shall not project more than three (3') feet from the wall or surface to which they are mounted nor be less than eight (8') feet high at the lower edge of the sign from grade and shall not in any way interfere with normal pedestrian or vehicular traffic.
5. Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted and shall not project more than twelve (12") inches from its surface.

C. Illumination of Signs.

1. Flashing, rotating, festoon-lights and intermittent lights are not permitted.
2. Signs may be interior lighted with non-glaring lights or may be illuminated by floodlights or spotlights shielded so there is no direct light transmitted to other properties or public Rights-of-Way.

D. Construction and Maintenance. Signs must be constructed of durable materials, maintained in good condition, and not be allowed to become dilapidated.

E. Termination of Enterprise. Upon termination or abandonment of a use, all signs pertaining to the enterprise must be removed within three (3) months after termination or abandonment of a use.

51.15.2 Permanent Signs

A. The following off-premises, permanent signs shall be permitted in all Zoning Districts.

1. Signs for direction, regulation and control of traffic; street names; legal notices; railroad crossings; and official signs authorized by a duly constituted governmental body.
2. Signs used for directing patrons, members, or an audience to service clubs, churches, or other non-profit organizations and not exceeding sixteen (16') square feet in area.

B. Advertising signs shall be permitted in all Zoning Districts in accordance with the following regulations:

1. No structure shall contain more than one (1) advertising sign per facing.
2. No advertising sign shall exceed four (4') feet in vertical measurement or eight (8') feet in horizontal measurement and an overall size of thirty-two (32') square feet in area.
3. No advertising sign shall exceed twenty-five (25') feet in height from grade to the top of the sign.
4. No advertising sign shall be permitted to be erected upon the roof of any building.
5. No sign shall be so illuminated in such a manner that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
6. No advertising sign shall obstruct the vision of motorists or adjoining commercial or industrial uses, which depend on visibility for identification.

51.15.3 Temporary Signs

The following off-premises, temporary signs shall be permitted in all Zoning Districts:

- A. Political signs.
- B. Non-illuminated signs directing persons to temporary exhibits, shows, or events, located in the Township or contiguous municipality subject to the following requirements:
 1. Signs shall not exceed six (6') square feet.
 2. Signs shall not be posted earlier than two (2) weeks before the event and must be removed within one (1) week after the event.
- A. Non-illuminated signs directing persons to real estate open houses shall not exceed six (6') square feet.
- D. Non-illuminated signs directing persons to approved development to be constructed in the Township by a builder, contractor, developer, or other persons interested in such sales or development subject to the following requirements:
 1. Signs shall not exceed twelve (12') square feet.
 2. Sign shall be removed within twenty (20) days after the last structure has been initially occupied or upon the expiration of any building permit, whichever is sooner.

E. Garage, Porch or Yard Sale Signs. Signs advertising garage, porch or yard sales or similar periodic events may be permitted in any zoning district, subject to the following requirements.

1. Such signs shall not exceed four (4') square feet in area.
2. Signs shall not be erected more than seven (7) days prior to the sale or activity, without the prior approval of the Township Supervisors.
3. Signs shall be removed within 48 hours following the date of the sale.

51.15.4 Exempt Signs

- A. Holiday and seasonal decorations.
- B. Address signs. Up to two signs stating address, number, and/or name of occupants of the premises and do not include any commercial advertising or other identification.
- C. Security and warning signs. These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law.
- D. Flags. Flags and flagpoles shall not be located within any right-of-way.
- E. Legal notices.
- F. Memorial signs, etc. Memorial signs, public monument, or historical identification signs, including plaque signs up to three (3') square feet in area.
- G. Permanent architectural features. Signs which are a permanent architectural feature of a building or structure.
- H. Signs advertising the variety of crops growing. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.
- I. Incidental signs. Incidental signs, including incidental window signs.
- J. Parking lot directional and instructional signs.
- K. Art and murals. Art and murals, provided such signs do not contain any commercial messaging.
- L. Official traffic signs.
- M. Private drive signs.

- N. Temporary signs advertising real estate for sale.
- O. Temporary signs advertising a public auction.
- P. Government/regulatory signs.
- Q. Public signs. Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossings, and identification or directional signs for public facilities.
- R. Farm identification signs. Signs which do not exceed twenty (20') square feet of gross surface area per sign face or forty (40') square feet total, including century farm signs and farm preservation signs. Each farm may have a total of three signs: farm name, century farm sign, and preserved farm sign.
- S. Other signs. "No Trespassing," "No Hunting," "No Fishing," "No Dumping," "No Parking," "No Towing" or similar signs.

51.15.5 Prohibited Signs

- A. Signs which emit smoke, visible vapors, particulate matter, sound, odor, or contain open flames.
- B. Abandoned signs.
- C. Signs which are attached or otherwise affixed to trees, utility poles or other living vegetation, except for security and warning signs.
- D. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.
- E. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

51.15.6 Permit Requirements

All permanent signs larger than twelve (12') square feet in area shall require a sign permit unless exempted above.

Article XVI

Administration and Enforcement

51.16.1 Appointment and Powers of Zoning Officer

- A. For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township of Haines, shall be appointed.
- B. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.
- C. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.
- D. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment.
- E. The Zoning Officer shall have the right to enter lands to inspect and enforce this Ordinance.

51.16.2 Duties of the Zoning Officer

- A. It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer.
- B. The Zoning Officer shall perform the following duties:
 - 1. To examine all applications for permits required under this Ordinance, issue permits for uses which meet the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Township may require;
 - 2. To issue permits for uses which are a variance to requirements of this Ordinance upon written order of the Zoning Hearing Board;
 - 3. To issue permits for uses which are a conditional use upon written order of the Board of Supervisors;
 - 4. To maintain and update the official Zoning Map;
 - 5. To post notice of pending Zoning Hearing Board hearings in accordance with the procedures established in this Section and to

post notice of proposed zoning district boundary changes as per the requirements of this Section;

6. To present facts, records and other information to the Township Supervisors and/or Planning Commission, upon request of such body, as will assist them in their deliberations of specific applications;
7. To present to the Zoning Hearing Board, in each case before the Board, all relevant facts and arguments to support the Township's position, interpretation, and procedures in application of the provisions of this Ordinance;
8. To issue Certificates of Nonconformance as requested;
9. To issue preliminary opinions (in accordance with the procedure established in Section 916.2 of the MPC) regarding whether a landowner's proposed use or development complies with applicable ordinances and maps based on plans and other materials submitted by the landowner, and if such opinion is favorable, to publish notice thereof once each week for two (2) successive weeks in a newspaper of general, local circulation. Such notice shall include a general description of the proposed use or development, its location, and the places and times where the plans and other materials may be examined; and
10. To perform such other duties as may be made necessary by the terms of this Ordinance, including those floodplain management administrative duties referenced in Article X of this Ordinance and Chapter 48.

51.16.3 Permits

- A. Zoning permits shall be required prior to the following activities: (a) the erection, addition or alteration of any structure or portion thereof; (b) the use or change in use of a structure or land; and (c) the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued. The following activities shall not require a Zoning Permit:
 1. Small accessory buildings of not more than 144 square feet in ground floor area and 20 feet in height are permitted in the rear yard setback areas provided they are not placed closer than 5 feet from any lot line. All structures larger than 144 square feet, or higher than 20 feet, require a Zoning Permit and must comply with the setback requirements for primary structures.
 2. Interior alterations when there is no increase in ground floor exterior dimension and no change in use;

3. General exterior maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition or replacement of storm windows, and similar activities;
4. Agricultural activities, including crop or tree farming, forestry activities, and agricultural pasture fencing;
5. Landscaping;
6. Construction or erection of land terraces, steps or similar features; or
7. Placement or location of utility distribution lines.

B. Application for Permits. Application for a permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be necessary to determine compliance with this Ordinance and all other ordinances. One copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. The Zoning Officer shall have thirty (30) days after receipt of an application to issue or deny the Permit. Any denial shall be in writing and shall state the reason(s) for such action. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

C. Issuance of Permits. During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all other applicable Township laws. The Zoning Officer shall make as many inspections as necessary to determine this compliance. The Zoning Officer shall have the authority to enter any building, structure, premises, or development located in any Zoning District, upon presentation of proper credentials, at any reasonable hour, to enforce the provisions of this Ordinance. No occupancy permit shall be issued until the Zoning Officer and the certified Building Inspectors have certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance, as well as the provisions of all other applicable ordinances. In addition to the Zoning Permit, the Zoning Officer shall issue a permit placard which shall be displayed or posted on the premises during the time construction is in progress. The permit placard shall remain posted until completion of the project and final inspection has been made by the Zoning Officer. Said placard shall bear the number of the Zoning Permit, the date of its issuance, and the signature of the Zoning Officer. A permit issued hereunder shall become void twelve (12) months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed

with the Zoning Officer at least thirty (30) days prior to the permit expiration date.

- D. Temporary Permits. A temporary permit may be authorized by the Board of Supervisors for a structure or use, which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed six (6) months and may be renewed once for an additional six (6) month period.
- E. Revocation of Permits: The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the Permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Township Supervisors for whatever action they may deem necessary.

51.16.4 Fees

- A. The Township shall establish a schedule of fees, charges and expenses, as well as a collection procedure for Zoning Permits, certificates of occupancy, appeals, variances, conditional uses, amendments, bonds and other matters pertaining to this Ordinance.
- B. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete and no action shall be taken on any application or appeal.

51.16.5 Records

- A. It shall be the duty of the Zoning Officer to keep a record of all applications for Zoning Permits, a record of all permits issued together with a notation of all special conditions involved. The Zoning Officer shall file and safely keep copies of all plans submitted and the same shall be available for the use of the Board of Supervisors.
- B. The Zoning Officer shall prepare a monthly report for the Board of Supervisors summarizing for the period since the previous report all zoning permits issued and certificates countersigned and all complaints of violations and the action taken by the Zoning Officer. A copy of each such report shall be filed with the office of the Chief Assessor of Centre County at the same time it is filed with the Board of Supervisors.

51.16.6 Certificate of Use

- A. A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure, parcel or use of land complies with the provisions of this Ordinance.

- B. No vacant land shall be occupied or used and no structure or part of a structure hereafter erected, which is substantially altered or which use is changed shall be occupied or used until the Zoning Officer shall have issued a Certificate of Use.
- C. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for a whole, or part of, a new building or for the alteration of an existing building, shall be applied for coincident with the applications for a building or zoning permit, and shall be issued or denied within fifteen (15) days after a final inspection by the Zoning Officer.
- D. A Certificate of Use for changing or extending a nonconforming use, existing at the effective date of this Ordinance or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after a final inspection and approval by the Zoning Officer.
- E. A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

51.16.7 Appeals and Applications

An appeal or application for an amendment or variance from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain the following information:

- A. The name and address of the Applicant.
- B. The name and address of the owner of the real estate to be affected by such proposal.
- C. A brief description and location of the real estate to be affected by such proposal.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use.
- E. A statement of the section of this Ordinance under which the appeal or application is filed and reasons why it should be granted or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
- F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and locations of improvements now erected and proposed to be erected thereon.

51.16.8 Conflicting Regulations

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. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations or ordinances, or whenever the requirements of this Ordinance are internally in conflict, the most restrictive standard, or that imposing the higher standard, shall govern.

51.16.9 Zoning Hearing Board

- A. The Township hereby creates a Zoning Hearing Board in accordance with the provisions of Article IX of the MPC.
- B. The membership of the Zoning Hearing Board shall consist of three (3) residents of the Township appointed by resolution by the Board of Supervisors. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township or be an employee of the Township.
- C. The Board of Supervisors may appoint by resolution one resident of the Township to serve as an alternate member of the Zoning Hearing Board. The term of office of the alternate shall be three (3) years. If, by reason or absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate the alternate member to sit on the Zoning Hearing Board to provide a quorum. The alternate shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. When seated pursuant to these provisions, an alternate shall be entitled to participate in all proceeding and discussion of the Zoning Hearing Board to the same and full extent as provided by law for 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 herein and otherwise provided by law. The alternate shall hold no other elected or appointed office in the municipality, including membership on the Planning Commission and the position of Zoning Officer, or be an employee of the Township. The alternate member may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated unless designated as a voting alternate member as described herein.
- D. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- E. The Zoning Hearing Board shall elect from its own membership its officers,

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

- F. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township and shall submit a report of its activities as requested by the Board of Supervisors.
- G. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

51.16.10 Hearings

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Public Notice shall be given and written notice shall be given to the Applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notice shall be given at such time and in such manner as shall be prescribed by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
- B. The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the Applicant's application, unless the Applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the Applicant in writing or on the record. An Applicant shall complete the presentation of his case-in-chief within one hundred (100) days of the first hearing. Upon the request of the Applicant, the Zoning Hearing Board or hearing officer shall assure that the Applicant receives at least seven hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the Applicant's case-in-chief. An Applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the Applicant and municipality, be

granted additional hearings to complete their opposition to the application provided the Applicant is granted an equal number of additional hearings for rebuttal.

- C. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the Applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- E. The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Zoning Hearing Board or hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- I. The Zoning Hearing Board or hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

- J. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the MPC where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in subsection B above, the decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the Applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection A of this section. If the Zoning Hearing Board shall fail to provide such notice, the Applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- K. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the Applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing 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. Parties to a proceeding authorized in this Article may utilize a mediation option as an aid in completing such procedures as set forth in Section 908.1 of MPC.
- M. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

- A. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:
1. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors, pursuant to Section 609.1 and Section 916.1(a)(2) of the MPC.
 2. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
 3. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
 4. Applications for variances from the terms of this Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the MPC.
 5. Applications for special exceptions, if provided for under this Ordinance, or flood plain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the MPC.
 6. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Zoning Ordinance.
 7. Appeals from the Zoning Officer's determination under Section 916.2 of the MPC.
 8. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC.
- B. The Board of Supervisors or, except as to clauses (3), (4) and (5), the planning agency, if designated, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
1. All applications for approvals of planned residential developments under Article VII pursuant to the provisions of Section 702 of the MPC.
 2. All applications pursuant to Section 508 for approval of subdivisions or land developments under Article V of the MPC. Any provision in a subdivision and land development ordinance requiring that final action concerning subdivision and land development applications be taken

by a planning agency rather than the governing body shall vest exclusive jurisdiction in the planning agency in lieu of the Board of Supervisors for purposes of the provisions of this paragraph.

3. Applications for conditional use under the express provisions of this Zoning Ordinance pursuant to Section 603(c)(2) of the MPC.
4. Applications for curative amendment to this Zoning Ordinance pursuant to Sections 609.1 and 916.1(a)(2) of the MPC.
5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Section 609 of the MPC. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.
6. Appeals from the determination of the Zoning Officer or the Township engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for land development under Articles V and VII of the MPC. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Township engineer shall be to the Zoning Hearing Board pursuant to subsection (A)(8) above. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the planning agency, all appeals from determinations under this paragraph shall be to the planning agency and all appeals from the decision of the planning agency shall be to court.
7. Applications for a special encroachment permit pursuant to Section 405 of the MPC.

51.16.12 Variances

- A. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the Applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing Board may grant a variance, 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 Zoning District in which the property is located.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 3. That such unnecessary hardship has not been created by the Applicant.
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or Zoning 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.
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the MPC.

51.16.13 Conditional Uses

Where the Board of Supervisors has stated Conditional Uses to be granted or denied by the Board of Supervisors pursuant to express standards and criteria of this Ordinance, the Board of Supervisors shall hear and decide requests for such Conditional Uses in accordance with such standards and criteria below:

- A. The location of the use, including consideration of the existing or future streets giving access to it, is in harmony with the orderly and appropriate development for the Zoning District in which the use is to be located.
- B. The nature and intensity of the use is in harmony with the orderly and appropriate development of the Zoning District in which the use is to be located.
- C. The approval of a Conditional Use application shall not cause nor encourage commercial or industrial traffic to use residential streets.
- D. The Applicant must meet all specific requirements for the specified use in accordance with Article XI and XII, herein.
- E. In granting a Conditional Use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the MPC.
- F. The hearing shall be conducted by the Board of Supervisors or the Board of Supervisors may appoint any member or an independent attorney as a hearing

officer. The decision or, where no decision is called for, the findings shall be made by the Board of Supervisors. However, the appellant or the Applicant, as the case may be, in addition to the municipality may, prior to the decision of the hearing, waive decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final.

- G. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the Conditional Use application within 45 days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- H. Where the Board of Supervisors body fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 908(1.2) of the MPC, the decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the Applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board of Supervisors shall fail to provide such notice, the Applicant may do so.
- I. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

51.16.14 Referrals to the Haines Township Commissions, Committees and Engineer

- A. The Zoning Hearing Board in the case of variance applications and the Board of Supervisors in the case of conditional use applications may refer applications to the Township Planning Commission, the Township Engineer, or any other committee, commission or advisor for their advice, but are not required to do so.
- B. Within thirty (30) days of receiving an application for a Conditional Use or within forty (40) days of receiving an application for a variance from the decision-making body, the committee, commission or advisor must give a written report on the application to the decision-making body.

51.16.15 Parties Appellant Before the Board

Appeals under Section 51.16.11 (A)(1), (2), (3), (6), (7) and (8) may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of

the municipality, or any person aggrieved. Requests for a variance under Section 51.16.12 and for special exception may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

51.16.16 Time Limitations

- A. No person shall be allowed to request a hearing before the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal an adverse decision on a tentative plan rendered pursuant to Section 709 of the MPC or from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map rendered pursuant to section 916.2 of the MPC shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- B. All appeals from determinations adverse to a landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

51.16.17 Stay of Proceedings

- A. Upon the filing of any proceeding pursuant to Section 51.16.15 and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the Applicant, the Applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board.
- B. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the Applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

- C. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- D. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

51.16.18 Enactment of Zoning Ordinance Amendments

- A. The Board of Supervisors may from time to time amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The procedures for the preparation of a proposed zoning ordinance as set forth in Section 607 of the MPC is hereby declared optional as part of the amending, supplementing or repealing of this Ordinance.
- B. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice, and pursuant to mailed notice and electronic notice to an owner of a tract or parcel of land located within a municipality or an owner of the mineral rights in a tract or parcel of land within the Township who has made a timely request in accordance with section 109 of the MPC. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing. In addition to the requirement that notice be posted as stated herein, where the proposed amendment involves a zoning map change, notice of the public hearing shall be mailed by the Township at least 30 days prior to the date of the hearing by first class mail to the addressees to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the Township. The notice shall include the location, date and time of the public hearing. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.
- C. In the case of an amendment other than that prepared by the Township Planning Commission, the Board of 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 an opportunity to submit recommendations.
- D. If, after any Public Hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another Public Hearing, pursuant to Public Notice, before proceeding to vote on the amendment.

- E. At least thirty (30) days prior to the Public Hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the county planning agency for recommendations.
- F. The Township may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the MPC.
- G. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the county planning agency.

51.16.19 Procedure for Landowner Curative Amendments

- A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge to either:
 - 1. The Zoning Hearing Board under Section 909.1(a) of the MPC; or
 - 2. The Board of Supervisors under section 909.1(b)(4) of the MPC, together with a request for a curative amendment as required under Section 609.1 of the MPC.
- B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Section 909.1(a)(1) of the MPC.
- C. The submissions referred to in subsections (A) and (B) shall be governed by the following:
 - 1. In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Zoning Hearing Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such ordinance and elects to proceed by curative amendment under section 609.1 of the MPC, his application to the Township shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.

2. If the submission is made by the landowner to the Board of Supervisors under subsection B above, the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner to cure the alleged defects therein.
3. If the submission is made to the Board of Supervisors, the municipal solicitor shall represent and advise it at the hearing or hearings referred to in section 909.1(b)(4) of the MPC.
4. The Board of Supervisors may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
5. Based upon the testimony presented at the hearing or hearings, the Board of Supervisors or the Zoning Hearing Board, as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Board of Supervisors is found to have merit, the Board of Supervisors shall proceed as provided in section 609.1 of the MPC. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - b. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map.
 - c. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, flood plains, aquifers, and natural resources and other natural features.
 - d. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - e. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

6. The Board of Supervisors or the Zoning Hearing Board, as the case may be, shall render its decision within 45 days after the conclusion of the last hearing.
 7. If the Board of Supervisors or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in paragraph (6) above, a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.
- D. The Zoning Hearing Board or Board of Supervisors, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time in writing.
- E. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
- F. The challenge shall be deemed denied when:
1. The Zoning Hearing Board or Board of Supervisors, as the case may be, fails to commence the hearing within the time limits set forth in subsection D above;
 2. The Board of Supervisors notifies the landowner that it will not adopt the curative amendment;
 3. The Board of Supervisors adopts another curative amendment which is unacceptable to the landowner; or
 4. The Zoning Hearing Board or Board of Supervisors, as the case may be, fails to act on the request 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.
- G. Where, after the effective date of this act, a curative amendment proposal is approved by the grant of a curative amendment application by the Board of Supervisors pursuant to section 909.1(b)(4) of the MPC or a validity challenge is sustained by the Zoning Hearing Board pursuant to section 909.1(a)(1) or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval pursuant to Article V or VII of the MPC. Within the two-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Upon the filing of the preliminary or tentative plan, the provisions of section 508(4) of the MPC shall apply. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land

development ordinance, the developer shall have one year within which to file for a building permit. Within the one-year period, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

- H. Where municipalities have adopted a multi-municipal comprehensive plan pursuant to Article XI of the MPC but have not adopted a joint municipal ordinance pursuant to Article VIII-A of the MPC and all municipalities participating in the multi-municipal comprehensive plan have adopted and are administering zoning ordinances generally consistent with the provisions of the multi-municipal comprehensive plan and a challenge is brought to the validity of a zoning ordinance of a participating municipality involving a proposed use, then the zoning hearing board or governing body, as the case may be, shall consider the availability of uses under zoning ordinances within the municipalities participating in the multi-municipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the application of the zoning ordinance on the municipality whose zoning ordinance is being challenged.
- I. A landowner who has challenged on substantive grounds the validity of the Zoning Ordinance or map either by submission of a curative amendment to the Board of Supervisors under subsection (a)(2) or to the Zoning Bearing Board under section 909.1(a)(1) of the MPC shall not submit any additional substantive challenges involving the same parcel, group of parcels or part thereof until such time as the status of the landowner's original challenge has been finally determined or withdrawn: Provided, however, That if after the date of the landowner's original challenge the municipality adopts a substantially new or different zoning ordinance or zoning map, the landowner may file a second substantive challenge to the new or different zoning ordinance or zoning map under subsection A.

51.16.20 Procedure for Township Curative Amendments

- A. If the Township determines that this Ordinance or any portion hereof, is substantially invalid, it shall take the following actions:
 - 1. The Township shall declare by formal action, this Ordinance or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal the Board of Supervisors shall by resolution make specific findings setting forth the declared invalidity of this Ordinance which may include:
 - a. References to specific uses which are either not permitted or not permitted in sufficient quantity,
 - b. Reference to a class of use or uses which requires revision,

or

c. Reference to this entire Ordinance which requires revisions.

2. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.

- B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions of Section 609 of the MPC in order to cure the declared invalidity of this Ordinance.
- C. Upon the initiation of the procedures as set forth in Subsection (A)(1) above, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the MPC nor shall the Zoning Hearing Board be required to give a report requested under Sections 909.1 or 916.1 of the MPC subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by Subsection (A)(1) above.
- D. Upon completion of the procedures set forth in Subsections A and B above, no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the MPC shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this section.
- E. The Township having utilized the procedures set forth in Subsections A and B above may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment, or reaffirmation of the validity of this Ordinance, pursuant to Subsection B above; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to propose a curative amendment to this Ordinance to fulfill said duty or obligation.

51.16.21 Causes of Action

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

51.16.22 Enforcement Notice

- A. If it appears to the Township that a violation of this Ordinance has occurred, the Township through the Zoning Officer, or other designated enforcement official of the Township, shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section.
- B. 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.
- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Township 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 this 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 days.
 - 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.
- D. In any appeal of, an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- E. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the zoning hearing board, or any court in a subsequent appeal, rules in the appealing party's favor.

51.16.23 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment

pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a district justice determines that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

- B. 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.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
- D. A district justice of competent jurisdiction shall have initial jurisdiction over proceedings brought under this Section.

51.16.24 Interpretation

A. Conflict with Other Laws

The provisions of this Ordinance shall be deemed to be minimum requirements to meet the purposes stated herein. Where the provisions of this Ordinance impose greater restrictions than those of any federal or state statute, rule, regulation or other ordinance, the provisions of this Ordinance shall prevail. Where the provisions of any federal or state statute, rule, regulation or other ordinance impose greater restrictions than those of this Ordinance, the provisions of such federal or state statute, rule, regulation or ordinance shall prevail.

B. Severability

The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause phrase or provision hereof is held or judged by any court of competent jurisdiction to be unconstitutional, illegal or otherwise invalid, any such holding or judgment shall not be construed as affecting or impairing any other section, subsection, sentence, clause, phrase, or provision of this Ordinance, it being the expressed intent of the Board of Supervisors that this Ordinance would have been enacted had such unconstitutional, illegal or otherwise invalid section, subsection, clause, phrase, or provision not been included.

C. Saving Clause

Nothing in this Ordinance shall be construed to affect any suit or

proceeding pending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

51.16.25 Validity

Should any provision, section, subsection, clause or phrase of this Ordinance or its application, be declared or held, for any reason, 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.

51.16.26 Repealer

All other ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are repealed to the extent of such conflict or inconsistency is necessary to give this ordinance full force and effect.

51.16.27 Adoption

This Ordinance is hereby enacted and adopted by the Board of Supervisors of Haines Township, Centre County, Pennsylvania, this _____ day of December, 2021.

ATTEST:

TOWNSHIP OF HAINES

Secretary

Chairman

Supervisor

Supervisor