

PEACH BOTTOM  
TOWNSHIP

ZONING  
ORDINANCE

JANUARY 1, 2014

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## **ORDINANCE NO. 71-1**

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THEIR CONSTRUCTION, ALTERATION, EXTENSION, REPAIR, MAINTENANCE AND ALL FACILITIES AND SERVICES IN OR ABOUT SUCH BUILDINGS AND STRUCTURES; PERCENTAGE OF LOT THAT MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; AND FOR THESE PURPOSES ESTABLISHING ZONES AND BOUNDARIES AND DESIGNATING AND REGULATING RESIDENTIAL, COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMI-PUBLIC, AGRICULTURAL AND CONSERVATION USES WITHIN SUCH ZONES AND BOUNDARIES; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF, IN THE TOWNSHIP OF PEACH BOTTOM, IN THE COUNTY OF YORK AND STATE OF PENNSYLVANIA.

BE IT ORDAINED by the Board OF SUPERVISORS OF THE TOWNSHIP OF PEACH BOTTOM in the County of York and the State of Pennsylvania, as follows:

### **PART I**

#### **SHORT TITLE, PURPOSES ZONES AND STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES**

##### **SECTION 101      SHORT TITLE**

This Ordinance shall be known as the "Peach Bottom Township Zoning Ordinance."

##### **SECTION 102      PURPOSE OF ORDINANCE**

The regulations in this Ordinance have been promulgated with the purpose of promoting, protecting, and facilitating—

- a. Harmonious community development.
- b. Proper density of population.
- c. Adequate water and sewerage.
- d. Adequate schools, parks, and other public grounds and buildings.
- e. Adequate light and air.
- f. Adequate transportation, parking and loading space.
- g. The public health, safety, morals and general welfare.
- h. The preservation of prime agricultural land for agricultural purposes.
- i. Overcrowding of land.
- j. Blight.
- k. Danger and congestion in travel and transportation.
- l. Injury or loss of health, life, or property from fire, flood, panic or other dangers.

This Ordinance is enacted as part of the overall plan for the orderly growth and development of Peach Bottom Township and as such it is an integral part of the Township Comprehensive Plan.

### **SECTION 103 ESTABLISHMENT OF ZONES**

The Township of Peach Bottom is divided into zones enumerated below and shown on the Zoning Map of Peach Bottom Township, which map is part of this Ordinance.

- R\_\_\_\_\_Residential
- RII\_\_\_\_\_Residential II
- C\_\_\_\_\_Commercial
- I\_\_\_\_\_Industrial
- A\_\_\_\_\_Agricultural

### **SECTION 104 BOUNDARIES OF ZONES**

Where uncertainty exists as to the boundaries of the zones as shown on the zoning map, the following rules shall apply:

- a. Boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- b. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.

- c. Boundaries indicated, as approximately following municipality limits shall be construed as following municipality limits.
- d. Boundaries indicated, as following railroad lines shall be construed to be midway between the main tracks.
- e. Boundaries indicated, as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
- f. Boundaries indicated, as parallel to or extensions of features indicated in Subsection a through e above shall be so construed. Distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
- g. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by Subsections a through f above, the Zoning Hearing Board shall interpret the district boundaries.

## **SECTION 105 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES**

The primary objective of the Township's development policy is to preserve for agricultural use the major portion of the Township's quality farmlands. This should be done by preserving most of the best land in agricultural use and by minimizing the presence of conflicting uses in the agricultural zones, which would tend to impair or interfere with continued agricultural activity.

Preservation of farmland should be achieved by:

- a. Directing residential growth away from areas of quality farmland.
- b. Utilizing the least productive farmland where possible for industrial, commercial and residential growth.
- c. Providing an extensive well insulated agricultural area in order to encourage continued agriculture and agricultural related industries.
- d. Preventing the Township from becoming the sites for leapfrog development and exurban sprawl.
- e. Maintaining agricultural parcels or farms in sizes, which will permit efficient agricultural operations.

Lands set aside for agricultural should reflect the better agricultural soils as well as including those areas to be protected from unnecessary development. Where feasible, soils classified as good for agricultural purposes should be preserved for agricultural use.



In planning for agricultural land, it is the Township's policy not to consider agricultural land as "undeveloped farmland awaiting another use." Farmland must be considered as "developed land." It is being used to produce a product. Farming is a land intensive manufacturing process, which converts raw materials into a product comparable to other industrial operations, with occasional accompanying nuisances of noise, odor and dust. The agricultural zone should not be considered as a holding zone but as a zone having a positive purpose of utilizing the Township's natural resources for the benefit of the entire community and the Township should protect the agricultural zone from interference by incompatible uses which breakdown the integrity of the zone and also interfere with normal and customary operations within the zone.

Residential development should occur in limited amounts consistent with the area's needs. However, the Township does not represent a reasonable or logical place for urban oriented residential growth to occur. Generally, residential growth should represent an expansion of the Borough of Delta and an infilling of the Susquehanna Trail's development which at this time has large numbers of undeveloped lots. Some minimal development should occur in the agricultural or non-development areas of the Township. This development should be directed toward the lower quality agricultural soils. Large lot or farmette type of development wastes land and should be discouraged.

The Borough of Delta at present has a public water supply system and a public sewer system. These systems are currently serving residents of the Borough and residents of areas of the Township adjacent to the Borough. It is the Township's objective that development in the Township is concentrated in areas that can be served by the Delta Borough public water system and public sewer system with developers making arrangements to assume their proper share of the costs of these facilities and the Township residents being served by such facilities contributing fairly to operating costs.

The Township recognizes that the Borough of Delta's public water system is totally dependent on ground water and that the recharge areas for the Borough's wells include significant land areas within the Township. Therefore, the Township will work cooperatively with the Borough in its efforts to develop a wellhead protection program to protect the quality of the ground water resource.

The Township's need for commercial and industrial enterprise is minimal but to the extent commercial development is to occur, it should occur near present population centers and so as not to increase traffic or residential and farm roads. If industrial development is to occur, it is important that it not degrade the quality environment currently existing in the Township and that it not have the effect of accelerating residential and commercial development in order to serve the residential and commercial needs of those who would be employed in such industry with the resulting loss of productive farmland and environmental quality.

The Township recognizes that its road network will require continuing maintenance and upgrading if it is to properly serve the needs of Township citizens. The Township recognizes that the Susquehanna Trails Development is to a large degree served by private roads, which can only become acceptable for adoption as public roads by enormous expense. How the residents of that

area can have better highway access without adversely impacting the Township's financial resources represents a major challenge.

The Township also recognizes that its existing recreational areas will need continuing maintenance and improvement and that with population growth additional recreation facilities will be required and plans are for them to be constructed gradually as resources become available and they become needed.

## **PART II**

### **ZONE REGULATIONS**

#### **A. USE REGULATIONS**

##### 1. Type & Extent of Uses Permitted

#### **SECTION 200 USES PERMITTED**

The uses permitted in the zones established by this Ordinance and the permitted extent of those uses, are as shown in the zoning districts following. The uses shown as permitted in each zone are the only uses permitted in the zone and all other uses are subject to Section 200.1. Unless otherwise noted, the extent-of-use or dimensional standards are the requirements for each use. However,

- a. Exceptions and modifications to the extent-of-use requirements as set forth in Part II-A-7, and
- b. Additional or special extent-of-use requirements for certain uses, are set forth in Part III.

#### **SECTION 200.1 ALL OTHER USES**

Any use not specifically allowed elsewhere in this Ordinance shall be allowed by special exception in the zone or zones where, and to the extent that, similar uses are permitted or allowed by special exception provided that said use meets the requirements for a special exception in that zone and does not constitute a public or private nuisance.

#### **SECTION 200.2 ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted in conjunction with the principal uses permitted by this Ordinance and shall be further subject to the requirements for accessory uses and structures as set forth in Part III-A.

#### **SECTION 200.3 USES WITH NUISANCE EFFECT**

In no case is a use permitted which by reason of noise, dust, odor appearance, or other objectionable factor creates a nuisance, hazard, or other substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property, Every reasonable effect must be made to prevent this effect through—

- a. Control of lighting

- b. Design and maintenance of structures
- c. Use of planting screens or attractive fences
- d. Placement of structures on this site
- e. Appropriate control of use
- f. Prompt removal of trash or junk

## 2. Residential District (R)

### **SECTION 201 PURPOSE**

The residential zone is for people to live in. The purpose of this Residential Zone is to provide for the orderly expansion of residential development; to provide for the public health and to prevent the overcrowding of land through the application of maximum housing densities; to provide standards which will encourage the installations of public facilities and the preservation of open space; and to exclude any activities not compatible with residential development.

### **SECTION 201.1 USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for one of the following uses:

#### Principal Uses:

1. Single family detached dwelling
2. Single family semi-detached dwelling
3. Rooming house
4. Multi-family conversion
5. Public buildings and facilities
6. Parks and other open spaces of a non-profit nature
7. Schools
8. House of worship
9. Cemetery (see section 394)
10. ~~Farm~~ Forest and wildlife preserve
11. ~~Forest and wildlife preserve~~ Group Home (see Section 322)
12. ~~Group Home (see Section 322)~~ Single Family attached dwelling
13. ~~Row Dwelling (townhouse)~~ Multi-family dwelling
14. ~~Multi-family dwelling~~ Municipal buildings and facilities

*Amended 8/6/12*

#### Accessory Uses:

1. The sale of any products grown or produced on the farm on which they are sold.
2. Home occupation. (see section 303)
3. Signs. (see section 310 et seq.)
4. Storage. (see section 350 et seq.)
5. Private non-commercial swimming pool or pond. (see section 328)
6. Domiciliary care unit. (see section 304)
7. Family day care home (See Section 305)
8. Nursery school (See Section 324)

9. Child day care center (See section 323)
10. Bed and breakfast inn (See Section 330)
11. Any other use customarily incidental to any of the uses permitted by the section as principal uses. *Amended 3/1/04*

Accessory uses 2, 5, 6, 7 and 10 shall be permitted as accessory only to principal uses 1, 2, 4, 12 and 13. Accessory uses 8 and 9 shall be permitted as accessory only to principal use 8.

*Amended 8/6/12*

## SECTION 201.2 USES BY SPECIAL EXCEPTION

The following uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses in accordance with the criteria established in Part III of this ordinance as applicable to such use and in accordance with according to the criteria established in Part IV of this Ordinance.

### Principal Uses:

1. ~~Multi-family dwelling (see Section 219 and 322)~~ *Deleted 3/1/04* - Mobile home park (See Section 321)
2. Medical clinic laboratory
3. Group Home (See Section 322) *Added 10/4/04*
4. ~~Row dwelling (see Section 218-322)~~ *Deleted 3/1/04* Professional office
5. ~~Dwelling group~~—Nursery School. (See Section 324)
6. Child day care center (See Section 323)

### Accessory Uses:

1. Home occupation. (See Section 303)
2. ~~Bed and Breakfast Inn. (See Section 330)~~
3. Any other use customarily incidental to any of the uses permitted by the section as ~~special exception~~ principal uses.

*Amended 8/6/12*

## SECTION 201.3 LOT AREA AND WIDTH

The lot area and width of not less than the dimensions shown on the following table shall be provided for every principal non-residential structure hereafter erected or altered for any use permitted in this District: *Amended 3/1/04*

	Public Water & Public Sewer	Public Water or Public Sewer	No Public Water or Public Sewer
Minimum Lot Size	8,000 sq. ft.	30,000 sq. ft.	40,000 sq. ft.
Minimum Lot Width	70 ft.	80 ft.	200 ft.

The lot areas and widths of lots for the location of dwellings shall conform to the following minimum lot and area requirements:

1. Where both on-lot water supply and on-lot sanitary sewage disposal are provided, lots for single family detached dwellings shall have a minimum lot area of 40,000 square feet and a minimum lot width of 200 feet. ~~Lots for dwellings other than single family detached dwellings without either off-lot water supply or off-lot sewer service are not permitted.~~ Lots for single family semi detached dwellings shall have a minimum lot area of 60,000 square feet and a minimum lot width of 250 feet. Amended 8/6/12
2. Where either off-lot water supply or sewer service will be provided.
  - a. Lots for single family detached dwellings shall have a minimum lot area of 30,000 square feet with off-lot water supply and a minimum lot area of 20,000 square feet with off-lot sewer service. Both shall have a minimum lot width of 100 feet.
  - b. Lots for single family semi-detached dwellings (duplex) shall have a minimum lot area of 30,000 square feet for each such dwelling or a total of 60,000 square feet with off-lot water supply and a minimum lot area of 20,000 square feet for each such dwelling with off-lot sewer service, or a total lot area of 40,000 square feet. Each single family semi-detached dwelling shall have a minimum lot width of 100 feet.
  - c. Lots for dwellings other than single family detached dwellings and single family semi-detached dwellings without both off-lot water supply and off-lot sewer service are not permitted.
3. Where connection to both municipal public water and municipal public sewer service will be provided, the following minimum requirements shall apply:

~~**Lots** Minimum lot area, width and setbacks shall be provided as shown on the following schedule.~~

a. Area, Width and Yard Requirements  
The minimum lot area, lot width, and setback areas shall be provided in accordance with the following schedule.

~~a. Dimension requirements The following dimension requirements shall apply to dwelling unit type permitted.~~

Dwelling Unit Type	Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
	Sq. Feet Per Dwelling Unit	Feet Per Dwelling Unit			
Single Family Detached	9,000	80	35	*	15

Single Family semi-detached	4,500	45	35	*	15
Single Family attached	2,200	22	35	*	15
Multi-Family	2,200	**	35	**	15

\* To maximize the flexibility and in lot layout and design, side setbacks shall be calculated based on maintaining a minimum distance between structures of twenty (20) feet with at least ten (10) feet to be allocated to each lot. The side property line of the whole tract must be at least twenty (20) feet from the nearest structure. **Amended 1/7/08**

\*\* The lot containing one (1) or more multi-family dwellings must have a lot width of at least two hundred (200) feet. In those instances where more than one (1) multi-family dwelling is located on a lot, parallel buildings shall have at least forty (40) feet between faces of the buildings. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by similar or greater distance at the other end.

The minimum lot width as above required shall be abutting a public road or a private road meeting the requirements of Section 703(a) of the Peach Bottom Township Subdivision and Land Development Ordinance except that if access is to be from a cul-de-sac at the end of a street the lot is not required to abut more than seventy (70) feet of such cul-de-sac. Access to the lot shall be from the public road or approved private road abutting the lot. **Amended 8/6/12**

- b. Single family attached dwellings – The maximum number of dwelling units in a row group is eight (8).
- c. Multi-Family Dwellings - The maximum number of dwelling units in a multi-family dwelling is eight (8).
- d. Ratio of Dwelling Types – The total number of single family attached dwelling units and multi-family dwelling units or combination thereof may not exceed fifty (50) percent of the total number of dwelling units. This requirement does not apply if the “parcel” is less than fifteen (15) acres in size.
- e. Unit Density – The maximum gross density or number of dwelling units permitted shall be based upon the total area of the parcel. The unit density may not exceed one (1) dwelling unit per 32,000 square feet unless the feasibility study performed pursuant to Section 503 of the Subdivision and Land Development Ordinance establishes that the ground water recharge on the tract in question after development computed during drought conditions (periods where precipitation is forty percent (40%) below normal) will exceed the anticipated water usage figures computed by using Department of Environmental Protection figures of 3.5 persons per dwelling unit and average daily uses of one hundred (100) gallons per



person per day demonstrates that less than 32,000 square feet is necessary to provide three hundred fifty (350) gallons per day recharge during drought conditions when precipitation is forty percent (40%) below, in which event the permitted density can be increased accordingly.

The minimum lot width as above described shall be abutting a public road or a private road meeting the requirements of Section 703(a) of the Peach Bottom Township Subdivision and Land Development Ordinance, except that if access is to be from a cul-de-sac at the end of a street the lot is not required to abut more than seventy (70) feet of such cul-de-sac. Access to the lot shall be from the public road or approved private road abutting the lot.

## **SECTION 201.4 BUILDING COVERAGE**

The maximum coverage of lot area by buildings, structures or impervious surface shall be as permitted in Section 217.

## **SECTION 201.5 SETBACKS**

Each lot shall provide front, side and rear setbacks not less than the following:

a. Front setback

1. For a non-agricultural use - thirty-five (35) feet
2. For a principal or accessory building - thirty-five (35) feet

b. Each side setback

1. For a principal building - ten (10) feet
2. For an accessory building – ten (10) feet
3. For a non-agricultural use - ten (10) feet

c. Rear setback

1. For a principal building - thirty-five (35) feet; fifteen (15) feet if served by public water and sewer.
2. For an accessory building - ten (10) feet
3. For a non-agricultural use - ten (10) feet

***Amended 1/7/08***

d. Setback for wells

1. A well must not be placed within (10) feet of a property line unless such location is necessary in order to enable a well, sewage disposal system, driveway and dwelling to be placed on the lot.

2. A well must not be placed within the right-of-way of any public road or within twenty (20) feet of the center line of any public or private road providing or potentially providing access to more than one dwelling.

## **SECTION 201.6 BUILDING HEIGHT**

The height limit for a main building shall be two and one-half stories, but not over thirty-five (35) feet, except that the height limit may be extended to three and one-half stories but not over forty-five (45) feet if each side yard is increased in width one-half foot for each additional foot of height. The height limit for accessory buildings shall be two stories, but not over twenty-five (25) feet. There shall be no height limitations for agricultural buildings.

## **SECTION 201.7 EXTENT-OF-USE**

Unless otherwise noted the extent-of-use or dimensional standards as set forth herein are the requirements for each use in this District. However,

- a. Exceptions and modifications to the extent-of-use requirements are set forth in Part II-A-7, and
- b. Additional or special extent-of-use requirements for certain uses are set forth in Part III.

## **SECTION 201.8 UTILITIES**

Each principal use shall be provided with public water and sewer service if it is determined by the Township engineer that adequate water and/or sewer service is available and that it is feasible to have the service extended to serve the principal use.

### 3. Agricultural District (A)

## SECTION 202 PURPOSE

A primary purpose of the Agricultural Zone is to permit, protect and encourage the continued use of the land for agricultural purposes. This Zone is composed of those areas in the Township whose predominant land use is agricultural. The regulations for this zone are designed to protect and stabilize the essential characteristics of these areas, to minimize conflicting land uses detrimental to agricultural enterprises, to limit development which requires highways and other public facilities in excess of those required by agricultural uses and to maintain agricultural parcels of farms in sizes which will permit efficient agricultural operations.

## SECTION 202.1 USE REGULATIONS

No building or structure may be erected or used and no land may be used or occupied except for one of the following principal uses:

### Principal Uses:

1. Farm
2. Forest and wildlife preserve
3. Greenhouse, nursery
4. Single family detached dwelling (see Section 202.8 and Section 202.9 )
5. Single Family Semi-Detached Dwelling (see Section 202.8 and Section 202.9 )
6. Concentrated Animal Operation / Concentrated Animal Feeding Operation(see Section 336)
7. Small School (see Section 337)
8. Group Home (Section 322) *Added 3/1/04*

~~Use identified as Principal Use 9 shall be located on land of low quality for agricultural use as defined in Section 202.9(f) of the Ordinance except that such use may be located in lands which were woodland on October 1, 2007 irrespective of soil quality. Uses identified as Principal Uses in subsections 4 and 8 shall utilize one of the tract's allocation of dwelling units permitted by Section 202.9 of this ordinance and the use identified as Principal Use 5 shall utilize two of the tract's allocation of dwelling units permitted by Section 202.9 *Added 11/8/10 Deleted 8/6/12*~~

Uses identified as principal uses in subsections 7 and 8 shall be located on land of low quality for agricultural use as defined in Section 202.9(f) of this ordinance. Uses identified as principal uses in subsections 4, 7 and 8 shall utilize one of the tract's allocation of dwelling units permitted by Section 202.9 of this ordinance and the use identified in subsection 5 shall utilize two of the tract's allocation of dwelling units permitted by Section 202.9 of this ordinance. *Added 8/6/12*

### Accessory Uses:

1. The sale of any products grown or produced on the farm on which they are sold
2. Home occupations (see Section 303)
3. Signs (see Section 310 et seq.)
4. Storage (see Section 351 and Section 354)
5. Private non-commercial swimming pool or pond (see Section 328)
6. Bed and breakfast inn (See Section 330)
7. Domiciliary care unit (See Section 304)
8. Family day care home (See Section 305)
9. Any other use customarily incidental to any of the uses permitted by the section as principal uses

Accessory uses 2, 5, 6, 7, and 8 shall be permitted as accessory only to principal uses 1, 4 and 5. *Amended 8/6/12*

## **SECTION 202.2 USE BY SPECIAL EXCEPTION**

The following ~~principal~~ uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses in accordance with the criteria established in Part III of this ordinance as applicable to such use and in accordance with according to the criteria established in Part IV of this Ordinance. ~~provided, however, all of such uses shall be located on land of low quality for agricultural use as defined in (see Section 202.9(f)) of this Ordinance. Each use identified in subsection 1, 3, 4, 5, 6, 7, 10, or 13 set forth below shall utilize one of the tract's allocations of dwelling units permitted by Section 202.9.~~

1. School
2. Club room, clubhouse, etc.
3. Outdoor recreational establishment (See Sections 221 and 328)
4. Trailer camp or campground (See Section 327)
5. Communications, transmitting and/or receiving facilities (See Section 335)
6. ~~Concentrated animal operation and concentrated animal feeding operation (See Section 336)~~ *deleted 9/3/14*
7. Sawmill *added 2/4/13* ~~Large concentrated animal feeding operation (See Section 336)~~ *deleted 2/4/13*
8. Municipal buildings and facilities
9. Kennel (See Section 329)
10. House of worship
11. Cemetery (See Section 394)
12. Veterinarian office or animal hospital
13. ~~Sawmill~~ *deleted 2/4/13*
14. ~~Agricultural society~~
15. ~~Stockyards~~
16. ~~Nursery School (see Section 324)~~

All such uses excepting uses 5 and 6 shall be located on land of low quality for agricultural use as defined in Section 202.9(f) of this ordinance. Each use identified in subsection 1, 2, 3, 8, 10, 11 and 12 shall utilize one of the tract's allocation of dwelling units permitted by Section 202.9 of this ordinance.

**Amended 8/6/12**

Accessory Uses:

The following accessory uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to the criteria established in Part IV of this Ordinance, provided , however, all such uses shall be located on land of low quality for agricultural use as defined in Section 202.9(e) of this Ordinance or in buildings existing prior to January 1, 1985.

1. Home occupation (see Section 303)
2. ~~Bed and Breakfast Inn (see Section 330)~~–Nursery school ( See Section 324)
3. Child day care center (See Section 323)
4. Any other use customarily incidental to any of the uses permitted by this section as special exception uses

All accessory uses excepting uses 2 and 3 shall be located on land of low quality for agricultural use as defined in Section 202.9(f) of this ordinance or in buildings existing prior to January 1, 1985. Accessory uses 2 and 3 shall be permitted accessory only to principal use 10. Amended 8/6/12

**SECTION 202.3 LOT AREA AND WIDTH**

~~The minimum lot area within the A Agricultural District shall be fifty (50) acres for a farm, ten (10) acres for forest and wildlife preserve, and forty thousand (40,000) square feet for all other uses, and the minimum width shall be two hundred (200) feet which shall be abutting a public or private road meeting the requirements of Section 703(a) of the Peach Bottom Township Subdivision and Land Development Ordinance, except that if access is to be from a cul-de-sac at the end of a street the lot is not required to abut more than seventy (70) feet of such cul-de-sac. Access to the lot shall be from the public road or approved private road abutting the lot.~~

For each use permitted by right or by special exception, the following lot area and lot widths are applicable:

Use	Minimum Lot Area	Minimum Lot Width
1. Farm (see Section 298 for non-conforming farm use) <b>added 4/1/13</b>	50 acres	200 ft.
2. Forest and wildlife preserve	10 acres	200 ft.
3. Single family semi-detached dwelling	60,000 sq. ft.	250 ft.
4. All other uses	40,000 sq. ft.	200 ft.

The minimum lot width shall be abutting a public or private road meeting the requirements of Section 703(a) of the Peach Bottom Township Subdivision and Land Development Ordinance, except that if access is to be from a cul-de-sac at the end of a street, the lot is not required to abut more than seventy (70) feet of such cul-de-sac. Access to the lot shall be from the public road or approved private road abutting the lot.

*Added 8/6/12*

## **SECTION 202.4 BUILDING COVERAGE**

The maximum coverage of lot area by buildings, structures or impervious surface shall be as permitted in Section 217.

## **SECTION 202.5 SETBACKS**

Each lot shall provide front, side and rear setbacks not less than the following:

a. Front setback

1. For a non-agricultural use - thirty-five (35) feet
2. For a principal or accessory building - thirty-five (35) feet

b. Each side setback

1. For a principal building - ten (10) feet
2. For an accessory building - ten (10) feet
3. For a non-Agricultural use - ten (10) feet

c. Rear Setback

1. For a principal building - thirty-five (35) feet
2. For an accessory building - ten (10) feet
3. For a non-Agricultural use - ten (10) feet

d. Setback for wells

1. A well must not be placed within ten (10) feet of a property line unless such location is necessary in order to enable a well, sewage disposal system, driveway and dwelling to be placed on the lot.
2. A well must not be placed within the right-of-way of any public road or within twenty (20) feet of the center line of any public or private road providing or potentially providing access to more than one (1) dwelling.

## SECTION 202.6 BUILDING HEIGHT

The building height limit shall be fifty (50) feet, except in the case of the agricultural buildings, in which case there shall be no height limitation.

## SECTION 202.7 EXTENT-OF-USE

Unless otherwise noted the extent-of-use or dimensional standards as set forth herein are the requirements for each use in this District. However,

- a. Exceptions and modifications to the extent-of-use requirements are set forth in Part II-A-7, and
- b. Additional or special extent-of-use requirements for certain uses are set forth in Part III.

## SECTION 202.8 SUBDIVISION

- ~~1. Except when necessary to permit the location of a lot for a single family detached dwelling or a single family semi-detached dwelling pursuant to the provisions of Section 202.1(4), Section 202.1(6) and Section 202.9 of this Ordinance, no subdivision of land other than land of low quality for agricultural use as defined in Section 202.9(f) of this Ordinance shall be permitted: provided, however, this shall not prevent a "parcel" from being divided into two or more "farms" which will after transfer each contain at least fifty (50) acres of cropland, (For purposes of this section, land converted from pasture or woodland after January 1, 2007 shall not be considered cropland excepting contiguous segments at least two (2) acres in size, which are in "prime agricultural land" as defined in this ordinance) nor shall it prevent a "parcel" containing less than fifty (50) acres from transferring land to another "parcel" which will, after transfer, contain at least as many acres of cropland as the transferor parcel prior to the transfer. No "farm" approved as having at least fifty (50) acres of cropland shall subsequently be permitted to locate dwelling units allocated pursuant to Section 298 of this ordinance or accessory buildings so as to reduce the amount of cropland to less than fifty (50) acres. *Amended 1/7/08*~~
- ~~2. Any new division line being created between two "farms" shall be agricultural reasonable and shall not be so as to render the agricultural use of the tracts less efficient; i.e. under normal circumstances, fields and contour strips shall not be split.~~
- ~~3. The land transferred to a farm or parcel pursuant to this Section shall not subsequently be separated from such farm or parcel.~~
- ~~4. A property owner submitting a subdivision plan shall be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused allocation of dwelling units his tract may have. There must be assigned both the land being separated from the original tract parcel and the remaining portion of the original tract or parcel at least one of the original tract's permitted allocation of single family dwelling units unless that land or parcel is being permanently joined to an adjacent tract or parcel which either contains an existing dwelling or has allocated to it the right to construct at least one (1) dwelling. *Deleted 6/2/08*~~

1. Lots shall not be separated from the original tract or parcel unless it is determined that:
  - a. The entire area being separated from the original tract is land which meets the requirements of Section 202.9(b) and (c) of this ordinance as the location of one or more of the dwelling rights allocated to the parcel by Section 202.9(a) of this ordinance; and there is being separated from the original tract no more land than necessary to, in accordance with the requirements of Section 202.9(b) of this ordinance, locate all of the dwelling units being allocated to the tract being separated; or
  - b. The area being separated includes a group of existing buildings which have been determined to have no functional utility in connection with the agricultural use of the original tract, and it is necessary to include all of the land shown on the plan in order to include such existing buildings. The owner of land asking approval of a lot larger than that permitted by Section 202.9(c) of this ordinance shall enter into an agreement with the township committing the owner of such lot to restore and maintain the structural integrity of the buildings which necessitate such oversized lot; or
  - c. The land being separated is being transferred to an adjacent parcel that will not, after the inclusion, be larger than one (1) acre if it contains any prime agricultural land as defined in Section 501 and will not be larger than three (3) acres if it does not contain any prime agricultural lands. Any lot transferred to another parcel pursuant to this section shall ~~have~~ be effectively merged with such parcel and shall not subsequently be separated therefrom; or
  - d. The parcel is proposed to be divided into or among two (2) or more farms, each of which will after transfer contain at least fifty (50) acres of crop land. For purposes of this section, land converted from pasture or woodland after January 1, 2007 shall not be considered cropland excepting contiguous segments at least two (2) acres in size, which are in “prime agricultural land” as defined in this ordinance. Any new division line being created between two (2) farms shall be agriculturally reasonable and shall not be so as to render the agricultural use of the tracts less efficient; i.e. under normal circumstances fields and contour strips will not be split. Any tracts transferred to another tract pursuant to this section shall be effectively merged with such tract and shall not subsequently be separated therefrom. No farm created and/or modified by this section as having at least fifty (50) acres of cropland shall subsequently be permitted to locate dwelling units allocated pursuant to Section 202.9(a) of this ordinance or accessory buildings so as to reduce the amount of cropland to less than fifty (50) acres; or
  - e. Land is proposed to be transferred to an adjacent parcel which will after such transfer be at least as large as and contain at least as much cropland as the transferor's parcel prior to such transfer. The new division line shall be agriculturally reasonable and shall not be so as to render the agricultural use of the tract less efficient; i.e., under normal circumstances fields and contour strips will not be split. Any lot transferred to another parcel pursuant to this section shall be effectively merged with such parcel and shall not subsequently be separated therefrom; or



f. The land proposed to be separated has been approved by the Zoning Hearing Board as the location of one (1) or more of the uses permitted by Section 202.2 of this ordinance and is not larger than necessary to accommodate that use.

2. There must be assigned both to the land being separated from the original tract or parcel and the remaining portion of the original tract or parcel at least one (1) of the original tract's permitted allocation of dwellings permitted by Section 202.9(a) of this ordinance, unless that land or parcel is being permanently joined to an adjacent tract or parcel which either contains an existing dwelling or has allocated to it the right to construct at least one (1) dwelling. Where the entire tract or parcel being subdivided is preserved farmland subject to an Agricultural Conservation Easement granted to either the Commonwealth of Pennsylvania or to York County pursuant to the Agricultural Area Security Law (P.L. 128 No. 43), as amended. (3 P.S. §914.1), the separated tract or parcel is exempt from the requirement to contain an existing dwelling or dwelling right." *Added 3/5/12*

3. A property owner submitting a subdivision plan will be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused allocation of dwellings permitted his tract or parcel pursuant to Section 202.9(a) of this ordinance. Such plan shall also contain such information as is necessary to enable the Board of Supervisors to determine whether or not the requirements set forth in this article and in other articles of the Peach Bottom Township Zoning Ordinance will be met. *Amended 6/2/08*

## SECTION 202.9 LIMITATIONS WITH RESPECT TO DWELLINGS

Dwelling units in the Agricultural District shall be subject to the following limitations:

- a. There shall be permitted on each tract of land the following number of dwelling units:

<u>Size of Tract of Land as of January 5, 1976</u>	<u>Number of Dwelling Units Permitted (including those existing as of January 5, 1976 and those located on a "farm")</u>
0-7 acres	1
7-30 acres	2
30-80 acres	3
80-130 acres	4
130-180 acres	5
180-230 acres	6
230-280 acres	7
280-330 acres	8
330-380 acres	9
380-430 acres	10
430-480 acres	11
480-530 acres	12
530-580 acres	13
580-630 acres	14
630-680 acres	15
680-730 acres	16
730-780 acres	17
780-830 acres	18
830 and over	19

In the event an agricultural conservation easement or other easement restricting or limiting nonagricultural development has been placed on any parcel or part thereof, such parcel shall not have any allocation of dwelling units in excess of dwelling units currently existing on the parcel whether pursuant to subsection (a) or subsection ~~(b)~~ (e) below ~~above~~ unless the deed creating the easement specifically reserves to the parcel such dwelling rights or the property owner has entered into an agreement with the Township prior to the granting of such easement allocating permitted dwelling units

between the portion of the parcel which will be subject to the easement and a portion of the parcel which will not be subject to the easement. In no event shall the permitted allocation exceed the number permitted the tract by subsections (a) or ~~(b)~~(e) of this section as may be applicable.

- b. New dwelling units must be located on lots containing in their entirety land of low quality for agricultural use as defined in subsection (f) of this section. Where such location is not feasible permits shall be issued to enable dwelling units to be located on lots containing higher quality soils. However, in all cases such dwellings and residential lots shall be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production. ~~be issued to enable dwelling units to be located on lots containing higher quality soils.~~
- c. A lot on which a new dwelling is to be located shall not contain more than one (1) acre unless the lot in its entirety is composed of land of low quality for agricultural use as defined in Section 202.9 (f) of this ordinance, and it is determined from the subdivision plan submitted by the property owner that the increased size of the proposed lot will not have the effect of precluding the property owner from locating all of the dwelling units permitted his tract by paragraph (a) of this section on lots composed in their entirety of the type of land described in subsection (f) of this section, or that the physical characteristics of the land itself require a lot size on excess of one (1) acre in order to properly locate a dwelling, a driveway, and an on-site sewage disposal system.

If the entire lot is composed of land of low quality for agricultural use as defined in section 202.9~~(e)~~ (f) of this ordinance, the lot shall not contain more than ~~(3)~~three acres unless:

1. The physical characteristics of the land itself require a larger lot size in order to properly locate a dwelling, a driveway, and an on-site sewage disposal system; or
2. The result of limiting the lot size to three (3) acres would be to leave a narrow strip or peninsula of land remaining connected to the residual tract in connection with the farming operation occurring on such residual tract either as cropland or pasture land.

If a new dwelling is to be located on a residual tract which currently is not improved with a dwelling, that dwelling must be located on the least agriculturally productive land feasible and so as to minimize interference with agricultural production.

- d. A property owner submitting a subdivision plan will be required to specify on his plan which lot or lots shall carry with them the right to erect or place any unused quota of dwelling units his tract may have. The property owner shall be required

to assign to each lot the right to erect or place at least one dwelling unit and demonstrate that the lot can be approved as a location for the placement or erection of a dwelling unless the lot is being permanently merged with another parcel which has either an existing dwelling or the right to erect or place at least one dwelling. Where the entire tract or parcel being subdivided is preserved farmland subject to an Agricultural Conservation Easement granted to either the Commonwealth of Pennsylvania or to York County pursuant to the Agricultural Area Security Law (P.L. 128 No. 43), as amended. (3P.S. §914.1), the separated tract or parcel is exempt from the requirement to contain an existing dwelling or dwelling right. Amended 3/5/12

- e. Lots for the location of dwelling units in addition to those authorized by subparagraph (a) of this section may be permitted provided:
  1. All of the dwelling units permitted by subparagraph (a) and constructed between January 5, 1976 and October 1, 2007 are located on lots which consist in their entirety of lands of low quality for agricultural use as defined in Section 202.9(e) of the Peach Bottom Zoning Ordinance in effect as of October 1, 2007; and
  2. All lots approved for the location of dwelling units between January 5, 1976 and October 1, 2007 but which as of October 1, 2007 have not had dwelling units constructed upon them are lots which consist in their entirety of land in Section 202.9(e) of the Peach Bottom Township Zoning Ordinance in effect on October 1, 2007; and
  3. All lots approved for the location of dwelling units which have been approved or for which approval is sought after October 1, 2007 consist in their entirety of land of low quality for agricultural use as defined in subsection (f) of this section.
  4. All dwelling units located after October 1, 2007 on a residual tract and all dwelling units for which approval is sought to be located on a residual tract after October 1, 2007 are or will be located on land of low quality for agricultural use as defined in subsection (f) of this section.
  5. The number of dwelling lots permitted by this subsection shall not be such as to permit there to be on any tract of land more than twice the number of dwelling units permitted on that tract of land by subsection (a) of this section. Added 8/6/12
- f. Land shall be considered of low quality for agricultural use if:
  1. The land is not "prime agricultural land" as defined by this ordinance; or
  2. The areas of prime agricultural land are minor and isolated (meaning not

contiguous with other areas of prime agricultural land) and cumulatively do not exceed the lesser of one-tenth of the lot or 6500 square feet); or

3. The land cannot feasibly be farmed:

- (a) Due to the existing features of the site, such as rock too close to the surface to permit plowing, wetlands or the fact that the slope of the area exceeds fifteen percent (15%); or
- (b) Due to the fact that the size or shape of the area suitable for farming or which could be made suitable for farming by removal of obstacles such as trees, underbrush and other growth is insufficient to permit efficient use of farm machinery. For purposes of the application of this subsection, the land to be contained in the lot shall be considered as part of the original tract.

~~Such additional lot or lots must meet all the requirements of this ordinance, the township subdivision and land development ordinance and all requirements of the Pennsylvania Department of Environmental Protection. The number of dwelling lots permitted by this subsection shall not be such as to permit there to be on any tract of land more than twice the number of dwelling units permitted on that tract of land by subsection (a) of this section. Deleted 8/6/12~~

- g. In the event two (2) or more parcels are in common ownership, the owners may transfer the right to construct or erect dwellings as provided by subparagraph (a) of this section from one parcel to another owned by them, provided the resulting dwelling unit or units are located on lots which, when considered as a part of the entire tract, consists in their entirety either of land of low quality for agricultural use as defined in ~~paragraph (e) of this section~~ section 202.9(f) of this ordinance or of land which is less desirable for agricultural use than any land on which a dwelling unit could feasibly be located on the transferor Tract.

Before such transfer is approved, the owner or owners must enter into a recordable agreement with the Township in the form approved by the Township Solicitor to give public notice of the transfer.

A transfer may not be approved if the location of the dwelling units allocated to the transferor tract by subparagraph (a) of this section is practically precluded by physical features such as inadequate access, steep slopes, wetlands, etc. as opposed to the desire to preserve agricultural use, except that this provision shall not apply if the transferor tract and transferee tract are contiguous to one another and will be merged with one another. If the merger is to occur, the owner or

owners and anyone holding a lien against either the transferor tract or the transferee tract must enter into an agreement with the Township obligating them to merge the tracts upon approval of the transfer.

No tract from which dwelling rights have been transferred pursuant to this section shall be permitted additional dwelling units or lots as provided by subparagraph (e) of this section except if the owner can demonstrate that he can, consistent with the requirements of this ordinance and with other applicable ordinances including, but not limited to, the Sewage Permit Ordinance, locate all of the unutilized dwelling units allocated to his tract of land both by Section 202.9 (a) and by Section 202.9 (e) of this ordinance on the transferor tract of land, the number of additional dwelling units or lots permitted the transferor tract by subparagraph (e) of this section will be reduced only by the number of dwelling rights or units allocated to the transferor tract by subparagraph (a) of this section which are transferred to another tract or parcel.

Following the transfer, the transferor tract must either contain an existing dwelling or have allocated to it the right to construct at least one (1) dwelling unless it is being permanently joined to and merged with an adjacent or nearby parcel which either contains an existing dwelling or has allocated to it the right to construct at least one (1) dwelling.

- h. Each single family semi-detached dwelling shall constitute two dwelling units for the purpose of determining the total number of dwelling units permitted the tract by the provisions of subparagraphs (a) and (e) of this section.

## **SECTION 202.10            BURDEN OF PROOF**

The applicant shall have the burden of proving that the land he seeks to subdivide or to utilize for a use or in a manner permitted only if the land is found to be of low quality for agricultural use, meets the criteria set forth in Section 202.9 (f) of this Ordinance.

## **SECTION 202.11            SOIL CLASSIFICATION REVIEW**

Any land owner who disagrees with the classification of his farm or any part thereof by the soil maps prepared by York County Planning Commission for Peach Bottom Township, may submit an engineering analysis of the soils on the portion of the farm which he seeks to have reclassified and if the Board of Supervisors finds the study to be accurate, it shall act in accordance with the results of such study. *Amended 1/7/08*

#### 4. Commercial District (C)

### **SECTION 203 PURPOSE**

The purpose of this zone is to provide reasonable standards for the development of commercial uses which serve day-to-day shopping needs of the residents as well as those establishments which cater primarily to the motoring public. The standards of this District are designed to separate access roads from major thoroughfares, to minimize traffic congestion and to provide buffer yards, and screen plantings where such adjoin residential areas.

### **SECTION 203.1 USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for one of the following uses.

#### Principal use:

1. Public building and facilities
2. House of worship
3. Public or private parking lot
4. Professional and business offices
5. Medical clinic, laboratory (see Section 396 )
6. Financial institution
7. Commercial school
8. Retail stores and personal service shops (see Section 338)
9. Eating establishments including drive-in restaurants
10. Indoor and outdoor recreational establishments (see Section 221 and Section 328 )
11. Motel, hotel, tourist home
12. Laundry and dry cleaning
13. Vehicle sales, service and repair
14. Service stations (see Section 320 )
15. Animal hospital, kennel
16. Funeral home(see Section 395 )
17. ~~Farm buildings~~ Nursery School (See section 324) **Added 8/36/12**
18. ~~Crops, pasture~~ Child Day Care Center (See section 323)-**Added 8/6/12**
19. ~~Dairy, livestock, poultry~~ Massage Establishment- **Added 5/7/07**
20. Greenhouse, nursery
21. Parks and other open spaces of a non-profit nature
22. Forestation and wildlife preserve
23. Signs when erected and maintained in accordance with Part III-B
24. Motor freight depot, truck terminal
25. Group Home (see Section 322) **Added 3/1/04**

Accessory Uses:

1. Storage (see Section 350 et seq.)
2. A single apartment in conjunction with a commercial establishment or alternatively a caretaker or watchman dwelling in conjunction with such commercial establishment
3. Any other use customarily incidental to any of the uses permitted by this section as principal uses.

## **SECTION 203.2 USES BY SPECIAL EXCEPTION**

The following uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and; decide requests for such uses according to the criteria established in ~~Part IV~~ Part III of this ordinance as applicable to such use and in accordance with the criteria established in Part IV of this ordinance. *Amended 8/6/12*

Principal Uses:

1. Mobile home park (see Section 321)
2. Club room, club grounds, meeting hall
3. Shopping center (see Section 325)
4. Processing establishment
5. Heavy storage services (see Section 350 et seq.)
6. Research Laboratory
7. Racetrack
8. ~~Child Day Care Center (see Section 323)~~ Adult Entertainment Facility (See Section 319)  
*Added 5/7/07*
9. ~~Nursery School (see Section 324)~~ Group Home (See Section 322) *Added 8/6/12*
10. Nursing Home or Convalescent Home (see Section 331)
11. Personal Care Home (see Section 332)
12. Hospital (see Section 333)
13. Communication, transmitting and/or receiving facilities (See Section 335) *Added 1/3/00*
14. Light Manufacturing (see Section 339) *Added 8/5/13*

Accessory Uses:

Any other use customarily incidental to any of the uses permitted by the section as special exception uses.

## **SECTION 203.3 LOT AREA AND WIDTH**

The lot area and width of not less than the dimensions shown on the following table shall be provided for each principal structure hereafter erected or altered for any use permitted in this District



	<u>Public Water &amp; Public Sewer</u>	<u>Public Water or Public Sewer</u>	<u>No Public Water or Public Sewer</u>
Minimum Lot Size	8,000 sq. ft.	12,000 sq. ft.	20,000 sq. ft.
Minimum Lot Width	70 ft.	80 ft.	100 ft.

The minimum lot width as above described shall be abutting a public road or a private road meeting the requirements of Section 703(a) of the Peach Bottom Township Subdivision Ordinance, except that if access is to be from a cul-de-sac at the end of a street the lot is not required to abut more than seventy (70) feet of such cul-de-sac. Access to the lot shall be from the public road or approved private road abutting the lot.

## **SECTION 203.4 BUILDING COVERAGE**

The maximum coverage of lot area by buildings, structures or impervious surface shall be as permitted in Section 217.

## **SECTION 203.5 SETBACKS**

Each lot shall provide front, side and rear setbacks not less than the following:

### a. Front setback

1. For a non-agricultural use - thirty-five (35) feet
2. For a principal or accessory building - thirty-five (35) feet

### b. Each side setback

1. For a principal building - ten (10) feet
2. For an accessory building - ten (10) feet
3. For a non-Agricultural use - ten (10) feet

### c. Rear Setback

1. For a principal building - thirty-five (35) feet
2. For an accessory building - ten (10) feet
3. For a non-Agricultural use - ten (10) feet

### d. Setback for wells

1. A well must not be placed within ten (10) feet of a property line unless such location is necessary in order to enable a well, sewage disposal system, driveway and business structure to be placed on the lot.

2. A well must not be placed within the right-of-way of any public road or within twenty (20) feet of the center line of any public or private road providing or potentially providing access to more than one dwelling or business.

### **SECTION 203.6\_\_\_\_BUILDING HEIGHT**

The building height limit shall be three (3) stories but in no case more than seventy-five (75) feet. The height limit for an accessory building shall be two stories but not over twenty-five (25) feet. There shall be no height limitations for agricultural buildings.

### **SECTION 203.7\_\_\_\_EXTENT-OF-USE**

Unless otherwise noted the extent-of-use or dimensional standards as set forth herein are the requirements for each use in this District. However,

- a. Exceptions and modifications to the extent-of-use requirements are set forth in Part II-A-7, and
- b. Additional or special extent-of-use requirements for certain uses are set forth in Part III.

## 5. Industrial District (I)

### **SECTION 204 PURPOSE**

The purpose of this zone is to permit and encourage industrial development that will be so located and designed as to constitute a harmonious and appropriate development, contribute to the soundness of the economic base of the Township and otherwise further the purpose of this Ordinance. In promoting these and the general purposes of this Ordinance, the specific intent of this zone is:

- a. To encourage the development of a continued use of land for industrial purposes.
- b. To prohibit any use which would substantially interfere with the development, continuation or expansion of industrial uses in the District.
- c. To establish reasonable standards for buildings and other structures, the areas and dimensions of yards and other open spaces, and the provision of facility and operation of industries to minimize air pollution, noise, glare, heat vibration and fire and safety hazards.

### **SECTION 204.1 USE REGULATIONS**

No building or structure may be erected or used and no land may be used or occupied except for one of the following uses.

#### Principal Uses:

1. Public or private parking lot
2.  ~~kennel~~ Public building and facilities - *Added 8/6/12*
3. Professional and business office
4. Heavy storage services
5. Motor freight depot, truck terminal
6. Research laboratory
7. Signs when erected and maintained in accordance with Part III-B
8.  ~~Farm buildings and agricultural uses~~ — *Amended 8/6/12*
9. Schools, public or private — *Added 7/6/87*
10. Sawmill — *Added 8/6/12*

#### Accessory Uses:

1. The sale of any products grown or produced on the farm on which they are sold
2. Home occupation (see Section 303)
3. Signs (see Section 310 et seq.)
4. Storage (see Section 350 et seq.)
5. Private non-commercial swimming pool or pond (see Section 328)
6. Domiciliary care unit (see Section 304)

7. A single apartment in conjunction with an industrial establishment or alternatively a caretaker or watchmen dwelling in conjunction with such industrial establishment.
8. Any other use customarily incidental to any of the uses permitted by this section as principal permitted uses.

## **SECTION 204.2 USES BY SPECIAL EXCEPTION**

The following uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to the criteria established in Part III of this ordinance as applicable to such use and in accordance with the criteria established in Section 204.7 of this ordinance and in accordance with the criteria established in Part IV of this ordinance. *Amended 8/6/12*

### Principal Uses:

1. Industrial Park (see Section 326)
2. General manufacturing, including Light Manufacturing (see Section 204.7) *Added 8/5/13*  
These include such uses as:
  - a. Food processing
  - b. Furniture
  - c. Textiles, leather, rubber, paper
  - d. Fabricated metals, machinery and parts
  - e. Stone, clay, glass
  - f. Printing and Publishing
  - g. Soft drink bottling, packaging products in the form of powder or other dry state
  - h. Lace manufacture, sewing apparel
  - i. Assembly of electronic apparatus
  - j. Instrument making, tool and die making, cabinetmaking
  - k. Electroplating metals, molding plastics
  - l. Power or electric generating facility
3. Automobile dismantling plant
4. Incineration, baling, recycling or treatment of junk, scrap, metals, rags, paper
5. ~~Sawmill~~ Kennel (See Section 329) *Added 8/6/12*
6. Landfill
7. Airport
8. Junkyard
9. Construction Equipment Business
10. Repair of Equipment and Vehicles
11. Quarrying (see Section 360 et seq.)
12. Communication, transmitting and/or receiving facilities (see Section 335)

### Accessory Uses:

1. Home occupation (see Section 303)
2. Signs (see Section 310 et seq.)

3. Storage (see Section 350 et seq.)
4. Caretaker or watchman dwelling
5. Any other use customarily incidental to any of the uses permitted by this section as special exception uses.

### **SECTION 204.2(A) SPECIAL EXCEPTION FOR PLACING MATERIAL IN QUARRY**

No material may be placed in an existing quarry except by special exception granted by the Township Zoning Hearing Board.

The Zoning Hearing Board shall not approve such a special exception application unless the applicant can establish compliance with all of the performance standards set forth in Section 204.7 of this Ordinance, the general standards for the grant of a special exception as set forth in Section 443 of this Ordinance, and in addition, can establish that the placing of such material in a quarry will not violate any state or federal law or adversely affect the underground waters of the Township.

### **SECTION 204.3 LOT AREA AND WIDTH**

The lot area shall be not less than 20,000 square feet and the lot width shall be not less than 100 feet which shall be abutting a public or private road meeting the requirements of Section 703(a) of the Peach Bottom Township Subdivision and Land Development Ordinance, except that if access is to be from a cul-de-sac at the end of a street the lot is not required to abut more than seventy (70) feet of such cul-de-sac. Access to the lot shall be from the public road or approved private road.

### **SECTION 204.4 BUILDING COVERAGE**

The maximum coverage of lot area by buildings, structures or impervious surface shall be as permitted in Section 217.

### **SECTION 204.5 SETBACKS**

Each lot shall provide front, side and rear setbacks not less than the following:

a. Front setback

1. For a non-agricultural use - fifty (50) feet
2. For a principal or accessory building - fifty (50) feet

b. Each side setback

1. For a principal building - thirty (30) feet
2. For an accessory building - ten (10) feet
3. For a non-Agricultural use - ten (10) feet

c. Rear Setback

1. For a principal building - Forty (40) feet
2. For an accessory building - forty (40) feet
3. For a non-Agricultural use - forty (40) feet

d. Setback for wells

1. A well must not be placed within ten (10) feet of a property line unless such location is necessary in order to enable a well, sewage disposal system, driveway and industrial business structure to be placed on the lot.
2. A well must not be placed within the right-of-way of any public road or within twenty (20) feet of the center line of any public or private road providing or potentially providing access to more than one dwelling, business or industrial use.

## **SECTION 204.6 BUILDING HEIGHT**

The building height limit shall be three stories but in no case more than seventy-five (75) feet. The height limit for an accessory building shall be two stories but not over twenty-five (25) feet. There shall be no height limitations for agricultural buildings.

## **SECTION 204.7 PERFORMANCE STANDARDS**

Before any permit for any use permitted in this zone by special exception is granted the applicant must establish that his proposed use will not:

1. Cause dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot in violation of Section 390(e).
2. Cause vibration beyond that permitted by Section 390(b) of this Ordinance.
3. Cause noise exceeding that permitted by Section 390(a) of this Ordinance.
4. Cause glare observable from beyond the boundaries of the lot in violation of Section 390(d) of this Ordinance.
5. Cause heat beyond the boundaries of the lot in violation of Section 390(c) of this Ordinance.

6. Cause pollution, degradation, contamination or discoloration of any underground or surface water of the Township or cause pollution, degradation, contamination or discoloration of any soils of the Township.
7. Constitute an unusual fire or explosion hazard.

In addition to the above, the applicant for a special exception for a use permitted in this District by special exception must establish to the Zoning Hearing Board the following:

1. That the ground water recharge on the tract in question after development computed during drought conditions (periods when precipitation is forty (40%) percent below normal) will exceed the anticipated water usage figures computed by using Department of Environmental Resource's figures of 3.5 persons per dwelling unit and average daily usage of one hundred gallons per person per day, where residential use is contemplated and will exceed projected water usage figures where industrial or commercial use is contemplated and that the installation of the proposed system will not lower the ground water table in the area so as to endanger or decrease ground water supplies available to other properties in the area of the property proposed for the use permitted by special exception.
2. That there is suitable access to the site of the proposed use taking into consideration the amount and type of additional traffic movement likely to result from the location of the proposed use on the site proposed and that the use will not substantially increase traffic on residential streets and/or farm roads.
3. That the buildings to be erected in conjunction with the proposed use will be suitably designed and landscaped so as to be compatible with surrounding areas.
4. That the drainage requirements of Section 270-275 of this Ordinance will be complied with.
5. That adequate fencing shall be provided to prevent children from having access to any dangerous facilities and/or materials.
6. That the buffer requirements of Section 221 of this Ordinance will be complied with.

In the event that a special exception for a use permitted in this District by special exception is granted by the Zoning Hearing Board and a permit and use certificate are issued therefore by the Township Zoning Officer and it is established that to the satisfaction of the Board of Supervisors that the use is in fact causing:

1. Dust, smoke, fumes, gas or offensive odors to be disseminated beyond the boundaries of the lot in violation of Section 390(e) of this Ordinance; or
2. Vibration beyond that permitted by Section 390(b) of this Ordinance; or
3. Noise exceeding that permitted by Section 390(a) of this Ordinance; or

4. Glare observable from beyond the boundaries of the lot in violation of Section 390(d) of this Ordinance; or
5. Heat beyond the boundaries of the lot in violation of Section 390(c) of this Ordinance.
6. Any pollution, degradation, contamination, or discoloration of underground or surface waters of the Township; or
7. An unusual fire or explosion hazard; or
8. An adverse affect upon water supplies utilized by neighboring properties; or

That the permit or certificate holder has:

1. Failed to construct and/or landscape buildings as provided in the proposal; or
2. Has failed to comply with the drainage requirements of Section 270 -275; or
3. Has failed to fence facilities or materials dangerous to children; or
4. Has failed to comply with the buffer requirements of Section 221 of this Ordinance.

The permit and use certificate issued with respect to the use shall be revoked and the use shall terminate immediately.

## **SECTION 204.8 EXTENT-OF-USE**

Unless otherwise noted the extent-of-use or dimensional standards as set forth herein are the requirements for each use in this District. However,

- a. Exceptions and modifications to the extent-of-use requirements are set forth in Part II-A-7, and
- b. Additional or special extent-of-use requirements for certain uses are set forth in Part III.

## **SECTION 204.9 UTILITIES**

Each principal use shall be provided with public water and sewer service if it is determined by the Township engineer that adequate water and/or sewer service is available and that it is feasible to have the service extended to serve the principal use.



## 6. Residential District II (RII)

### **SECTION 205 PURPOSE**

The Residential II Zone is for people to live in. The purpose of this Residential Zone is to promote and encourage a suitable and safe environment by promoting medium density single-family residences in rural areas where public services such as water and sewerage are not available and are not expected to be available as contrasted with the residential district where public facilities are expected to ultimately be available, and to exclude any activities not compatible with such medium density residential development.

### **SECTION 205.1 USE REGULATIONS**

No building or structure may erected or used and no land may be used or occupied except for one of the following uses:

#### Principal Uses:

1. Single family detached dwelling excepting that a mobile home as defined in Section 501 of this Ordinance shall not be permitted in this District.
2. Public buildings and facilities
3. Parks or other open spaces of a non-profit nature
4. Schools, public or private
5. House of worship
6. Cemetery (see Section 394)
7. ~~Farm~~—Forest or wildlife preserve
8. ~~Private, social or recreation club~~ Group Home (see Section 322) **Added 3/1/04**

#### Accessory Uses:

1. The sale of any products grown or produced on the farm on which they are sold
2. Home occupation (see Section 303)
3. Signs (see Section 310 et seq.)
4. Storage (see Section 350 et seq.)
5. Private non-commercial swimming pool or pond.
6. Domiciliary care unit (see Section 304)
7. Family day care home See Section 305)
8. Nursery school (See Section 324)
9. Child day care center (See Section 323)
10. Any other use customarily incidental to any of the uses permitted by the section as principal permitted uses.

Accessory uses 1, 2, 5, 6 and 7 shall be permitted as accessory only to principal use 1.  
Accessory uses 8 and 9 shall be permitted as accessory only to principal permitted use 5.

**Amended 8/6/12**

**II-31**

## **SECTION 205.2 USE BY SPECIAL EXCEPTION**

The following ~~principal~~ uses shall be permitted as special exceptions when authorized by the Zoning Hearing Board. The Zoning Hearing Board shall hear and decide requests for such uses according to the criteria established in Part III of this ordinance as applicable to such use and in accordance with the criteria established in Part IV of this Ordinance. *Amended 8/6/12*

### Principal Uses:

1. ~~Professional office~~ Medical clinic, laboratory
2. Antique sales facility
3. Social or Recreation club (see Section 334)
4. Nursery School (see Section 524)
5. Child day care center (See section 323) *Added 8/6/12*

### Accessory Uses:

1. Home occupation (see Section 303)
2. Any other use customarily incidental to any of the uses permitted by the section as special exception uses.

## **SECTION 205.3 LOT AREA AND WIDTH**

The lot area and width of not less than the dimensions shown on the following table shall be provided for every dwelling unit and/or principal nonresidential structure hereafter erected or altered for any use permitted in this District.

Minimum Lot Area -- 40,000 sq. ft.

Minimum Lot Width -- 200 ft.

The minimum lot width as above described shall be abutting a public road or a private road meeting the requirements of Section 703(a) of the Peach Bottom Township Subdivision and Land Development Ordinance. Access to the lot shall be from the public road or approved private road abutting the lot.

## **SECTION 205.4 BUILDING COVERAGE**

The maximum coverage of lot area by buildings, structures or impervious surface shall be as permitted in Section 217.

## **SECTION 205.5 SETBACKS**

Each lot shall provide front, side and rear setbacks not less than the following:

a. Front setback

1. For a non-agricultural use - thirty-five (35) feet
2. For a principal or accessory building - thirty-five (35) feet

b. Each side setback

1. For a principal building - ten (10) feet
2. For an accessory building - ten (10) feet
3. For a non-Agricultural use - ten (10) feet

c. Rear Setback

1. For a principal building - thirty-five (35) feet
2. For an accessory building - ten (10) feet
3. For a non-Agricultural use - ten (10) feet

d. Setback for wells

1. A well must not be placed within ten (10) feet of a property line unless such location is necessary in order to enable a well, sewage disposal system, driveway and dwelling to be placed on the lot.
2. A well must not be placed within the right-of-way of any public road or within twenty (20) feet of the center line of any public or private road providing or potentially providing access to more than one dwelling.

## **SECTION 205.6 BUILDING HEIGHT**

The height limit for a main building shall be two and one-half stories, but not over thirty-five (35) feet, except that the height limit may be extended to three and one-half stories but not over forty-five (45) feet if each side yard is increased in width one-half foot for each additional foot of height. The height limit for an accessory building shall be two stories but not over twenty-five (25) feet. There shall be no height limitations for agricultural buildings.

## **SECTION 205.7 EXTENT-OF-USE**

Unless otherwise noted the extent-of-use or dimensional standards as set forth herein are the requirements for each use in this District. However,

- a. Exceptions and modifications to the extent-of-use requirements are set forth in Part II-A-7, and
- b. Additional or special extent-of-use requirements for certain uses are set forth in Part III.

## 7. Exceptions and Modifications

### **SECTION 210 YARD REGULATIONS**

#### 1. Expansion of Existing Buildings

- a. Expansion of buildings existing as of September 1, 1984, shall be permitted without regard to the yard requirements set forth in this Ordinance provided such expansion does not project further into the required yard area than does the building before expansion.

#### 2. New Principal Buildings

- a. New principal buildings or structures may be located in the required front setback or front yard area only if:
  1. ) The alignment of one or more of the existing principal buildings on each side of the lot proposed as the location for a new principal building and within a distance of two hundred (200) feet of the proposed building and fronting on the same side of the same road or street is more proximate to the center of the road or street than the required minimum front setback line; and
  2. ) The proposed principal building will be located so that it is in alignment with the principal buildings on each side of the lot within a distance of two hundred (200) feet of the proposed building or structure and fronting on the same side of the same road or street as the proposed building; and
  3. ) The resulting front setback is not less than thirty-five (35) feet from the center line of the road or street.

#### 3. New Accessory Buildings

- a. New accessory buildings may be located within the minimum required front setback or front yard areas only if:
  1. ) There is on the property proposed as the location for the accessory building another building within the required front setback or front yard area; and
  2. ) Such building was existing on September 1, 1984; and
  3. ) The proposed accessory building will not project further into the required front setback or front yard area than the other building existing on September 1, 1984.

~~4. ) The proposed accessory building will be located in the Residential II District and:~~

~~a. The proposed accessory building cannot feasibly be located in the side or rear yard because:~~

~~1) There is inadequate space in any side or rear yard to accommodate the proposed accessory building; or~~

~~2) The space available in the side or rear yard cannot feasibly be used as a location for the accessory building because:~~

~~a) The topographic features of such space are such that the proposed accessory building cannot feasibly be located in that space; or~~

~~b) The proposed accessory building is a garage and the available space in the side or rear yard cannot be accessed by motor vehicles; and~~

~~b. The proposed accessory building will not project further into the minimum required front setback or front yard area than is reasonably necessary.~~

b. New accessory buildings may be located in the existing front yard area as defined in relation to the principal building only if:

1. ) The provisions of subsection (a) above are applicable to permit the accessory building to be located within the minimum required front setback or front yard area; or

2. ) The proposed accessory building will be located in the Agricultural District; and

a. ) The accessory building will be located at least five hundred (500) feet from any dwelling other than one owned by the owner of the accessory building; or

b. ) The accessory building will be located on a farm containing at least fifty (50) acres;

3. ) Accessory buildings permitted within the existing front yard area by reason of the provisions of (2)(a) or (2)(b) above may not be located in the required front setback.

~~4. ) The proposed accessory building will be located in the Residential II District and:~~ New accessory buildings may be located in the front yard area based on "hardship" if:

a. The proposed accessory building cannot feasibly be located in the side or rear yard because:

- 1) There is inadequate space in any side or rear yard to accommodate the proposed accessory building; or
- 2) The space available in the side or rear yard cannot feasibly be used as a location for the accessory building because:
  - a) The topographic features of such space are such that the proposed accessory building cannot feasibly be located in that space; or
  - b) The proposed accessory building is a garage and the available space in the side or rear yard cannot be accessed by motor vehicles; and
- b.** The proposed accessory building will not project further into the ~~minimum required front setback or~~ front yard area than is reasonably necessary. *Amended 3/5/12*

#### 4. Exclusions

- a. In all Districts, the setback regulations do not apply to:
  1. ) School bus shelters and cornices, chimneys, steps, canopies, and similar extensions, but including porches or patios whether covered or not
  2. ) Open fireproof fire escapes
  3. ) Eaves
  4. ) Hedges, fences or walls less than six (6) feet in height above the natural grade except that on a corner lot in any Residential District, no fence, wall, hedge or other structure or planting more than two and one-half (2-1/2) feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along said street lines.

#### 5. General

No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

## **SECTION 212            SIGHT DISTANCE**

Proper sight lines must be maintained at all street intersections. Measured along the centerline of the street, there must be a clear sight triangle with sides as follows:

<u>Street</u>	<u>Clear Sight Triangle Side</u>
Major Thoroughfares	150 feet
Minor Streets	75 feet

No building or construction is permitted in this area except as follows:

- a. Obstruction or plantings less than three (3) feet in height.
- b. If not obstructing the view of traffic, post columns and trees not exceeding one (1) foot in diameter.

## **SECTION 213            SETBACKS ON CORNER LOTS AND TRIANGULAR LOTS**

In the case of corner lots, two front yards of thirty-five (35) feet each shall be provided and two side yards of at least ten (10) feet shall be provided. In the case of triangular lots, one front yard of at least thirty-five (35) feet shall be provided and two side yards of at least ten (10) feet shall be provided.

## **SECTION 214            EXCEPTIONS FOR ACCESSORY OR APPURTENANT STRUCTURES**

- a. Setbacks: The setback regulations do not apply to--
  1. School bus shelters and cornices, chimneys, steps, canopies, and similar extensions, but not including porches or patios whether covered or not
  2. Open fireproof fire escapes
  3. Eaves
- b. Maximum Height: The height regulations do not apply to—
  1. Structures such as chimneys, standpipes, flagpoles, television antennas or radio towers.

2. Structures on buildings such as clock towers, cupolas, water tanks, and other mechanical appurtenances, if such structures, at any level, do not cover more than twenty-five (25%) percent of the roof on which they are located.
3. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet.

## **SECTION 215    MINIMUM HABITABLE FLOOR AREA**

All dwelling units must conform to the minimum habitable floor area following:

- a. Single-family dwelling: 600 square feet.
- b. Apartment, including multi-family conversions: 400 square feet per dwelling unit.

## **SECTION 216    NUMBER OF PRINCIPAL USES ON A LOT**

In an R zone, not more than one principal use shall be permitted upon a lot except by special permit.

## **SECTION 217    BUILDING COVERAGE**

1. Maximum coverage of lot area by buildings shall be permitted as follows:
  - a. Residential Uses
    1. If public water and public sewer are not used: 15%
    2. If either public water or public sewer, but not both are ~~only~~ used: 20%
    3. If both public water and public sewer are used: 30%
  - b. Nonresidential Uses
    1. If public water and public sewer are not used: 30%
    2. If either public water or public sewer, but not both are ~~only~~ used: 40%
    3. If both public water and public sewer are used: 60%

2. Maximum Lot Coverage – 80%

*Amended May 7, 2012*



## **~~SECTION 218 — ROW DWELLING — EXTENT OF USE — REQUIREMENT~~**

~~Each dwelling unit in a row dwelling group must have a minimum lot area of 3,000 square feet and a minimum width of twenty (20) feet. The maximum number of dwelling units permitted in a row group is ten (10). Between row groups there must be at least forty (40) feet. At the end of each row group the side setback from a property line must be twenty (20) feet. The minimum lot size is subject to the lot size requirement of the zone in which it is permitted. Deleted 3/1/04~~

## **~~SECTION 219 — MULTI-FAMILY DWELLING — DENSITY~~**

~~The lot for a multi family dwelling must have a minimum lot area of the greater of 40,000 square feet or 3,000 square feet per dwelling unit. The minimum lot width is two hundred (200) feet. Each applicant for a multi family dwelling must submit a feasibility report on sewer and water facilities as required by Section 503 of the Peach Bottom Township Subdivision and Land Development Ordinance, the results of which report may require lower densities. Deleted 3/1/04~~

## **SECTION 220 — SALE OF AGRICULTURAL PRODUCTS**

The sale of retail of agricultural products is permitted on the property where they are grown in any zone where said production is allowed.

## **SECTION 221 — SCREENS AND BUFFERS**

1. Where a commercial or industrial zone abuts a residential zone except for street or alley frontage:
  - a. A fence or hedge must be placed sufficient to screen any proposed industrial or commercial uses or structures from any location in a Residential District and from any existing residence in an Agricultural District.
  - b. The space along the side or rear lot line in the Commercial or Industrial Zone abutting a Residential Zone for fifty (50) feet in depth may not be used for commercial or manufacturing operations. This area must be suitably landscaped and maintained.
2. Where an outdoor recreational use other than a golf course adjoins or is in a residential zone trees or shrubs must be planted on the site of the use so as to form an effective visual barrier between the outdoor recreational use and the adjoining residentially zoned property.

## B. IMPROVEMENTS

### 1. Parking

#### SECTION 230 SIZE OF PARKING SPACE

The parking space must have an area of not less than two-hundred (200) square feet, exclusive of passageways and driveways appurtenant to the space and giving access to it.

#### SECTION 231 OFF-STREET PARKING SPACES

- a. Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>TYPE OF USE</u>	<u>NO. OF PARKING SPACES</u>
Dwelling, single family or multi-family	2 per dwelling unit
Rooming house	1 per bedroom
Hotel, motel, tourist home	1 per guest room plus 1 for each two full time employees
Office building	1 for each 300 sq. ft. of gross floor area
Retail store or shopping center	1 for each 200 sq. ft. of retail floor space plus 1 additional space for each 2 full time employees
Eating establishment	1 for each 4 seats plus 1 for each 2 full-time employee
Bowling alley	4 spaces per lane plus 1 for each full time employee
Other recreational establishments	1 for each 100 sq. ft. of gross floor area
Automobile repair, gasoline station	1 for each 400 sq. ft. of gross floor area and ground area devoted to repair and service facilities
Other commercial buildings	1 for each 300 sq. ft. of gross floor area
Hospital, sanitarium	1 for each 3 beds plus 1 for each employee on the largest shift
Auditorium, church, theater and other such places of public assembly	1 for each 3 seats
Industrial facility	1 for each employee on the largest shift

Funeral home	1 for each 100 sq. ft. of gross floor area
Clubs, lodges and other similar places	1 for each 100 sq. ft. of gross floor area
Drive-in restaurants, drive-in dairies, and other similar establishments	1 for each 50 sq. ft. of gross floor area plus one (1) for each two (2) employees

b. Permitted parking adjustments - When an applicant can demonstrate that the number of parking spaces required by subsection (a) hereof is in excess of that reasonably necessary for the proposed use, the number of parking spaces may be reduced to the number which the applicant and the township agree is reasonable for the use provided:

1. The total parking spaces required by subsection (a) hereof shall be shown on the plan;
  2. The plan showing such total parking spaces shall comply with all requirements regarding setbacks and lot coverage;
  3. The storm water management plan shall be based upon the total parking spaces required by subsection (a) being installed;
  4. The plan shall also show the parking spaces which are to be currently installed with the parking spaces not to be currently installed to be planted in trees, grass or other landscaping and be available to be developed into parking spaces should the township in its sole discretion determine that some or all of such additional parking spaces are needed; and
  5. The applicant enters into a recordable agreement with the township in a form approved by the township solicitor, which agreement shall obligate the current property owners, their heirs, executors, administrators and assigns to improve additional parking spaces up to the total amount required by subsection (a) hereof upon request by the township.
- Amended 1/7/08*

## **SECTION 232 LOCATION**

The parking area must be on the same or nearby premises. If on nearby premises—

- a. The nearest point of the parking lot shall be not further than the following distance to the nearest point of the property served: one hundred (100) feet in the case of a commercial use, two hundred (200) feet in the case of a residential use, and three hundred (300) feet in the case of industrial use.
- b. The parking area must remain under control of the owner or operator of the use to which the parking area is appurtenant in a manner satisfactory to the Zoning Hearing Board.

## **SECTION 233 LAYOUT**

- a. Parking areas must be arranged so that there will be no need for motorists to back over (1) local streets, except in the case of residential uses; (2) any street other than a local street.
- b. Surfacing - Any off street parking areas shall be graded for proper drainage and shall be surfaced so as to provide a durable and dust-free surface such as a concrete or bituminous surface, and shall be arranged so as to provide for orderly and safe parking of vehicles. Parking lots in excess of six (6) spaces shall be clearly striped.
- c. Lighting- Any lighting used to illuminate any off street parking area shall be so arranged so as to reflect the light away from adjoining premises and from the public right-of-way.
- d. Parking area screening - Landscaping and buffer yards shall be provided around all off street parking areas in accordance with the Township Subdivision and Land Development Ordinance.  
*Amended 1/7/08*

## **SECTION 234 PARKING AREA ADJACENT TO STREET**

For multi-family and nonresidential uses, where a parking area or other area open to movement of vehicles abuts the right-of-way line of a public street, a pipe railing, post and chain barricade, raised curbs or equally effective devices satisfactory to the Township must line the public right-of-way except at access points.

## **SECTION 235 IMPROVEMENT**

All access drives for commercial or industrial uses (a church is not considered a commercial or industrial use) shall be improved in accordance with the standards set forth in Section 804 of the Township Subdivision and Land Development Ordinance. The surface course shall be added at least six (6) months but not more than twelve (12) months following the completion of the stone base.

All required parking areas for commercial uses and industrial uses as set forth in Section 204.2 (1), (2), (3), (4) and (7), of this Ordinance shall be improved in accordance with the standards set forth in Section 804 of the Township Subdivision and Land Development Ordinance excepting that four (4) rather than eight (8) inches of pavement base shall be required. The surface course shall be added at least six (6) months but not more than twelve (12) months following the completion of the stone base.

## **SECTION 236 STORM WATER DRAINAGE**

All parking areas and access drives must be designed so as to achieve compliance with the storm

drainage requirements of Section 712 of the Township Subdivision and Land Development Ordinance and where necessary in order to achieve compliance with that section storm drainage facilities including but not limited to storm water detention basins must be designed and installed so that all of the requirements regarding storm drainage as set forth in Sections 712 and 806 of the Subdivision and Land Development Ordinance which requirements are incorporated herein by reference are met with respect to parking areas and access drives. A violation of any provision of Sections 712 or 806 of the Township Subdivision and Land Development Ordinance shall be a violation of this Ordinance.

2. Loading

**SECTION 240 SIZE; SURFACING**

The loading space must be not less than twelve (12) feet wide and seventy (70) feet long. It must be surfaced so as to be available in all weather.

**SECTION 241 SPACES REQUIRED**

Off-street loading spaces must be provided for each building erected or enlarged in accordance with the following schedule:

<u>TYPE OF USE</u>	<u>NUMBER OF LOADING SPACES</u>
Manufacturing, storage, display or sale of goods, hospitals and sanitararia	1 space for a gross floor area of 5,000 to 25,000 sq. ft. and 1 sanitararia, additional space for each 10,000 sq. ft. of gross floor area in excess of 25,000 sq. ft.
Offices, hotels, theaters or similar uses	1 space for a gross floor area of 20,000 to 100,000 sq. ft. and 1 additional space for each 40,000 sq. ft. of gross floor area in excess of 100,000 sq. ft.

**SECTION 242 LAYOUT**

The loading area must be arranged so that there will be no need for motorists to back over public rights-of-way and must not be located in the front yard.

### 3. Driveways

#### **SECTION 250 WIDTH**

Within ten (10) feet of the street right-of-way line, access driveways may not exceed thirty-five (35) feet in width.

#### **SECTION 251 NUMBER**

The number of driveways may not exceed two (2) per lot on any one street frontage. The Zoning Hearing Board may grant permission by special permit for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.

#### **SECTION 252 OFFSETS**

Driveways may not enter a public street:

- a. Within forty (40) feet of the street right-of-way line of an intersecting street.
- b. Within five (5) feet of a fire hydrant.
- c. Within twenty-five (25) feet of another access drive on the same property.

#### **SECTION 253 SIGHT DISTANCES; SLOPE, CUTS**

A driveway must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of five (5) percent within twenty-five (25) feet of the street right-of-way line. Where a drive enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed three (3) feet within ten (10) feet of the street.

#### **SECTION 254\_\_\_\_DRIVEWAY PERMITS**

Hereafter no driveway may be opened or constructed within the limits of Peach Bottom Township unless a permit to do so shall first be secured in accordance with the provisions of the Peach Bottom Township Driveway Ordinance, all of which provisions are incorporated herein by reference; and unless such opening or construction is in strict accordance with the application submitted pursuant to the Peach Bottom Township Driveway Ordinance and with the permit issued pursuant thereto in accordance with procedures set forth in such Ordinance. Any violation of the provisions of the Township Driveway Ordinance shall constitute a violation of this Ordinance.

#### 4. Illumination

### **SECTION 260 LIGHTING**

~~Where a use involves exterior lighting, the lighting must be so located and shielding that no objectionable illumination or glare is cast upon adjoining properties.~~

All lighting fixtures shall be arranged to prevent objectionable glare on adjoining properties and roadways and shall comply with the following:

1. In all zones, the maximum illumination off-site shall be one (1) foot candle at grade level except at driveways or access drives connecting to a street where the illumination shall not exceed five (5) foot candles.
2. All lighting with the exception of wall pack lighting shall be directed downward and inward towards the site and all lenses or bulbs shall be fully recessed or shielded.
3. Prior to approval of all Commercial and Industrial uses the applicant must submit an accurate and fully legible photometric plan drawn to scale by a professional engineer or otherwise experienced and qualified lighting professional as part of the subdivision/land development plan for that use. The photometric plan shall show on-site illumination levels along with off-site illumination within fifty (50) feet of the property lines.
4. Prior to installation of wall pack lighting facing a public road, a residential district or a residential use, screening is required to prevent such lighting from being visible from a public road, a residential district or a residential use. Wall pack lighting shall not be permitted in a residential district.
5. Uses within the Commercial and Industrial Districts and for Commercial and Industrial uses wherever located with the exception of uses that include dispensing of vehicle fuel, the intensity of illumination is limited to five (5) foot candles at all areas of the site. For uses that include dispensing of vehicle fuel, the intensity of illumination for all areas of the site is limited to eight (8) foot candles at all areas of the site. Under-canopy lighting, for such applications as a gas/service station, hotel/theater marquee, fast food/bank/drugstore drive through, shall be accomplished using flat-lens full cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source. The average illumination intensity in the areas directly below the canopy shall not exceed thirty (30) foot candles and the maximum intensity shall not exceed thirty-five (35) foot candles. Also, the maximum intensity shall not exceed fifteen (15) foot candles within ten

(10) feet of the perimeter of the canopy. Within twenty (20) feet of any fuel tank storage area the intensity of illumination is limited to fifteen (15) foot candles.

6. Parking facility and vehicular and pedestrian way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one-half hour after the close of business or facility operation. When safety or security lighting is proposed for after hours illumination, it shall not be in excess of twenty- five (25) per cent of the number of fixtures or illumination level required or permitted for illumination during regular business hours.
7. Any applicant for a change of a Commercial or Industrial use which involves a change of previously approved lighting must submit a photometric plan or a modification to an existing photometric plan. The photometric plan shall shown on-site illumination levels along with off-site illumination within fifty (50) feet of the property lines.
8. All lighting facilities (including street lights owned by private entities) shall be maintained in good working order in a manner consistent with the originally approved lighting plan.
9. If the approved lighting is found through field measurements by the Township to be failing to perform in accordance with levels of illumination predicted within the photometric plan, or, if there is no plan, not performing in accordance with the requirements of this Section (260) of the ordinance, then the lighting shall be field adjusted to be brought into compliance. All field adjustments of lighting shall be reviewed and approved by the Township.

*Amended November 8, 2010*



## 5. Drainage

### **SECTION 270     ADEQUATE DRAINAGE REQUIRED**

No principal building may be erected, structurally altered, or relocated on land—

- a. Which is not adequately drained at all times.
- b. Which is subject to periodic flooding

### **SECTION 271     BUILDING RESTRICTED ADJACENT TO DRAINAGE CHANNELS & WATERCOURSES**

Except for a boathouse, no building may be erected, structurally altered or relocated—

- a. Within twenty (20) feet of the ordinary high water line of any surface water drainage channel or natural watercourse.
- b. So that its lowest floor is less than three (3) feet above the high water line.

### **SECTION 272     DRAINAGE UPON STREETS**

In order to prevent improper surface water drainage upon streets, each building erected, structurally altered, or relocated, and its driveways, must be at a grade in satisfactory relationship—

- a. With the established street grade, or
- b. With the existing street grade where none is established.

### **SECTION 273     DRAINAGE UPON ADJOINING PROPERTIES; SLOPES**

In order to protect adjoining property owners, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land may be made which would—

- a. Result in a slope of more than ten (10) percent within twenty (20) feet of a property line.
- b. Alter the existing drainage or topography in any way so as to adversely affect adjoining properties.

In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.     **II-47**

## SECTION 274 OBSTRUCTION TO DRAINAGE PROHIBITED

The damming, filling, or otherwise interfering with the natural flow of a surface watercourse is not permitted without approval of the Township Supervisors.

## SECTION 275 STORM WATER MANAGEMENT

~~Storm water runoff from any given area to be altered by erection of a building or structure, regrading or otherwise, shall be computed in accordance with Urban Hydrology for Small water Sheds, Technical Release #55, and prepared by the United States Department of Agriculture, January 1975, or as may otherwise be acceptable to the Township. The design concept where runoff may affect downstream properties must be as follows:~~

- ~~a. The release rate from storms up to ten years in recurrent frequencies shall be limited to the pre-development flow rate from a two-year storm.~~
- ~~b. The release rate from storms from up to one hundred years in recurrent frequencies shall be limited to the pre-development flow rate from a ten-year storm.~~
- ~~c. Retention facilities shall be designed to retain the differences in flow rates per above.~~
- ~~d. The emergency spillways from such facilities shall be designed based on a one hundred year storm.~~
- ~~e. Where the storm water management plan provides for roof drain and/or driveway drain infiltration facilities, these must be protected by filter fabric and in the case of roof drain facilities, provide for sediment filtering at the roof and for a cleanout at ground level. If the flow from a detention facility would otherwise damage or interfere with the agricultural or residential use of a property over which it would flow it shall be piped to a stream; provided, however, this provision shall not apply if the owner of the property which would be adversely affected by the flow refuses to grant to the owner of property being improved by the construction of a building, regrading or otherwise, a right-of-way to pipe the flow from the detention facility underground at a sufficient depth so as not to interfere with agricultural use without charge to the owner of the property being improved except for damage to growing crops and trees; and, provided, further, the pipeline shall be located so as to minimize such surface damage.~~
- ~~f. The owner of property installing storm water management facilities must make adequate provisions for their perpetual maintenance. Such owner shall in addition, provide for an easement enabling the Township to perform emergency maintenance in the event the property owner should fail to do so and shall establish a procedure whereby the Township shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin or other storm water management facility is located, by the filing of a municipal lien. Deleted 3/1/10~~

Storm water runoff from any given area to be altered by the erection of a building or structure, installation of impervious surface, regrading or otherwise must be computed in accordance with the requirements of Section 712(g) of the Township Subdivision and Land Development Ordinance or as otherwise may be acceptable to the Township engineer, and such storm water management facilities including but not limited to storm

water detention basins, roof drain and/or driveway drain infiltration facilities must be designed so as to achieve compliance with the requirements of Section 712 of the Township Subdivision and Land Development Ordinance. Any such facilities which are proposed must be installed in accordance with the requirements of Section 806 of the Township Subdivision and Land Development Ordinance.

All requirements of Sections 712 and 806 of the Township Subdivision and Land Development Ordinance are incorporated herein by reference and any violation of any provision of Section 712 or 806 of the Township Subdivision and Land Development Ordinance shall constitute a violation of this Ordinance.

Prior to commencing construction of any storm water detention basin or the installation of any parking areas or access drives for commercial or industrial uses, the property owner must obtain a permit from the Township. In the application for the permit the owner must include a description of the proposed work and a complete design demonstrating that the design requirements of Section 712 of the Township Subdivision and Land Development Ordinance will be achieved. At the time of application, the owner shall pay to the Township a permit fee to be established by resolution of the Township Board of Supervisors. Prior to receipt of the permit, the property owner shall pay the amount estimated by the Township as sufficient to defray the cost of the Township engineer reviewing such design for consistency with Township requirements, if the design has not previously been approved by the Township engineer. The applicant shall also establish an escrow deemed sufficient by the Township to defray the anticipated cost of inspecting the installation to insure compliance with the requirements of this Ordinance, Sections 712 and 806 of the Township Subdivision and Land Development Ordinance, and with approved design. In reviewing the proposed design, the Township engineer shall set forth the amount of required inspection escrow and establish the stages during installation when inspection is required. It is the responsibility of the owner to notify the Township engineer and request inspection at each stage directed by the Township engineer. No work shall be covered until approved by the Township engineer.

*Amended 3/1/10*

## **SECTION 276      MAINTENANCE OF STORM WATER MANAGEMENT FACILITIES**

Owners of property must maintain all storm water management facilities located on their property including, but not limited to, roof gutters, roof and driveway storm water pits, inlets, storm water pipes, swales and gutters so that such storm water management facilities function as designed. Roof gutters must be maintained so that all water goes to the roof storm water pits. Roof and driveway storm water pits must be protected by filter fabric. Caps on storm water pits must be kept on and in good repair. Roof drain facilities must effectively filter sediment at the roof level and be kept clean and free of debris at the ground level. Inlets and storm water pipes must be kept open and free of debris. Swales and gutters must be kept free of debris so that they function as designed.

## 6. Other Improvements

### **SECTION 280\_\_\_ WATER SUPPLY**

Unless a safe water supply is provided, a use certificate will not be issued for a building involving human use or occupancy. Any private water supply for a principal building involving human use and occupancy must be in accordance with minimum standards approved by the Pennsylvania Department of Environmental Resources.

## 7. Demolition and Improvements

### **SECTION 285    REQUIREMENTS**

The operator must implement the reclamation plan approved by the Zoning Hearing Board in accordance with the standards and time frame set forth in such plan.

## **C. NONCONFORMITIES**

### **1. Nonconforming Buildings and Uses**

#### **SECTION 290 CONTINUANCE**

Except as otherwise provided in this Section, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued, although such use or building does not conform to the regulations specified by this Ordinance for the zone in which such land or building is located, provided however:

- a. Structural alterations of a building or structure, or the use of a parcel, lot, or tract of land which does not conform to the provisions of this Ordinance shall be allowed only if the building or structure to be altered or the parcel, lot, or tract of land to be used is in conformance with the requirements of the Zoning district in which it is located; however upon application, the Zoning Hearing Board may approve the structural alteration of a building or structure, or the use of a parcel, lot, or tract of land which is not in conformance with the provisions of the Ordinance, provided such alteration or extension of use is restricted to an additional area not exceeding thirty-five (35) percent of those existing buildings, structures, parcels, lots or tracts of land devoted to a nonconforming use.
- b. Any nonconforming lot may be continued although such lot does not conform to the lot dimensional requirements of the district in which it is located. No lot may be divided so as to create dimensional nonconformities.

#### **SECTION 291 ABANDONMENT**

A nonconforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

Such use shall not thereafter be reinstated and the structure shall not be reoccupied except in conformance with this Ordinance.

#### **SECTION 292 RESTORATION**

If any nonconforming building or structure shall be damaged or destroyed by reason of windstorm, fire, explosion or other act of God or the public enemy, such building or structure may be restored or rebuilt at its original location or at an alternate location within fifty (50) feet of the original location provided the alternate location does not involve a greater encroachment into the required setback or yard area than did the original location, and provided such

restoration or reconstruction is commenced within one year of the date of the casualty and completed within one year thereafter. Unless such building or structure is restored or reconstructed as set forth above, it shall be considered abandoned and may not be restored or reconstructed excepting in conformance with the provisions of this ordinance.

## **SECTION 293 CHANGE OF USE**

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:

1. Such change shall be permitted only as a special exception under the provisions of Section 440 et seq of the Township Zoning Ordinance.
2. The applicant shall show that the nonconforming use cannot reasonably be changed to a permitted use.
3. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:
  - a. Traffic generation and congestion, including truck, passenger car and pedestrian traffic.
  - b. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare and/or vibrations.
  - c. Storage and waste disposal
  - d. Appearance
  - e. Pollution of ground or surface water or soil

## **SECTION 294 ALTERATIONS**

A nonconforming building may be altered or improved provided that the alteration or improvement does not amount to a substantial increase of a nonconforming use; but if such alterations or improvements involve any increase in lands so used or in the cubic content of the buildings so used, the permit for the alteration or improvement shall be issued only upon variance granted in accordance with law.

## **SECTION 295 CONSTRUCTION APPROVED PRIOR TO ORDINANCE**

Nothing herein contained shall require any changes in plans, construction or designated use of a

building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three (3) month of the date of such permit and ground story framework of which, including the second tier of beams, shall have been completed within six (6) month of the date of the permit and which entire building shall be completed according to such plans as filed within one (1) year from the date of this Ordinance.

## **SECTION 296     ZONE CHANGES**

Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, the forgoing provisions shall also apply to any nonconforming uses existing therein or created thereby.

## **SECTION 297     ADDITIONAL REQUIREMENTS**

For additional requirements and regulations concerning nonconformities see Part IV-C-2, Section 444 and Section 445 .

## **SECTION 298     NON CONFORMING FARM**

A farm which is located in a district where "farm" is not a permitted use may be continued in farming use and may be expanded for such use without limitation. A non-conforming farm may be the location of a "concentrated animal operation or concentrated animal feeding operation" provided the requirements of Section 336 of this ordinance are complied with. *Added 8/6/12*

(b) The production of agricultural commodities as defined in 3 P.S. §952 and the direct sales of such commodities, provided at least 50% of the commodities sold are produced by the owner of the property where sold and the conduct of “normal Agricultural Operations” as defined in 3 P.S. §952 shall be permitted on every parcel of land in the township irrespective of parcel size or zoning designation, subject to the provisions of Section 336 to the extent applicable.

*Added 4/1/13*

## **PART III**

### **ADDITIONAL REGULATIONS FOR PARTICULAR USES**

#### **A. ACCESSORY USES AND STRUCTURES**

##### **SECTION 300 ATTACHED STRUCTURES**

A permanent-roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.

##### **SECTION 301 NONATTACHED STRUCTURES**

A permanent-roofed accessory structure, standing apart from the principal structure, is permitted in rear and side yards but must be at least ten (10) feet from the principal structure. For all other requirements, a nonattached structure is considered a part of the principal building.

Structures originally designed for transportation after fabrication on streets and highways on their own wheels or on flatbed or other trailers and arriving at the site where they are to be utilized complete and ready for use except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like, including but not limited to structures originally designed as mobile homes, as vans, as trailers or as busses, are not permitted as accessory structures in any district other than the Industrial and Commercial Districts excepting that up to two (2) such structures originally designed as storage trailers may be permitted as an accessory use on parcels in the Agricultural District larger than (10) acres in size.

Travel trailers and other recreational vehicles are not permitted to be located upon a lot except as an accessory use. Vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not so registered may not be located on any lot except within an enclosed building. Vehicles which are the type required for highway operation by the Pennsylvania Motor Vehicle Code to display a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code, but do not display such certificate may not be located on any lot except in an enclosed building.

No such travel trailer or other recreational vehicle may be used or occupied for dwelling purposes except for sleeping by visitors of the owners or occupants of the lot for periods which cumulatively do not exceed fourteen (14) days in any ninety (90) day period. The fact that there is in operation artificial lighting within the vehicle shall create a presumption that such vehicle is being utilized for dwelling purposes.



## **SECTION 302    FENCES AND WALLS**

No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than six (6) feet in any yard area in the Residential District, the Agricultural District or in the Residential II District or to a height of more than twelve (12) feet in any yard area in the Industrial District or the Commercial District unless authorized by special exception.

## **SECTION 303    HOME OCCUPATION**

Home occupation shall be conducted in accordance with the following requirements:

1. The following requirements shall apply to all home occupations:
  - a. The home occupation shall be carried on only by members of the immediate family of the operator of the Home Occupation, which family members reside on the lot where the Home Occupation will be located and a maximum of one (1) non-resident employee.
  - b. The character or external appearance of the dwelling unit or accessory structure must be that of a dwelling or structure normally accessory to a dwelling. No display of products may be shown so as to be visible from outside the dwelling or the accessory structure. A nameplate not larger than eight (8) square feet in area shall be permitted. It must be illuminated only by indirect lighting.
  - c. Not more than twenty-five (25) percent of the habitable floor area of a dwelling unit may be devoted to a home occupation.
  - d. In addition to the required parking for the dwelling unit, additional parking is required as follows:
    1. ) One space for the home occupation, and one space for each employee;
    2. ) Three additional spaces for a physician or dentist.
  - e. The premises must at all times be kept neat and orderly.
  - f. The use will not result in a substantial increase in traffic. A twenty (20) percent increase in traffic shall be regarded as substantial. For this purpose, measurement of traffic increase shall occur on the nearest non-dead end or non-cul-de-sac street.
  - g. The use will not involve any waste product other than domestic sewerage or municipal waste (as defined in the Pennsylvania Solid Waste Management Act).



- a. The premises will be kept neat and orderly and there will be no outdoor storage of the following:
  - i. Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not so registered.
  - ii. Automobiles, buses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not so registered; but not displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code.
  - iii. Discarded motor vehicle parts or accessories.
  - iv. Other trash or junk as defined in this Ordinance.
- b. The use will not involve noise audible to neighboring residents between 6:00 P.M. and 7:00 A.M. The Zoning Hearing Board may require as a condition to any special exception that the applicant put in noise insulation and take other action so as to minimize audible noise during the period between 7:00 A.M. and 6:00 P.M. If the Zoning Hearing Board determines that the use will involve unreasonable noise, which cannot be satisfactorily reduced by insulation or other action by the applicant, the application shall not be approved.
- c. (Void)
- d. The use shall not create any vibrations, smoke, dust, and odor, heat or glare detectable beyond the property of the owner of the use.
- e. Unless the use is to be located in a building constructed or placed prior to January 1, 1985, if it is in the Agricultural District, it shall be located on land unsuitable for agricultural purposes as defined by Section 202.9 (e) of this ordinance.
- f. If the parking spaces required by Section 303(1)(d) are not in the rear yard:
  - i. ) The Zoning Hearing Board must find that the use is at least five-hundred (500) feet from any neighboring residence; or
  - ii. ) The Zoning Hearing Board must find that it is not feasible to place the parking spaces in the rear yard and that the location of the parking spaces outside the rear yard will not detract from the residential character of the Premises where the home occupation is being conducted or have adverse effect upon the property value or the reasonable enjoyment of surrounding property.

4. If caring for roomers is claimed as a home occupation the following additional regulations shall apply:
  - a. There must be at least two hundred fifty (250) square feet of livable floor space per occupant and no more than a total of four (4) roomers.
  - b. The use must not involve any dimensional alteration to any existing building or the use of any building constructed or placed after January 1, 1985 or the construction or placement of any new building; unless a special exception has been granted by the Zoning Hearing Board.
  - c. The use must be confined entirely within the dwelling and not involve the use of any accessory building.

### **SECTION 303A NO- IMPACT HOME-BASED BUSINESS**

This use shall be permitted in all zones as an accessory use secondary to the use of a property as a residential dwelling without receipt of a use certificate for the no-impact home-based business provided all of the following criteria are met:

- a. The business activity is compatible with the residential use of the property and surrounding residential uses;
- b. The business employs no employees other than family members residing in the dwelling;
- c. There is no display or sell of retail goods; no customer, client or patient traffic, whether vehicular or pedestrian; no pickup, delivery or removal functions to or from the premises in excess of those normally associated with residential use and no stockpiling or inventory of a substantial nature;
- d. There is no outside appearance of a business use including, but not limited to, parking, signs or lights;
- e. The business activity does 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 does not generate any solid waste or sewage disposal, in volume or type which is not normally associated with residential use in the neighborhood;
- g. The business activity is conducted within the dwelling and occupies no more than twenty-five percent (25%) of the habitable floor area;
- h. The business activity does not involve any illegal activity;

- i. The character or external appearance of the dwelling unit is that of a dwelling; and
- j. The premises are at all times kept neat and orderly. *Added 7/6/06*

### **SECTION 304 DOMICILIARY CARE UNIT**

This shall be permitted as accessory to use as a single family dwelling or to use as a multi-family multiple family dwelling subject to the limitations which are applicable in this Ordinance with respect to the location of single family dwelling and multi-family dwellings.

### **SECTION 305 FAMILY DAY CARE HOME**

This shall be permitted as accessory to use as a single family dwelling or to use as a multiple family dwelling subject to the limitations which are applicable in this Ordinance with respect to the location of single family dwelling and multi-family dwellings.

### **SECTION 306 LIMITATION ON ACCESSORY USES**

Excepting for "Home Occupation", "Domiciliary Care Unit" and "Family Day Care Home", there may be no business use or other use involving monetary receipt to the property owner or operator of the "use" accessory to the use of a tract for residential purposes.

### **SECTION 307 KEEPING OF ANIMALS –**

~~Dogs – In the R and RII zones, there may not be more than three (3) dogs over six (6) months of age on any lot or parcel.~~

This shall be permitted as an accessory use in all districts subject to the following:

1. Dogs - In the R and RII zones, there may not be more than three (3) dogs over six (6) months of age on any lot or parcel.
2. Livestock - This shall include cattle, swine, sheep, goats, poultry, donkeys, mules, horses and ponies, as well as other similar types of domestic animals but shall not include dogs or cats or other small animals normally kept as pets.
  - a. The keeping of livestock over six (6) months of age on lots of five (5) acres or less shall be limited in accordance with the provisions of subsections 1 through 6 of this section.

(1) This use shall be accessory and clearly incidental to the primary use of the property.

- (2) Livestock shall, except while exercising, feeding, grazing, or pasturing, be housed in a building erected and/or maintained for that purpose.
- (3) All outdoor areas shall be enclosed with fencing to prevent the escape of livestock; such fencing must be set back at least ten (10) feet from any road right of way line.
- (4) The accumulation and storage of manure/waste shall be properly stored and disposed of so as not to, by reason of odor, appearance or otherwise, create a nuisance, hazard or other substantial adverse effect upon the property value or reasonable enjoyment of surrounding property.
- (5) No ponds, pools of water, mud pools or wallows shall be permitted to become stagnant nor shall any natural stream or body of water be allowed to become an animal wallow. Animals must be fenced out of wetlands and streams except for stabilized crossings.

Amended October 4, 2010

## **SECTION 308 RESIDENTIAL USES ACCESSORY TO COMMERCIAL INDUSTRIAL USES**

An apartment permitted as an accessory use in conjunction with a commercial or industrial establishment or a caretaker or watchman dwelling placed in conjunction with such use must be discontinued and the residential use terminated immediately upon termination or cessation of the commercial or industrial use.

## **SECTION 309 WINDMILLS, WIND WHEELS AND WIND ENERGY CONVERSION SYSTEMS**

1. This use shall be permitted in all zones as an accessory use.
2. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, must be located a minimum distance of the tower height, plus ten (10) feet from an occupied structure other than a structure owned by the owner of the structure supporting the wind rotor unit.
3. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, must be enclosed with a six (6) foot fence unless otherwise secured. The supporting tower shall also be enclosed with a six (6) foot fence, unless the base of the tower is not climbable for a distance of twelve (12) feet.

4. The tower and generating unit must be kept in good repair and sound condition as evidenced by an inspection performed at least once every five (5) years by an inspector approved by the Township. Upon abandonment of use, the tower and related structures shall be dismantled and removed from the property within sixty (60) days.

5. The applicant must demonstrate that any noise from the wind energy conversion system shall not exceed sixty (60) decibels measured at the property line. *Added 5/3/10*

## B. OUTDOOR SIGNS

### SECTION 310 SIGNS PERMITTED AND EXTENT-OF-USE

a. Drive-in Business

For a Drive-in Business one (1) business sign not exceeding thirty (30) square feet in area is permitted on each street frontage. Additional signs are permitted as long as their number does not exceed two (2) per street frontage and their combined area does not exceed twenty (20) square feet per street frontage.

b. Other Uses

For other uses, one (1) sign is permitted on each street frontage of a lot for each occupancy or purpose and an additional sign for each occupancy or purpose is permitted for every one hundred (100) feet of street frontage or major fraction thereof all in accordance with Subsection (d) below. However, for business signs, any number of signs is permitted as long as their total area does not exceed the maximum under (d) below.

c. All Uses

For all uses, advertising and a business sign must be at least sixty (60) feet apart, and no sign exceeding thirty (30) square feet in area may be located within seventy-five (75) feet of a residential zone.

d. Type, Location and Size of Sign –

Type of Sign	Where Permitted	Maximum Size
Traffic	Any zone	.
Home Occupation or Bed and Breakfast Inn	Any zone	8 sq. ft.
Trespassing	Any zone	1 sq. ft.
Utility	any zone	2 sq. ft.
For sale, rent, sold and rented	Any zone	6 sq. ft.
Work sign of builders, painters and other artisans while performing work on the	Any zone	6 sq. ft.

premises		
Directional	any zone but R	6 sq. ft.
Identification and information of churches, schools, and other nonprofit institutions	Any zone	20 sq. ft.
Apartment bulletin board	Same zone as apartments	20 sq. ft.
Temporary sign for sale of agricultural and horticultural products and for construction projects (Section 315)	Any zone	20 sq. ft.
Temporary sign in new subdivision advertising products and services available in area (Section 315(d))	Any Zone	32 sq. ft.
Business, except for agricultural and horticultural products	Any zone but R	A zone: Two signs neither to exceed 30 sq. ft. in size. R and RII zones: One sign not to exceed 16 sq. ft. in size. C zones, an I zone: 160 sq. ft. or 3 sq. ft. for each lineal foot of building frontage whichever is greater. Where the nature of the business and its location require such long-range visibility of signs that the above dimensions are inadequate to reasonably attract business, the max. size may be increased by special exception to the extent necessary to provide reasonable visibility.
Advertising	C, I Zones	300 sq. ft.
Industrial Park Subdivision, Shipping Center, Tourist	Special permit must be obtained from the Zoning Hearing Board	.
Permanent residential development signs, including apartment/ townhouse complex signs, at major entrances designed to identify a residential subdivision (no commercial advertising shall be permitted)	R, RII zones	Signs shall be designed substantially consistent with the drawing attached at the end of this ordinance as Exhibit A



## **SECTION 311     SETBACK OF SIGNS**

### a. Attached Signs

No portion of an attached sign may extend beyond the building setback line.

### b. Free-standing Signs

No portion of a freestanding sign may be closer to a street right-of-way line than a distance equal to its height and in no event closer than fifteen (15) feet.

## **SECTION 312     BUNTINGS AND PENNANTS**

Buntings and pennants are permitted only to announce the opening of a new business or industry and must be removed after seven (7) days.

## **SECTION 313     PROJECTION OF SIGNS**

No sign may project--

### a. Over a public sidewalk area.

### b. Over a public highway or street unless specifically authorized by other Township or State regulations.

### c. More than twenty-five (25) feet above the ground except for an attached sign which may project ten (10) feet above the roof of a building providing the sign so placed does not project more than thirty-five (35) feet above the ground.

## **SECTION 314     ILLUMINATION OF SIGNS**

### a. All Zones:

Flashing and intermittent lights are prohibited.

### b. All Signs:

A sign may be illuminated only if the lighting is so screened that it is not directed or reflected toward any adjacent residence within one hundred (100) feet.

### c. Near Highway Traffic Lights:

Signs which are illuminated in the colors, red, green, or amber, either by colored bulbs or tubing, or in high reflection by the use of special preparations such as florescent paint or glass, may not be located within a radius of one hundred (100) feet of a highway traffic light or similar safety device or in the center of any street intersection.

**SECTION 315 TEMPORARY SIGNS**

- a. A temporary sign for the sale of agricultural and horticultural products may be erected for a period not exceeding six (6) month.
- b. A temporary sign for a construction project may be erected and maintained for as long as the project is under construction.
- c. A temporary sign such as those advertising activities of churches and nonprofit organizations may be erected for a period not exceeding sixty (60) days.
- d. Temporary signs in new subdivisions advertising products and services available in the area are permitted subject to the following:
  - (1) The number of such signs shall be based upon the number of residential lots approved for new residential construct within the subdivision as shown on the approved final plan as follows:

<b>Number of Approved Residential Lots</b>	<b>Number of Permitted Temporary Signs</b>
1-10	1
11-20	2
21-30	3
One sign for each additional ten approved residential lots	

- (2) All signs must be removed one (1) year after the issuance of the first building permit for new residential construction within the subdivision
- (3) All signs must be located within the subdivision and must advertise a product or service available within ten (10) miles of the subdivision.

**SECTION 316 CONSTRUCTION & MAINTENANCE**

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

## **SECTION 317    TERMINATION OF ENTERPRISE**

Upon termination or abandonment of a commercial or industrial use, all signs pertaining to the enterprise must be removed.

### **C.    OTHER USES WITH POSSIBLE NUISANCE EFFECT**

## **SECTION 319    ADULT ENTERTAINMENT FACILITY**

- a. In passing upon a special exception application for an adult entertainment facility, the Zoning Hearing Board must require the following:
- b. That the adult entertainment facility not be located within one thousand (1000) feet of any other adult entertainment facility.
- c. That the adult entertainment facility not be located within one thousand (1000) feet of any public or private school, day care facility, public recreational facility, or house of worship.
- d. That no materials, merchandise, film, or service offered for sale, rent, lease, loan or for view involving nudity shall be exhibited, displayed, or graphically represented outside of a building or structure.
- e. That no individual shall appear nude or in a state of nudity outside of a building or structure or although inside a building or structure be visible in such state of nudity from outside such building or structure.
- f. That any building or structure used and occupied as an adult entertainment facility 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 and that no sale of materials, merchandise, film or offered items of service or entertainment be visible from outside the structure.
- g. That no sign be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service or entertainment offered therein.
- h. That each and every entrance to the structure be posted with a notice of at least four (4) square feet that the use is an adult entertainment facility; and that persons under the age of eighteen (18) are not permitted to enter; and warning all others that they may be offended upon entry.
- i. That parking be established at a minimum ratio of one (1) parking space for each one hundred (100) square feet of gross floor area and one (1) parking space for each employee.

- j. That no sexual conduct or sexual activity, prostitution, solicitation for prostitution or gambling shall be permitted within or on the grounds of any adult entertainment facility; provided, however, consensual sexual conduct and sexual activity shall be permitted in an adult motel.
- k. That any adult cabaret must:
  - i. Maintain a transparent barrier or a buffer of at least six (6) feet between customers and employees who are in a state of nudity or semi-nudity with a glow-in-the dark line marking the buffer area;
    - i. nsure that all employees in a state of nudity or semi-nudity are separated from customers by being on an elevated stage; and
    - ii. Prohibit direct customer payment to employees who are or have in the past four (4) hours appeared publicly in a state of nudity or semi-nudity.
- l. An individual applicant or all of the officers and directors of a corporate applicant and all partners, including limited partners of a partnership or limited liability partnership and the proposed manager who will be in charge of operation of the business must establish that they have not been convicted of any offense involving sexual misconduct within the Commonwealth of Pennsylvania including, but not limited to, prostitution, obscenity, possession of child pornography, solicitation for prostitution, rape, sexual abuse of children, statutory sexual assault and indecent assault.

In the event that a special exception for a use permitted for an adult entertainment facility is granted by the Zoning Hearing Board and a permit and use certificate are issued therefor by the Township Zoning Officer and it is established to the satisfaction of the Board of Supervisors that the use is in violation of any of the provisions of subsections (c) through (i) above, or one of the owners, partners or managers has been convicted of any offense described in subsection (g) above or has failed or refused to permit a requested inspection, then and in such event the Township shall send a notice to the permit holder pursuant to the provisions of Section 616.1 of the Pennsylvania Municipalities Planning Code, and if the notice is not appealed within the time set forth in such notice or if the Zoning Hearing Board finds in favor of the Township, the township shall revoke the permit and use certificate issued with respect to the adult entertainment facility and the use shall terminate immediately.

In applying for a special exception and a use certificate for an "Adult Entertainment facility", the applicant agrees to accept and be bound by the provisions of this Ordinance and agrees that the Township Zoning Officer shall have the right to inspect the facility for the purpose of insuring compliance with the zoning ordinance and other legal requirements at any time the facility is occupied and open for business.

## SECTION 320 GASOLINE STATIONS OR SERVICE STATIONS

A gasoline station or service station must comply with the additional extent-of-use and improvements regulations following:

1. Minimum setbacks from street right-of-way lines
  - a. Pumps: fifteen (15) feet
  - b. Building: forty (40) feet
2. Access drives (see also part ii-b-3)
  - a. Minimum offset from intersection of street right-of-way lines: forty (40) feet.
  - b. Side lot line offset: ten (10) feet.
  - c. Minimum width: twelve (12) feet.
  - d. Maximum width: thirty-five (35) feet.
  - e. Minimum separation of drives on same lot: twenty-five (25) feet.
3. Curbing

Except along access drives, a concrete curb eight (8) inches in height must be placed along all street right-of-way lines.
4. Lighting

All lights must be diverted inward and downward.
5. Storage

No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.
6. Landscaping

At least ten (10) percent of the lot on which the gasoline station is situated must be devoted to landscaping.
7. ~~Water Pollution and Conservation~~

~~The proposed gasoline station or service station must establish that it will be in compliance with the requirements of Section 397 of this ordinance. Deleted 8/6/12~~

## **SECTION 321    MOBILE HOME PARKS**

A mobile home park and extension thereof must conform with the additional extent-of-use and improvement regulations following:

1. The minimum tract area shall be ten (10) acres.
2. Lot sizes must conform to the minimum lot size requirements for the zone in which the mobile home park is to be located.
3. Regardless of lot size, the side yard distance measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards not less than twenty (20) feet and rear yards shall not be less than ten (10) feet and in no case, shall the distance between any two mobile homes be less than thirty (30) feet.
4. The Zoning Hearing Board may require suitable screen planting, or may restrict the proximity of mobile homes or other improvements to adjoining properties, or may attach such other conditions or safeguard to the use of land for a mobile home park as the Board may deem necessary to protect the general welfare.
5. A mobile home park and extension thereof shall also comply with all applicable State and/or municipal regulations now in effect or hereafter enacted.

## **SECTION 322    GROUP HOME**

1. The following requirements shall apply to all group homes.
  - a. A minimum of two hundred fifty (250) feet of habitable floor space excluding kitchen area shall be provided for each occupant.
  - b. A common kitchen and dining facility shall be provided and no cooking or dining facilities shall be provided in individual rooms or suites. This provision is not intended to require such facilities if the affiliated institution provided them elsewhere.
  - c. Off-street parking shall be provided for each group home based upon one (1) parking space for each employee or supervisory person and one parking space for each two (2) non-supervisory occupants or as set by the Zoning Hearing Board pursuant to subsection 3(g) hereof.
  - d. The group home must be licensed where required by an appropriate government agency and a copy of any such license must be delivered to the township prior to receipt of any Use Certificate.

- e. The group home may not provide medical counseling or other service to persons who do not reside in the facility.
  - f. If the group home will house more than five (5) occupants other than supervisory personnel, there must be at least one (1) supervisory person residing at the facility.
2. If the proposed group home meets all of the requirements for a “dwelling unit” in the zone where it is proposed to be located and will house eight (8) or fewer persons, it shall be permitted as a “dwelling unit” in any zone upon receipt of a Use Certificate to be issued by the Zoning Officer. If such group home is in the Agricultural District the group home shall reduce the number of dwelling units permitted the tract of land by Section 202.9(a) of this ordinance by one. Such group home may not make modifications to the dwelling that would detract from its residential character, excepting modifications taken in order to comply with the Fair Housing Act or with the Americans with Disabilities Act.
3. If the proposed group home meets all of the requirements of subsection (1) hereof, but will house more than eight (8) persons, it shall be permitted by special exception in the Residential District and the Commercial District. As a special exception use, the proposal must be reviewed by the Peach Bottom Township Planning Commission for recommendations to the Zoning Hearing Board in addition to establishing compliance with the general requirements of Section 443 of this ordinance and the requirements of subsection (1) hereof, the applicant must establish the following:
- a. The site has direct access to a collector road if the total number of employees together with residents whose handicap will not preclude such residents operating motor vehicles exceeds twenty (20). (Collector roads are as designated in the Township's Comprehensive Plan).
  - b. A lot area of not less than one thousand (1,000) square feet per occupant shall be provided, but in no case shall the lot area be reduced below that required for the district in which such group home is to be located.
  - c. No newly constructed building shall be located closer than fifty (50) feet to any lot line.
  - d. The Township Sewage Enforcement Officer shall submit a report confirming the adequacy of the proposed sewage facilities.
  - e. The group home must establish that it has received or can receive approval for occupancy from the Pennsylvania Department of Labor and Industry where required.
  - f. There shall be at least one (1) supervisory person on the premises at all times. The Zoning Hearing Board shall designate the number of additional

supervisory personnel to be on the premises at any one time depending on the number of residents and the nature of the handicap involved and shall, in addition, designate the number of required off-street parking spaces depending upon the nature of the handicap of the residents and whether such handicap will prevent their operation of motor vehicles. In the event the residents, other than supervisory personnel, have handicaps which will preclude their operation of motor vehicles, there must be at least as many parking spaces as there are total number of employees on the two (2) largest shifts combined and an off-street area where residents can be dropped off and picked up plus a parking area for visitors. The parking areas for visitors shall have at least one and one-half (1½) parking spaces per non-employee resident. If the handicap involved does not preclude operation of motor vehicles, there shall be at least one (1) off-street parking space for each employee of the group and at least one (1) parking space for each two (2) residents.

- g. A fence or hedge must be placed sufficient to screen the use from any location in a residential district and from any existing dwelling in any district. The owner shall be required to maintain such fence or hedge, replanting any plantings that have died.

**Amended 3/1/04**

## **SECTION 323 CHILD DAY CARE CENTER**

~~In passing upon a special exception application for a Child Day Care Center the Zoning Hearing Board must require the following:~~ This use is subject to the following requirements:

1. That there are covers over all electrical outlets.
2. That the location of the child day care center meets all of the requirements of this Ordinance regarding the location of buildings.
3. In the event the facility requires certifications and/or licenses from Federal and/or State agencies to permit its operation, the applicant must establish that he has secured or will be able to secure such certifications and licenses.

~~The facility must be inspected by the local fire chief, who shall submit a written report to the Zoning Hearing Board containing his recommendations for fire and safety equipment and other necessary recommendations to insure adequate fire protection.~~

4. There must be a fenced play area.
5. No portion of a residence may be used as a child day care center and no portion of a child day care center may be used as a residence.



- a. There must be one parking space for each employee of the center and an off-street area where children can be dropped off and picked up.

*Amended 8/6/12*

## **SECTION 324 NURSERY SCHOOL**

In passing upon a special exception application for a Nursery School the Zoning Hearing Board must require the following: This use is subject to the following requirements

1. ~~That there are covers over all electrical outlets.~~ The lot must be at least two (2) acres in size.
2. ~~That~~ The location of the nursery school meets all of the requirements of this Ordinance regarding the location of buildings and in particular, if the building is located or to be located within the Agricultural District, the applicant must establish that the requirements of Section 202.2 regarding such location are complied with.
3. In the event the facility requires certifications and/or licenses from Federal and/or State agencies to permit its operation, the applicant must establish that he has secured or will be able to secure such certifications and licenses.
4. The facility must be inspected by the Building Inspector and receive use and occupancy certificate under the Uniform Construction Code to insure compliance with all building codes. ~~local fire chief, who shall submit a written report to the Zoning Hearing Board containing his recommendations for fire and safety equipment and other necessary recommendations to insure adequate fire protection.~~
5. The sewage disposal system must be inspected and certified by the Sewage Enforcement Officer and found to be adequate to serve the needs of the proposed use.
6. ~~If in the Commercial District~~ there must be a fenced play area which is located outside the front yard area.
7. No portion of a residence may be used as a child day care center and no portion of a child day care center may be used as a residence.
8. ~~That~~ unless the applicant proposes application is to locate in the Commercial District, the applicant must establish that it is a non-profit organization and exempt from Federal tax pursuant to the provisions of Section 501(c) of the Internal Revenue Code. Any use certificate or special exception granted shall terminate immediately if the owner or operator loses its status as a non-profit corporation or as an exempt organization pursuant to Section 501(c) of the Internal Revenue Code.

9. There must be one parking space for each employee of the nursery school in addition to at least one parking space per five children served.
10. There must be a designated off-street area where children can be dropped off and picked up.

*Amended 8/6/12*

## **SECTION 325 SHOPPING CENTER**

In passing upon a special exception application for Shopping Centers, the Zoning Hearing Board must require the following:

- a. Location: have access to a major thoroughfare so as to avoid traffic on residential streets.
- b. Parking: adequate site area, permitting parking space at the ratio of parking space to gross floor area of 4 to 1
- c. Design: Site and building design, in order to provide and maintain, where appropriate, a proper "buffer" of unbuilt-on space between the shops and adjoining uses.
- d. Control: control of uses to minimize disturbances to residential areas.

## **SECTION 326 INDUSTRIAL PARK STANDARDS**

In passing upon a special exception application for a Industrial Parks, the Zoning Hearing Board must require the following:

- a. Streets & Highways: The industrial park site must have access to a major thoroughfare. Traffic going to and from the industrial park will be permitted on non-residential streets only; traffic routes and exits will be far enough away from houses so that truck noise and vibration will not be perceived.
- b. No harmful effects: Satisfactory provision will be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors, gases, electrical emissions, industrial waste, and discharge of chemical or other hazardous materials which may pollute ground or surface water or soil).
- c. Appearance is Harmonious: This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, low structural density, and architectural controls.
- d. Buffers: The distance separating all park uses and buildings from surrounding properties will be great enough to constitute in fact a buffer: e.g., loading docks and truck maneuvering areas and terminals must be further from residential areas than buildings. In

addition to the extent-of-use requirements in the Use Regulations, the Board must require that from an R zone boundary—

1. A truck terminal or motor freight depot to be at least five hundred (500) feet distant.
2. A shipping or receiving dock to be at least three hundred (300) feet distant.

In any case, a buffer yard of not less than one hundred fifty (150) feet must be along any Residential zone boundary line.

## **SECTION 327 TRAILER CAMPS AND CAMPGROUND**

In passing upon a special exception application for a Trailer camp or campground, the Zoning Hearing Board must require the following:

1. That none of the automobile trailers, cabins, travel trailers, motor homes, tents or campers approved for location on the premises be utilized as a permanent place of abode, or as a permanent dwelling. It shall be conclusively presumed that the automobile trailer, cabin, travel trailer, motor home, tent, or camper is in fact being utilized as a permanent dwelling or place of abode if:
  - a. Someone is going to work from the automobile trailer, cabin, travel trailer, motor home, tent or camper or,
  - b. Someone is going to school from the automobile trailer, cabin, travel trailer, motor home, tent, or camper.
2. Every trailer or campground shall have erected thereon at a distance not greater than four hundred (400) feet from any cabin, tent site, or camper site which it is designed to serve, a suitable building for housing toilets, showers and laundry facilities. Such building to be known as the service building.
  - a. There shall be provided separate toilet rooms for each sex. Flush toilets shall be provided with an adequate water supply in the ratio of one men's toilet and one ladies' toilet for each eight cabins, trailer sites, tent sites, or camper sites or fraction thereof. Toilet rooms shall contain lavatories with hot and cold water in the ratio of one lavatory to every two or less water closets.
  - b. Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least four (4) feet square for each eight cabins, tent sites, camper sites or trailer sites or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least twelve (12) feet square.

- c. Floors of toilets, showers, and the laundry shall be of concrete, tile, or similar material impervious to water and easily cleaned and pitched to a floor drain.
3. All water from showers, toilets, laundries, faucets, and lavatories shall drain into a sewage disposal system meeting the approval of the Pennsylvania Department of Environmental Resources.
4. In every trailer camp or tourist camp there shall be an office building in which shall be located the office of the person in charge of the camp, which office building shall be occupied by someone in charge of the camp facilities at all time the camp facility is occupied or is open to the public for occupancy.
5. Each cabin, campsite, trailer site, or camper site, shall be accessible to a roadway or driveway which shall have an improved cartway at least twenty (20) feet in width and shall be improved with a six (6) inch stone base, and there shall be a roadway with an improved cartway at least twenty-eight (28) feet in width improved by an eight (8) inch stone base leading from a public road to the camp site.
6. The application for a special exception shall be accompanied by such plans as will enable the Zoning Hearing Board to insure that the above requirements will be met and proof of Department of Environmental Resources approval of proposed on-site sewage disposal system and proof that the proposed water supply is sufficient to meet the water supply needs of the proposed trailer camp or campground.

## **SECTION 328    OUTDOOR SWIMMING POOL**

Every outdoor swimming pool must conform to all applicable requirements of State law and in addition, all outdoor swimming pools, whether public, club, or private must be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes, or gaps larger than four (4) inches in any dimension. However, vertical picket fences whose picket members are not more than four (4) inches apart are permitted as protection. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door or any dwelling which forms a part of the enclosure need not be so equipped. The walls or sides of above ground pools will be considered to be protective fences or walls as required by this section provided they meet all requirements of this section as to height. Farm ponds shall be excluded from the protective fence requirements of this Section. No water may be placed in such outdoor swimming pool until all of the protective fence requirements of this section have been complied with and all required fencing and safety equipment has been constructed or installed, provided, however, if the nature of the pool is such that the pool cannot be installed without water being placed in it, the Zoning Officer may permit a "temporary fence" sufficient to prevent trespassers from entering the pool. In all circumstances, the permanent protective fence must be completed within thirty (30) days following the placement of water in the pool. *Added 10/4/04*

All swimming pools must be located either in the existing side yard area or the existing rear yard area, excepting that this requirement shall not apply if the swimming pool is to be located at a distance greater than one hundred (100) feet from the center of a public road.

## **SECTION 329    KENNELS**

~~In passing upon a special exception application for the establishment of a kennel, the Zoning Hearing Board must require that the applicant establish:~~ This use is subject to the following requirements:

1. ~~That the kennel will~~ must be located at least 1000 feet ~~away~~ from any dwelling owned by someone other than the owner of the kennel.
2. ~~That the kennel will~~ must be located at least ~~4000~~ 500 feet ~~away~~ from any area which could pursuant to the provisions of the Township Zoning Ordinance, be approved as a location for a dwelling on property now owned by someone other than the applicant.
3. The kennel must be located at least 100 feet from any adjacent property line.
4. That the environmental regulations set forth in Section 393 of the Zoning Ordinance will be complied with.

*Amended 8/6/12*

## **SECTION 330    BED AND BREAKFAST INN**

This use is subject to the following requirements:

1. ~~In passing upon a special exception application for the establishment of a Bed and Breakfast Inn, the Zoning Hearing Board must require that the applicant establish that~~ The Bed and Breakfast Inn ~~shall~~ must be operated only by members of the immediate family of the owner residing in the dwelling unit where the Bed and Breakfast Inn will be located and a maximum of one (1) nonresident employee.
2. The character or external appearance of the dwelling unit must be that of a dwelling.
3. Only short-term overnight lodging is to be provided. Maximum guest stay shall be limited to seven (7) consecutive days and must be limited to seven (7) days in each calendar month.
4. In addition to required parking of the dwelling unit, additional parking is required as follows:
  - a. One (1) space for the Bed and Breakfast Inn, one (1) space for each guest room available for rent and one space for each employee not residing in the dwelling unit.

5. One (1) sign shall be permitted with the nameplate not being larger than eight (8) square feet, with such sign being illuminated only by indirect lighting.
6. The Bed and Breakfast Inn may not involve any dimensional alterations to any existing building, use of any building constructed or placed after March 1, 1995 or construction or placement of any new building except that such alteration, enlargement or construction shall be permitted, if such building after alteration, enlargement or construction, does not have a ground floor area in excess of two thousand (2000) square feet and is not more than three (3) stories high. This limitation shall not apply if the building is at least five hundred (500) feet from any neighboring residence.
7. The Bed and Breakfast Inn may not be used for any other business use or other use involving monetary receipt to the property owner or operator of the Bed and Breakfast Inn.
8. Any use certificate issued to permit a bed and breakfast inn shall terminate immediately if the operation fails to comply with these requirements.

### **SECTION 331 NURSING HOME OR CONVALESCENT HOME**

In passing upon a special exception requirement for the establishment of a nursing home or convalescent home, the Zoning Hearing Board must require that the applicant establish that:

- a. The facility shall have direct access to an arterial or collector road;
- b. The administrator of the nursing home must be licensed pursuant to the "Nursing Home Administrator's License Act";
- c. The applicant must demonstrate compliance with all other state regulations respecting the establishment and operation of nursing homes;
- d. All general requirements imposed by section 443 of this ordinance must be complied with.

### **SECTION 332 PERSONAL CARE HOME**

In passing upon a special exception application for the establishment of a personal care home, the Zoning Hearing Board must require that the application establish that:

- a. The proposed home and operation are in compliance with all requirements of state law and that the facility will meet all requirements imposed by Section 443 of this ordinance.

## **SECTION 333 HOSPITAL**

In passing upon a special exception application for the establishment of a hospital, the Zoning Hearing Board must require that the applicant establish that:

- a. The facility shall have direct access to an arterial or collector road.
- b. The applicant must demonstrate compliance with all state regulations respecting the establishment and operation of hospitals.
- c. All general requirements imposed by section 443 of this ordinance must be complied with.

## **SECTION 334 SOCIAL OR RECREATION CLUB**

In passing upon a special exception application for the establishment of a Social or Recreation Club, the Zoning Hearing Board must require that the applicant establish that:

- a. The use will be within a building which will have a ground floor area at least six hundred (600) Square feet in size but not in excess of two thousand (2,000) Square feet in size;
- b. The facility will be served by sanitary sewage facilities consistent with the requirements of the Township Sewage Permit Ordinance;
- c. The facility will be in compliance with the off street parking requirements of this ordinance;
- d. The facility will be in compliance with all the requirements of the Pennsylvania Department of Labor and Industry;
- e. There will be no sale or illegal use of alcoholic beverages;
- f. There will be no use of illegal drugs;
- g. There will be no live entertainment by persons in a state of nudity or semi nudity, such as topless dancing, nor will there be a showing of films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of sexual conduct, sexual activity, or nudity.

## **SECTION 335    COMMUNICATIONS,    TRANSMITTING    AND/OR RECEIVING FACILITIES**

In passing upon a special exception application for Communication, Transmitting and/or Receiving Facilities, the Zoning Hearing Board must require that the applicant establish that:

1. If in the Agricultural District, all towers and facilities associated with its use must be located on land of low quality for agricultural use as defined in section 202.9(e) of this Ordinance.
2. If in the Agricultural District, the access to the facilities must be over an existing roadway or through lands of low quality for agricultural use as defined in section 202.9(e) of this Ordinance and be so as not to interfere with agricultural use of the tract of land through which the access road or drive passes.
3. All facilities, including towers, constructed pursuant to this special exception use must be removed within sixty (60) days after cessation of use.
4. Any tower or towers to be constructed must accommodate other users if possible including local fire, police and ambulance companies.
5. The applicant must demonstrate a need for any proposed tower and demonstrate that the proposed service cannot be reasonably located on existing towers.
6. The Applicant must demonstrate that the proposed antenna cannot be reasonably located on existing structures and that the proposed tower or towers are necessary in order to reasonably create needed communication service.
7. The lot to be purchased or leased for the use must not be larger than reasonably necessary to accommodate the facilities to be located thereon.
8. The tower location must be such that if such tower should fall it will not fall onto property other than that of the applicant or the grantor or leaser of the lands where the proposed tower or towers will be located.
9. The proposed tower or towers must be at least one and one-half times the height of the tower away from any dwelling other than a dwelling owned by the leaser or grantor of the lands where the proposed tower or towers will be located.
10. Towers shall not be equipped with lights, shall not exceed one hundred ninety (190) feet in height and shall not have advertising, attached signs, or be painted colors other than non-contrast gray.



## **SECTION 336 - CONCENTRATED ANIMAL OPERATION (CAOS) and CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOS)**

The requirements of this section shall apply to all Concentrated Animal Operations (CAOS) and Concentrated Animal Feeding Operations (CAFOS) and all operations that expand or modify their operations so as to cause them to become CAOs or CAFOS. There shall be no minimum lot size for this use.

a. **Building Permit**

Prior to receiving a building permit to construct any structures or other facilities to be utilized in connection with a CAO or CAFO, the applicant must establish and provide documentation to the Township of the following:

- (1) ~~That a special exception has been obtained if required by the provision of subsection (b) hereof.~~
- (2) That a land development plan including a storm water management plan and an erosion and sediment control plan for the site meeting the requirements of the Township Subdivision and Land Development Ordinance has been approved by the Township. The land development plan must establish that all manure storage facilities will be located in accordance with the applicable setbacks set forth in 25 Pa. Code Chapter 83 and approved Nutrient and Odor Management Plans and all carcass storage facilities or composting facilities and other structures or facilities to be used in connection with the CAFO will be located in accordance with an approved Odor Management Plan.
- (3) That all animal concentration areas, manure storage facilities and/or carcass storage or composting facilities and other buildings or structures have been designed in accordance with all applicable federal, state and local laws and regulations including but not limited to those of the Department of Environmental Protection set forth in 25 Pa. Code, Chapters 83 and 91 and those of the Environmental Protection Agency set forth in Volume 40 of the Code of Federal Regulations and that a Pennsylvania registered professional engineer has certified that the design of the manure storage facilities are in accordance with such applicable federal, state and local laws and regulations and that all permits required by such laws and regulations have been obtained.
- (4) That if new or additional driveway access from a public road will be utilized a driveway permit has been approved.
- (5) That the proposed operation if a CAFO, has received an NPDES permit from the Pennsylvania Department of Environmental Protection, as agent for the United States Environmental Protection Agency and has filed a copy thereof with the Township.

- (6) That an Operators Site Specific Nutrient Management Plan has been approved by the State Conservation Commission or its designated agent with a copy provided to the Township.
- (7) That an Odor Management Plan and Odor Site Index Plan approved by the State Conservation Commission or its designated agent has been submitted to the Township.
- (8) If not included within an approved nutrient management plan submitted to the Township, the applicant must provide to the Township emergency contact information.
- (9) If the proposed manure storage facility is to incorporate a leak detection system, the applicant must provide the Township with an identification and description of the record keeping and inspection requirements with respect to such system.

b. ~~Special Exceptions~~ *-deleted 11/5/14*

- (1) ~~A special exception to be granted by the Zoning Hearing Board shall be required prior to issuance of a building permit to construct any buildings or other structures to be utilized in connection with a CAFO. The application will be reviewed by the Zoning Hearing Board pursuant to the provisions of Sections 440 through 443 of the Township Zoning Ordinance. In addition to the general standards set forth in Section 443, the applicant must establish that all requirements set forth in Section 336(a)(2) through (9) as prerequisites for obtaining a building permit have been met.~~
- (2) ~~Any special exception granted by the Zoning Hearing Board shall impose only such additional conditions as are permitted by Section 912.1 of the Pennsylvania Municipalities Planning Code (53 P.S. §10912.1). Any special exception shall be specifically conditioned upon continued compliance with all the requirements of this Section (336), and all other relevant provisions of this Ordinance and with all the requirements of 25 Pa. Code, Chapters 83 and 91 and with the implementation of all provisions of the proposed Odor Control Plan and with the representations set forth in the application.~~

c. Use Certificate

Prior to issuance of a use certificate the applicant must provide to the Township documentation establishing compliance with the following conditions:

- (1) That the Township Engineer has certified that proposed storm water management facilities have been constructed consistent with the requirements of the approved land development plan and the storm water

management plan submitted in conjunction with the land development plan.

- (2) ~~That a registered professional engineer employed by the Township or by a Commonwealth agency has certified that all driveways, buildings, animal concentration areas, manure storage facilities, carcass storage facilities, carcass compost facilities and other associated buildings and structures which have been permitted have been constructed in accordance with the plan submitted to the Township and in accordance with all applicable federal, state and local laws and regulations including, but not limited to, those of the Pennsylvania Department of Environmental Protection as set forth in 25 Pa. Code, Chapters 83, 91 and 92, those promulgated by the United States Environmental Protection Agency as set forth in Volume 40 of the Code of Federal Regulations and in accordance with the building permit issued by the Township.~~ The owner/operator of a proposed CAO/CAFO shall be required to provide the Township with copies of the design and construction plans and certifications/verifications by the registered professional engineer at the same time they are required to be submitted to DEP or SCC (or count conservation district), so the Township engineer may review the plans at the expense of the Township.  
*Added 9/3/14*
- (3) All requirements imposed by any NPDES permit have been completed and approved by the Pennsylvania Department of Environmental Protection.
- (4) That the applicant has filed with the Township a plan for the disposal of dead animals consistent with the requirements of the Pennsylvania Department of Environmental Protection and the Domestic Animal Law, 3 Pa. C.S.A. §2352.
- (5) That there has been provided to the Township copies of all waivers, permits, approved plans or other documentation required by the Pennsylvania Department of Environmental Protection and/or the United States Environmental Protection Agency prior to commencement of operations.
- (6) Any use certificate shall be specifically conditioned upon continued compliance with all the requirements of this Section (336), and all other relevant provisions of this Ordinance ~~and with all the requirements of 25 Pa. Code, Chapters 83 and 91, with the implementation of all provisions of the proposed Odor Control Plan~~ and with the representations set forth in the application. *Amended 9/3/14*

d. Operation

Following issuance of the use certificate:

- (1) The holder of the use certificate must insure that the documentation filed with the Township to meet the requirements of Sections 336(a)(b) and (c) are maintained current to permit continuing operation of the use. Copies of modifications, amendments and/or termination of any of those documents must be forwarded to the Township within thirty (30) days following modification, termination or approval of such amended plans or permits.
- (2) The owner of the parcel where the CAFO is located must insure that all provisions of this Ordinance, all provisions of the nutrient management plan, all provisions of the NPDES permit, all provisions of the Odor Control Plan and all provisions of the approved land development plan including storm water management plan and erosion and sediment control plan are complied with.
- ~~(3) The owner must inform the Township of any changes in the owner's plan of operation such as an increase in the number of animals beyond that set forth in the special exception application which would cause the operation to be inconsistent with the special exception application and apply for and obtain a modification of his special exception before implementing such changes.~~
- (3) The owner must, before the first day of any calendar year, provide to the Township copies of all reports of any state inspections of any leak detection system during the prior calendar year.
- (4) It shall be the responsibility of the owner of the property where any CAFO is located to demonstrate to the Township continuous compliance with the requirements of this Ordinance and supply such documentation as is reasonably requested by the Township in order to verify such compliance.

## **SECTION 337     SMALL SCHOOL**

A small school (school designed to provide for less than fifty (50) students) shall be permitted in the Agricultural District subject to all of the site requirements for a single family dwelling as set forth in Section 202.9 of this ordinance. Such small school shall utilize one of the tract's allocation of dwelling units permitted by Section 202.9(a) of this ordinance.

## **SECTION 338     RETAIL STORE**

This use is subject to the following:

1. A buffer yard fifty (50) feet wide must be located and maintained on the site in all

instances where the site adjoins a residential zone. The buffer yard shall be naturally landscaped, have no impervious cover, and shall not be used for building, parking, loading, or storage.

2. Access shall be via an arterial or collector street as designated by the township's Comprehensive Plan.

3. Any outdoor storage areas shall be enclosed by a wall or fence sufficient in height to screen any items stored from view of adjoining properties. No materials may be stored to create a public health hazard or a public nuisance. No toxic or hazardous materials may be stored on any property, except in compliance with applicable state and federal regulations.

4. Canopies shall not be located within twenty (20) feet of the street right-of-way.

5. Only merchandise vended by the retail facility may be displayed outside the building.

6. All lights must be diverted inward or downward and comply with Section 390(d) of this ordinance.

7. If gas pumps or drive through purchase facilities are proposed access to same must be designed to prevent vehicle backups onto adjoining roads.

8. Traffic calming provisions will be identified to protect pedestrian ways, gasoline dispensing and/or service area.

9. Where motor fuel sales are proposed the use must in addition comply with all of the requirements of Section 320 of this Ordinance.

10. The maximum building footprint of any single building shall be 87,120 square feet (2 acres). An applicant may not evade this provision by proposing to locate its business in multiple building within two hundred (200) feet of one another if the gross footprint of such buildings will exceed 87,120 square feet.

## **SECTION 339 LIGHT MANUFACTURING**

This use is subject to a finding by the Zoning Hearing Board that this use will achieve compliance with all of the performance standards set forth in Section 204.7 of the ordinance. *Added 8/5/13*

## **D. PUBLIC UTILITY BUILDINGS**

### **SECTION 340 REQUIREMENTS**

Public utility buildings and facilities shall be approved in any District, 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 District in which the building is located.
- b. Height of building shall be as required by the District regulations.
- c. Unhoused equipment shall be enclosed with a chain-link fence six (6) feet in height, topped with barbed wire.
- d. Housed equipment--When the equipment is totally enclosed within a building no fence or screen planting shall be required and the yard shall be maintained in conformity with the District in which the facility is located.
- e. Screen planting in Residential Districts--The required fence for unhoused equipment shall be surrounded by an evergreen planting.
- f. The external design of the building shall be in conformity with the buildings in the District.
- g. Access for unhoused equipment--Where vehicular access is across the front yard, the gate shall be constructed of solid materials having not less than fifty (50) percent solid in ratio to open space. In Residential Districts, the permitted public facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.
- h. If in Agricultural District the building or facility must be located on land of low quality for agricultural uses as defined in section 202.9(e) of this Ordinance.
- i. Unless in the Commercial or Industrial district, vehicles or equipment used in the maintenance of any utility shall not be stored in the public utility building or on the lot where such building is located.
- j. No equipment causing unreasonable noise, vibration, smoke, odor, hazardous effect or discharge of chemicals or other hazardous materials which may pollute ground or surface water or soil shall be installed or stored in such building.

## **E. STORAGE**

### **SECTION 350 TRAILERS AND TRUCKS**

In a residential zone, trailers used for a business or commercial purpose and trucks licensed for 17,000 lbs. or more gross vehicle weight must be parked or stored within a garage, or an enclosed storage structure.

## **SECTION 351    WHEN PERMITTED**

Storage is permitted as a principal use in the Commercial District and is permitted as an accessory use in all districts, provided that no part of the street right-of-way, no sidewalks or other area intended or designed for pedestrian use, no required parking areas and no part of the front yard shall be occupied by outdoor storage or display. The permitted storage of items as an accessory use must involve the storage of items used on the lot or tract where stored in connection with a principal permitted use of such lot or tract of land.

## **SECTION 353    JUNKYARD**

~~A junkyard must be in conformance with any Township Junk Yard Ordinance then in existence.~~  
This use is permitted in the Industrial District by special exception subject to the following:

- a. Any area used for this purpose must be at least thirty (30) feet from any property line and fifty (50) feet from any street line.
- b. No garbage or other organic waste shall be stored on such premises.
- c. The manner of storage and arrangement of junk and the drainage facilities on the premises shall be such as to prevent the accumulation of stagnant water and to facilitate access for inspection purposes and fire fighting.
- d. Every structure other than a caretaker house or an office shall be of fireproof construction.
- e. The area used in connection with the junkyard shall be enclosed by a metal chain link fence constructed of good heavy duty steel and supported upon steel posts or, in lieu thereof, a solid masonry or metal wall of a uniform design, texture and structure. The erection of such fence or wall shall be controlled by the setback provisions of this ordinance. Such fence or wall shall not be less than eight (8) feet in height. If a chain link fence is utilized, it shall be constructed so as to make it sight tight. The erection of said fence shall be completed within six (6) months after obtaining a permit for the use.
- f. The land area between the fence required above and the public highway or street and the area between the fence and any neighboring property line shall be planted with evergreen trees or other vegetation approved by the township as equivalent in growth and shading characteristics. Trees shall be planted in two (2) rows twenty (20) feet apart in each row and alternated eight (8) feet apart on center except for Hemlocks which shall be eight (8) feet apart and four (4) feet on center. The trees, when planted, shall be at least five (5) feet in height from the ground. The trees shall be maintained in good health and replaced as required in order to achieve a full screening effect within five (5) years.
- g. Irrespective of paragraph 6 above, the access drive and area required to provide adequate sight distance to the access drive shall be kept free of plantings which interfere with such sight distance.

- h. All burning in connection with any junkyard shall be in full and complete compliance with the Peach Bottom Township Outdoor Burning Ordinance as well as any and all applicable county, state, and federal laws, rules and regulations.
- i. All junk contained in a junkyard shall be arranged and maintained in a neat and orderly fashion. All junk vehicles and other junk shall be arranged in rows with a minimum of twenty (20) feet of clear space between rows with each row to be no greater in width than forty (40) feet. Vehicles shall not be stored on top of one another so as to be visible beyond the fence or wall constructed pursuant to subsection 5 of this ordinance.
- j. No junk shall be stored or located within any river, watercourse, run, creek, irrigation ditch, designated wetland or any other natural watercourse.
- k. There shall be at least five (5) off street parking spaces inside the fenced area.
- l. The applicant shall submit and demonstrate the ability to implement an operations plan that shall include the following:
  - 1. The unloading, transfer, and disposition of material shall be continuously supervised.
  - 2. There shall be no access permitted to the site when an attendant is not on duty.
  - 3. Access drives shall be secured by fences, gates, locks, and other means to deny access at unauthorized times.
  - 4. There shall be a plan for the prompt removal of all hazardous materials. Drainage of fluids shall be conducted only on a township approved reinforced concrete drainage pad with a thickness of at least six (6) inches. The drainage pad must be under roof and drain to catch basins or storage tanks with at least a two hundred fifty (250) gallon capacity. It shall be the duty of the permittee to insure that all fluids drain to such catch basin or storage tank and that such catch basins or storage tanks do not overflow. Any violation of this requirement shall result in immediate revocation of any permit issued.
  - 5. The applicant shall submit quarterly proof to the township of proper and authorized disposal of all petroleum and other products including oil, gas, freon, and antifreeze.
  - 6. The applicant shall create sufficient drainage swales so as to preclude water from lands at higher grade than the applicant's from washing over the area used in the junkyard operation.
  - 7. Motor vehicles shall not be stacked so as to become visible from adjoining properties.



8. Crushing of automobiles and operation of a crusher shall occur only during Monday through Friday and only between the hours of 7:00 a.m. and 4:00 p.m. No crushing of vehicles shall take place on federal or state holidays.
- m. The applicant must establish that the environmental requirements of Section 390 of this ordinance will be complied with.
- n. Every junkyard in Peach Bottom Township shall, at all times, be subject to inspection by the Board of Supervisors of Peach Bottom Township, or its duly designated and authorized agent or representative for the purpose of determining whether said licensee has established and maintained its premises in full compliance with the provisions of this ordinance.

*Added 8/6/12*

## **SECTION 354 OUTDOOR STORAGE**

The following items must be stored in a completely enclosed structure excepting that if in the industrial zone they may be stored in an approved "junkyard".

1. Automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code but not so registered.
2. Automobiles, busses, vans, recreational vehicles and other vehicles of the type required to be registered for highway operation pursuant to the provisions of Chapter 13 of the Pennsylvania Motor Vehicle Code and so registered but not displaying a currently valid certificate of inspection and approval issued pursuant to Chapter 47 of the Pennsylvania Motor Vehicle Code.
3. Tire stockpiles.
4. Motor vehicle parts, appliances, appliance parts, pieces of iron, steel, cans or other such materials.
5. Junk as defined in this Ordinance.

## **F. QUARRIES**

### **1. Quarrying Standards**

#### **SECTION 360 QUARRYING STANDARDS**

Quarrying operations may be approved by special exception in the Industrial District. In passing upon special exception applications for quarrying operations, the Zoning Hearing Board must consider the following factors:

- a. Location of quarrying pit, buildings, stockpiles, waste piles, in relation to other existing or planned uses in the area.
- b. Physical factors:
  1. Soil--nature and characteristics, including possible erosion by water and wind.
  2. Drainage
  3. Prevailing wind
- c. Abutting land and streets--lateral support slopes and grades.
- d. The special exception application shall not be granted unless a satisfactory reclamation plan is proposed by the applicant and the applicant demonstrates his capacity to carry out the reclamation plan and comply with environmental requirements of section 393 of this Ordinance and the general standards for special exceptions as set forth in section 443 of this Ordinance. The reclamation plan shall be a complete and detailed Plan for the reclamation of the land affected, include the following:
  1. The plan shall set forth the use made of the land as of July 1, 1990 and any change in use between that date and the date of the filing of the plan.
  2. A statement of the soil types of the land and the topography of the land.
  3. Where the proposed land use so requires, the manner in which compaction of the soil and fill will be accomplished.
  4. The proposed land use upon completion of the quarrying operation, if the land was in agricultural use on July 1, 1990, it must be restored to agricultural use.
  5. A description of the manner in which the operation will segregate and conserve topsoil and, if necessary, suitable subsoil to restore the area to agricultural use if
  6. such restoration is required pursuant to subsection (4) above or if such restoration is not required, to establish a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration in planned succession at least equal in extent of cover to the

natural vegetation of the area. To prevent erosion of silt or other loose material, all-surface drainage existing or developed through the topsoil site must be controlled by dikes, barriers or drainage structures. All measures to control natural drainage or floodwater must be approved by the Board of Supervisors.

7. A detailed timetable for the accomplishment of each major step and the reclamation plan and the operator's estimate of the cost of each said step and the total cost of the reclamation plan.
  8. The reclamation plan shall provide for contouring as defined in Title 52 P.S. §396.3 (Surface Mining Conservation and Reclamation Act) excepting that the Zoning Hearing Board may permit terracing in lieu of contouring if approved by the Pennsylvania Department of Environmental Resources, if the land is not required to be restored to agricultural use, pursuant to sub paragraph 4 of this paragraph and the area proposed to be affected had previously been quarried and, cannot be reclaimed by contouring and re-affecting the area is likely to produce an environmental benefit.
  9. The manner in which the operator plans to control surface water drainage including a practicable method of preventing or avoiding surface and ground water contamination.
  10. The reclamation plan must propose the restoration of the affected areas within two years following the termination of quarrying operations in that particular area. It is not intended that reclamation await the completion of quarrying operations on the entire tract.
- e. The Zoning Hearing Board shall in addition require that the applicant post sufficient security by Performance Bond or Letter of Credit to guarantee compliance with all aspects of the reclamation plan, provided however that the amount of this obligation may be reduced by the amount of any effective security which the Zoning Hearing Board finds has been posted with the Commonwealth pursuant to the Surface Mining Act.
  - f. The Zoning Hearing Board shall require that the applicant establish that there will be no discharge of chemicals or other hazardous material, which may pollute ground or surface water or soil.

## 2. Operational Requirements

### **SECTION 361 MACHINERY EQUIPMENT; OPERATIONS**

All machinery, equipment and materials used in quarrying; all processing and manufacturing operations; and all hauling of quarrying products must be maintained, operated, or conducted in such a manner that in a Residential Zone—

- a. Flying objects and debris are not thrown.
- b. Noxious gases are not disseminated.
- c. There is no appreciable noise, vibration, dust or mist

## **SECTION 362    BARRIERS**

- a. Fencing

A six (6)-foot substantial fence or other suitable barrier six (6)-feet high must surround the area of actual quarrying, unless such requirement is waived by Special Permit issued by the Zoning Hearing Board. If guarded at all times, the entrance of the pit where adjacent to the quarry office may be left unfenced.

- b. Screens

Where the quarry operations will substantially impair the beauty and character of the surrounding countryside, trees or shrubs must be planted, or attractive earth barriers erected, to screen the operation as far as practical from normal view.

## **SECTION 363    WASHING**

The washing of any earth material is permitted except—

- a. Where the quantity of water required will seriously affect the supply for residential uses in the area.
- b. Where in the written opinion of the Pennsylvania Department of Environmental Resources, disposal of water will result in contamination, pollution, or excessive silting.

## **SECTION 364    SETBACKS FROM RESIDENTIAL ZONES**

Where the lot or parcel of land which is the focus of quarrying operations is adjacent to a Residential Zone:

- a. No stockpiles, waste piles, processing or manufacturing equipment, may be closer than 1,000 feet to the Residential Zone.
- b. No part of the quarrying pit, private access road, truck parking area, scales, or operational equipment, may be closer than five hundred (500) feet to the Residential Zone.

## **SECTION 365 STREET SETBACKS**

From the right-of-way line of a public street or highway, no part of the quarrying pit, stockpiles, waste piles, processing or manufacturing equipment, scales, or operational equipment, may be closer than one hundred (100) feet.

## **SECTION 366 PROPERTY LINE SETBACKS**

From a property line, except for those following:

- a. No part of the quarrying pit, stockpiles, waste piles, processing or manufacturing equipment, may be closer than two hundred (200) feet.
- b. No private access road, truck parking area, scales, or operational equipment, may be closer than one hundred (100) feet.

Where a quarry property abuts another quarry property, an operating railroad's right-of-way property or a property in an Agricultural Zone, no part of the quarrying operation except an access road may be closer than fifty (50) feet.

### 3. Rehabilitation Requirements

## **SECTION 370 REHABILITATION REQUIRED**

The operator must implement the reclamation plan approved by the Zoning Hearing Board in accordance with the standards and time frame set forth in such plan.

## **SECTION 371 REMOVAL OF PLANT AND EQUIPMENT**

Within two years after termination of operations all plant and equipment must be removed except where the plant and equipment is still used for processing earth material from other properties. In the event it continues to be used for processing earth material from other properties it must be removed within two years after it stops being used for such purpose. If covered, foundations and piers may be left in the ground.

## **SECTION 372 REPORTING OF OPERATIONAL REHABILITATION INFORMATION**

In order to keep the Zoning Officer abreast of impending termination of quarrying operations and

plans for rehabilitation as well as operational activities which he has a duty to check, each quarry owner or operator must submit to the Zoning Officer, annually in the month of October, the information following:

a. Operational Data.

1. Ownership and acreage of the land which is the situs of quarrying operations, including all land held under contract or lease.
2. Type of earth resources quarried.
3. Present depth of quarrying operations.

b. Location map, at a scale of 1 inch = 100 feet, or such other scale acceptable to the Township, showing—

1. All land owned or under option, contract or lease.
2. Lot or land quarried
3. As practical, contours at twenty (20)-foot intervals extending beyond the site to the nearest public street or highway.
4. Private access roads and abutting streets and highways.
5. Existing structures
6. Existing stockpiles and waste piles
7. Title, scale, north point, and date.
8. Fencing and screen planting. If fencing is vegetation, give details of size and type.

c. Reclamation Plan

1. The extent to which the reclamation plan has been implemented.
2. The planned reclamation during the succeeding year.
3. The exact dimensions of the land, which is currently used for quarrying and has not been reclaimed.

## G. ENVIRONMENTAL REGULATIONS

### SECTION 390 PERFORMANCE STANDARDS

In all Districts all non-agricultural uses and activities established after the effective date of this Ordinance shall comply with the following performance standards; all existing non-agricultural uses and activities in compliance with the following performance standards on the effective date of this Ordinance shall continue in compliance; and all existing non-agricultural uses and activities not in compliance with Section 390(a) through 390(e) regarding environmental standards shall, within two (2) years following the effective date of this Ordinance, bring themselves into compliance.

- a. The sound level of any operation shall not exceed the decibel levels of the preferred frequencies cited below or as modified or exempted. The sound pressure level shall be measured with an octave bank analyzer calibrated in the preferred frequencies conforming to the specifications published by the American Standard Association (preferred Frequencies for Acoustical Measurements, SI 6-1960 American Standards Association, New York, New York)
  1. Standards - At no point on the District boundary of or at any point within any District shall the sound-pressure level resulting from any operation in any District exceed the maximum permitted sound levels set forth below expressly or waived in paragraph 2 below.

Center Frequency (Cycles per second)	Maximum Sound-Pressure Level (Decibels)
31.5	65
63	67
125	66
250	59
500	52
1,000	46
2,000	37
4,000	26
8,000	17

(Sound pressure level in decibels equals  $0.0002$  dynes/cm)

2. Waivers - The following sources of noise are exempt.
  - a. ) Transportation vehicles not under the control of an on-site use.

- b. ) Occasionally used safety signals, warning devices and emergency pressure relief valves.
- c. ) Temporary construction activity between 7:00 A.M. and 7:00 P.M.

b. Vibration

No use shall cause vibrations exceeding the maximum values specified in this section. The maximum vibration is given as particles velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed the following formula shall be used.

$PV=6.28 F X D$  where

PV=Particle velocity, inches per second

F=Vibration frequency, cycles per second

D=Single amplitude displacement of the vibration inches.

Particle velocity shall be the vector sum of three individual components measured simultaneously in three mutually perpendicular directions.

Maximum Ground Transmitted Vibration

<u>Zoning District</u>	<u>Particle Velocity (Inches/Second)</u>	
	<u>Adjacent (Lot Line)</u>	<u>Residential District</u>
Conservation, Agricultural & Residential	0.05	0.02
Commercial & Industrial	0.10	0.02

Where vibration is produced as discrete impulses and such impulses do not exceed a frequency of sixty (60) per minute, then the values in this table may be multiplied by two.

c. Heat

No heat from any use shall be sensed at any property line to the extent of raising the temperature of air or materials more than one degree F.

d. Glare

In Commercial or Industrial Districts, any operation or activity-producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured in any district other than a Commercial or Industrial.

e. Air Pollution



1. A person, partnership, corporation, or association may not cause or permit on land owned by him the emission into the outdoor atmosphere or any malodorous contaminates from any source in such manner that the malodors are detectable outside of the property of the person on whose land the source is being operated. For purpose of this section, malodor is an odor which causes annoyance or discomfort to the public and which the Township determines to be objectionable to the public.
2. A person, partnership, corporation or association may not cause or permit on land owned by him the emission into the outdoor atmosphere of any particulate air contaminates from any source in such manner that the particulates are detectable by human senses outside of the property of the person on whose land the source is being operated.
3. The discharge of any substance into the atmosphere shall be in strict compliance with the provisions of the Federal Clean Air Act and the Pennsylvania Air Pollution Control Act (35 P.S. S4005) and the regulations adopted pursuant thereto, all of which regulations are incorporated herein by reference.

*Amended 2/4/02*

## **SECTION 391 APPLICATION OF PERFORMANCE STANDARDS**

If, in the considered judgment of the Zoning Officer, there is a probable violation of the performance standards set forth herein, the following procedures shall be followed:

1. The Zoning Officer shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Officer believes there is a violation and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Officer within a time limit set by the Zoning Officer. The notice shall state, and it is hereby declared, that failure to reply or correct the alleged violation to the satisfaction of the Zoning Officer within the time set constitutes admission of violation of the terms of this Ordinance.

Except in connection with alleged violations of section 390(e) regarding air pollution, the notice shall state that, on request of those to whom it is directed, technical determinations

shall be made as to the existence of the alleged violation and if a violation is determined to exist the cost of such determination shall be charged against those responsible for the violation, in addition to other penalties as may be appropriate, but that, if it is determined that no violation exists, the cost of the determination will be paid by the Township.

2. If there is no reply within the time limit set but the alleged violation is corrected to the satisfaction of the Zoning Officer, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his official records, taking such other action as may be warranted.

3. If there is no reply within the time limit set and the violation is not corrected to the satisfaction of the Zoning Officer within the time limit set, he shall take of cause to be taken such action as is warranted by continuation of a violation after notice to cease.
4. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Officer but requesting additional time, the Zoning Officer may grant an extension of time if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property.
5. If a reply is received within the time set requesting technical determination as provided in this Ordinance and if the alleged violation continues, the Zoning Officer may call in property qualified experts to make the determinations. If such determinations indicate violation of the performance standards, the cost of the determinations shall be assessed, against the person or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Section 417 of this Ordinance. If no violation is found, the cost of the determinations shall be paid by the Township without assessment against person or persons involved.

## **SECTION 392 FLOOD PLAIN REGULATIONS**

The following uses and activities are prohibited if located completely or partially within any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Peach Bottom Township by the Federal Insurance Administration in March, 1981:

1. The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - a. Hospitals
  - b. Nursing homes
  - c. Jails or prisons
2. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.
3. Any new or substantially approved structure which:
  - a. Will be used for the production or storage of any of the following dangerous materials or substances; or

- b. Will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
- c. Will involve the production, storage, or use of any amount of radioactive substances.

The following list of materials and substances are considered dangerous to human life:

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

## **SECTION 393 SEWAGE**

- 1. Hereafter no sewage system of any kind shall be erected, constructed, installed, altered, or extended within the limits of Peach Bottom Township except as set forth in Section 1 of the Peach Bottom Township Sewage Permit Ordinance, unless a permit to do so shall first be secured in accordance with the provisions of the Peach Bottom Township Sewage Permit Ordinance and unless such erection, construction, installation, alteration, or extension is in strict accordance with the application submitted pursuant to the Peach Bottom Township Sewage Permit Ordinance and with the permit issued pursuant thereto and in accordance with the procedures set forth in such ordinance.
- 2. No person, firm, association, or corporation shall maintain or use any sewage disposal system of any kind so that vectors (insects or rodents capable of carrying disease) may have access to the excrementitious matter contained therein or so that the sewage disposal system directly or indirectly drains or discharges over or upon the surface of the ground

3. or into any waters of the Township. It shall also be unlawful for any person, firm, association, or corporation to fail to comply with the requirements as set forth in subparagraphs (a) and (b) of Section 2 of the Peach Bottom Township Sewage Permit Ordinance.
4. All the provisions of the Peach Bottom Township Sewage Permit Ordinance are incorporated herein by reference. Any violation of any provision of that ordinance shall constitute a violation of this ordinance.

## **SECTION 394 CEMETERY**

The applicant must establish that water supplies will not be contaminated by burial activity within the proposed cemetery. All interments must utilize a sealed concrete burial vault.

## **SECTION 395 FUNERAL HOME**

The applicant must establish that all bio-hazardous materials will be disposed of in accordance with all applicable state, federal, and local regulations.

## **SECTION 396 MEDICAL CLINIC, LABORATORIES**

The applicant must establish that all bio-hazardous materials will be disposed of in accordance with all applicable state, federal, and local regulations.

## **SECTION 397 ~~WATER POLLUTION AND CONSERVATION~~**

~~1. No below ground storage facilities, surface impoundments, pits, ponds or lagoons for the purpose of receiving, storing, holding, manufacturing, processing, generating or dispensing manure, water borne or water soluble chemicals including petroleum products and distillates, or biological chemicals or agents identified as water pollutants/contaminants by the Pennsylvania Department of Environmental Protection and/or the United States Environmental Protection Agency shall be constructed, operated or maintained in the one hundred year flood plain, or within 100 feet of designated wetlands or protected runoff areas and/or surface waters in any zone. Residential holding tanks, as a replacement for existing holding tanks or Cesspools are exempted from this restriction.~~

~~2. Any person, partnership or association who has applied to be permitted or has been permitted by any local, state or federal agency to install, utilize or operate below ground storage facilities, surface impoundments, pits, ponds or lagoons in any zone for the purpose of receiving, storing, holding, manufacturing, processing, generating or dispensing manure, water borne or water soluble chemicals including petroleum products or distillates, or biological chemicals or agents identified as water pollutants/contaminants by the Pennsylvania Department of Environmental~~

~~Protection shall install test wells to monitor and provide for early warning and prevention of ground water contamination. This test well requirement shall not apply to on-lot septic systems for residential use in any zone. The location, number and type of test wells required shall be as determined by the Township engineer based upon "Ground Water Monitoring Guidelines Manual, DEP Document No. 383-3000-001". The following requirements shall apply:~~

~~(a). Base line establishment — Prior to placing in operation the permitted facility, a meaningful base line to support compliance monitoring must be established by obtaining samples from locations in the number and at the frequency determined by the township engineer based upon the guidelines set forth in "Ground Water Monitoring Guidelines Manual, DEP Document No. 383-3000-001". Testing shall be for the contaminants contained within the material proposed to be stored in the proposed facility. An independent accredited testing company approved by the township engineer shall perform all testing and sampling. The township engineer shall establish a formal documented base line and develop an empirical set of threshold values to be used to identify increases in the level of contaminants that warrant investigation and forward those to the township. The applicant shall pay the cost of all required testing and evaluation.~~

~~(b). Monitoring — The owners of any permitted below ground storage facility, surface impoundment, pit, pond or lagoon utilized for the receiving, storing, holding, manufacturing, processing, generating or dispensing manure, water borne or water soluble chemicals including petroleum products or distillates, or biological chemicals or agents identified as water pollutants/contaminants by the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency irrespective of whether established prior to or after the effective date of the adoption of this section of the ordinance shall install and maintain test wells for the purpose of monitoring discharge of contaminants from their facility. The township engineer shall based upon "Ground Water Monitoring Guidelines Manual, DEP Document No. 383-3000-001" establish the required number of and location of test wells and frequency of testing for the contaminants contained within the materials stored in the facility. All testing shall be conducted by an independent accredited testing company approved by the township engineer. Reports of all sampling shall be provided to the township engineer within thirty (30) days of the required testing.~~

~~3. An applicant may propose an alternative method of monitoring for early detection of potential groundwater contamination other than that set forth in section 2 hereof. Such an applicant may submit a formal description of all elements of that method including physical design, sampling and/or monitoring methodology, sampling and/or monitoring frequency, record keeping and reporting. The applicant shall at his expense obtain formal verification by the township engineer that the requirements and intent set forth in subsection 2 hereof and provide that verification to the township. In addition, such applicant must enter into an agreement with the township prepared at his expense, which shall require that the applicant agree that the township zoning officer shall be permitted to make inspections of the monitoring facility at a minimum of one visit per month at the applicant's expense and shall provide that any permit and/or use certificate issued with respect to such facility shall be revoked in the event the applicant fails to comply with the requirements of the alternative method of monitoring, record keeping or fails to permit or pay for required inspections by the township zoning officer.~~

~~4. If any test well sampling or alternative monitoring approved pursuant to subsection 3 hereof indicates that the ground water contains contaminants in excess of safe drinking water standards as established by the Pennsylvania Department of Environmental Protection or in the event the township engineer has not received the required test results within forty five (45) days from the date such testing was required to be performed in accordance with the schedule established by the township engineer, the permit and use certificate issued with respect to the facility shall be revoked and all use of the facility shall be terminated within thirty (30) days with said use to be reestablished only after the grant of a further use certificate which shall only be granted after it is established by the Department of Environmental Protection that the cause of ground water contamination has been eliminated unless it is established that any such contamination is unrelated to the contaminates stored in the facility.~~

~~In the event the permit and use certificate have been revoked because of failure to file test reports as required by this section of the ordinance or because of failure to comply with an agreement entered into with the township permitting an alternative method of monitoring, such use shall be reestablished only after test reports have been provided demonstrating ground water contamination not in excess of safe water drinking standards as established by the Pennsylvania Department of Environmental Protection, the owner has achieved full compliance with any agreement permitting an alternative monitoring system and such owner has paid a penalty in the amount of six hundred dollars (\$600.00) for each day between the date the test results were required to be filed with the township engineer and the date such results were actually filed with the township engineer and for each day the owner has failed to comply with the requirements of any agreement entered in with the township.~~

~~5. Following cessation of use of the facility testing for contamination shall continue with frequency to be determined by the township engineer based upon the guidelines set forth in "Ground Water Monitoring Guidelines Manual, DEP Document No. 383-3000-001" until such time as the township engineer determines that there is no further substantial risk of ground water contamination resulting from the past use of the facility. In addition, the owner of the facility will be obligated to take such measures as are found by the township engineer and/or by the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency to clean up ground water contamination and restore the area.~~

~~6. Each and every day that the operator fails to file reports after same are due or fails to take measures to clean up the site as may be directed by the township engineer, the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency or fails to terminate the use of a facility as above required shall constitute a violation of this ordinance.~~

~~Deleted 11/2/09~~

## **SECTION 397 TREE REMOVAL IN ENVIRONMENTALLY SENSITIVE AREAS**

1. For purpose of this section, areas which contain slopes in excess of eighteen percent (18%) and/or areas which are located within fifty (50) feet of a stream measured horizontally are declared to be environmentally sensitive areas.
2. No person, firm, association or corporation shall cause or permit more than fifty per cent (50%) of trees in excess of twenty (20) feet in height to be cut or removed from an environmentally sensitive area without a plan approved by the Township. For purpose of calculating the percentage of trees removed from any area, the area shall include the location where any particular tree is cut or removed and all locations within fifty (50) feet of such point. The fifty percent (50%) limitation shall be based upon the number of trees within the "area" as of one year prior the commencement of cutting or removal of trees.
3. Irrespective of whether a plan is required, a property owner shall not permit erosion to occur on the property where trees are being cut, or permit storm water flow from such property to damage neighboring properties.

### 4. Plan Requirements -

The plan, which must be submitted and approved in the event more than fifty per cent (50%) of trees in excess of twenty (20) feet in height are proposed to be removed from an area, shall include the following:

- a. Design of the access system, including haul roads, skid roads, skid trails and landings;
- b. Design of water control measures and structures, such as culverts, broad base dips, filter strips and water bars;
- c. Design of stream and wetland crossings; and all necessary federal and state permits which accompany such crossings;
- d. An erosion and sediment control plan;
- e. A plan for use of the area following tree removal. If the plan is for forest regeneration, the plan must clearly delineate how the forest will in fact be regenerated and provide assurance that such regeneration will in fact occur. If the plan does not propose regeneration of the forest, it must establish how the area will be stabilized on a long term basis so that erosion does not occur and that there will not be increased water flow onto neighboring properties;
- f. Each plan shall include a site map which shall include the following information:
  - (1) Site location and boundaries, including both the boundaries of the property on which tree removal is to occur and the area within the property on which tree removal will occur;

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(2) Significant topographic features located within the area where tree removal is proposed to occur;

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(3) The location of all proposed earth disturbance activities such as roads and landings;

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(4) The location of all proposed water control measures and structures and all proposed stream crossings;

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(5) The location of the access system including haul roads, skid roads and trails; and

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(6) The location of any wetlands which will be disturbed by tree removal activity.

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5. Plan Review -

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a. The erosion and sediment control plan must be reviewed and approved by the York County Conservation District.

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b. The plan will be approved by the Township only if it finds that the environmentally sensitive areas will be protected both during and following the tree removal process, and that excess water flow will not occur on neighboring properties so as to cause damage to such property.

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6. Following approval of the plan, the property owner shall take all measures to fully implement the approved plan including, but not limited to, all of the provisions of such plan designed to prevent erosion and prevent damage to neighboring properties

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7. In the event the implementation of the measures set forth on an approved plan fail to prevent erosion or damage to neighboring properties, the owner where such tree removal has occurred shall take such further measures as the Township finds reasonably necessary to prevent further erosion, remedy the effects of prior erosion caused by the tree removal and to repair damage which occurred to neighboring properties and to prevent further damage to such properties.

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8. The provisions of this ordinance shall not apply to the removal of trees to permit the construction of new buildings, driveways, wells or sewage disposal systems following the issuance of permits permitting the construction of such facilities at the proposed location.

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9. In addition to the other penalties provided in this ordinance, anyone cutting or removing trees or permitting trees to be cut or removed in violation of this ordinance shall replant trees in the area where such trees were cut or removed. Trees shall be varieties approved by the Township, be of a minimum diameter of one and one half (1-1/2) inches, be at least six (6) feet in height and be planted not further than twenty (20) feet apart. Any of the replanted trees which die within



five (5) years from being planted shall be removed and replaced within six (6) months following the time such tree died by the then owner of the property. The replanting requirement shall not apply to areas where permits have been issued to permit the construction of new buildings, driveways, wells or sewage disposal systems.

*Added 4/1/13*

## PART IV ADMINISTRATION

### A. APPLICANT-PERMITS, VARIANCES, SPECIAL EXCEPTIONS AND PENALTIES

#### SECTION 400 BUILDING PERMITS

~~Hereafter, no building or structure shall be erected, moved, placed, constructed, or enlarged within the limits of Peach Bottom Township unless a permit to do so shall first be secured in accordance with the provisions of the Township Building Permit Ordinance all of which provisions are incorporated herein by reference and unless such erection, movement, placement, construction, or enlargement is in strict accordance with the application submitted pursuant to the Building Permit Ordinance and, with the permit issued pursuant thereto and to accordance with the procedures set forth in such Ordinance. Any violation of the provisions of the Township Building Permit Ordinance shall constitute a violation of this Ordinance. A building permit expires nine (9) month from the date of issuance. The permit application must be accompanied by a site plan, in duplicate, showing as necessary to demonstrate conformity to this Ordinance —~~

- ~~a. Lot: The location and dimensions of the lot.~~
- ~~b. Streets: Names and widths of abutting streets and highways.~~
- ~~c. Structures & Yards: Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within one hundred (100) feet of the proposed structure but off the lot.~~
- ~~d. Improvements: Proposed off street parking and loading areas, access drives, and walks. Proposed sewage disposal system.~~

~~For lots less than ½ acre, the site plan must be at a scale of 1 inch = 20 feet; for larger lots, the Site plan must be at a scale of 1 inch = 40 feet. The north point must be shown on all site plans.~~

~~*Deleted 3/1/10*~~

Hereafter no building or structure shall be erected, moved, placed, constructed or enlarged within the limits of Peach Bottom Township unless a permit to do so shall first be secured in accordance with the provisions of the Township Building Permit Ordinance, all of which are incorporated herein by reference and unless a permit is secured in accordance with the provisions of the Construction Code Ordinance of Peach Bottom Township if such permit is required by the provisions of that ordinance, all of which provisions are incorporated herein by reference.

Hereafter no building or structure shall be altered, repaired, demolished or removed within the limits of Peach Bottom Township unless a permit to do so shall first be secured in accordance with the provisions of the Construction Code Ordinance of Peach Bottom Township if a permit is

required by that ordinance for such alteration. All erection, movement, placement, construction and enlargement must be performed in strict accordance with the application submitted pursuant to the Peach Bottom Township Building Permit Ordinance, any application submitted pursuant to the Construction Code Ordinance of Peach Bottom Township and with the permit issued pursuant thereto and in accordance with the procedures set forth in such ordinance. Any violation of the provisions of the Township Building Permit Ordinance and any violation of the Construction Code Ordinance of Peach Bottom Township shall constitute a violation of this ordinance. All building permits expire twelve (12) months following date of issuance but may be renewed for two additional nine (9) month periods as more fully set forth in the Township Building Permit Ordinance.

*Amended 3/1/10*

## **SECTION 401 SPECIAL EXCEPTIONS**

For any use permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. In addition to the information required on the building permit application, the special exception application must show—

- a. Ground floor plans and elevations of proposed structure.
- b. Names and addresses of adjoining owners. Unless otherwise specified or extended by the Zoning Hearing Board a special exception authorized by the Board expires if the applicant fails to obtain, where required to do so a building permit within six (6) months of the date of the authorization of the special exception.

## **SECTION 402 TEMPORARY PERMITS**

1. A temporary permit may be obtained from the Zoning Officer to permit a construction trailer or storage shed to be located on a property provided a building permit has been issued to permit construction of a dwelling on the property. Such construction trailer or storage shed must be removed prior to issuance of a use certificate to permit use and occupancy of such dwelling.
2. A temporary permit may be obtained from the Zoning Hearing Board for a nonconforming structure or use which is or will be seasonal or is or will be in the public interest (See Section 453)

## **SECTION 403 HARDSHIP PERMIT**

The Board of Supervisors may grant a hardship permit to place a mobile home or other residential unit on a lot where the same would not otherwise be permitted by the terms of this Ordinance provided the applicant establishes that:

1. All of the residential units located on the tract of land where the mobile home or other residential unit is proposed to be located are occupied by the landowner or a member of his family, Family to include only ancestors and direct descendants of the landowner. This condition shall not apply if the residential unit not occupied by a member of the family is at such a distance from the residence of the owner of the tract of land so as not to permit the owner of the tract of land to render the personal care to a member of the family as contemplated by this section or alternatively to receive the care contemplated by this section; and
2. No rent or other consideration will be received for the use of the mobile home or other residential unit or the space which the same occupies; and
3. There is a genuine medical hardship involved which requires that the occupant of the mobile home or other residential unit for which the permit is issued live in close proximity to the owner of the tract of land on which the mobile home or other residential unit is to be placed so as to enable the occupant of the mobile home or other residential unit to give or alternatively receive the personal care contemplated by this section of the Ordinance.

In addition the applicant must establish that:

4. The occupant of the mobile home or other residential unit to be permitted will provide care to one or more of the landowners who reside on the tract of land in question and own the mobile home or other residential unit; or
5. The occupant of the mobile home or other residential unit is a parent or grandparent of one or more of the landowners who reside on the tract of land in question and will receive care from one or more of such landowners.

The hardship permit shall be for such period of time as all of the conditions permitting its issuance continue to exist and shall automatically terminate when any of those conditions are no longer met. Such mobile home or other residential unit must be removed from the premises within ninety (90) days following the expiration of the permit.

## **SECTION 405 USE CERTIFICATES**

~~This section applies to any new structure as below or to any change of use of a structure or land as below:~~

- ~~a. Use of a structure erected, structurally altered or extended, or moved after the effective date~~
- ~~b. Use of vacant land except for agricultural purposes.~~

- ~~e. Any change in a conforming use of a structure or land unless the change is to the same general type of conforming use.~~
- ~~d. Any change from a non conforming use of a structure or land to another non conforming use or to a conforming use.~~
- ~~e. Any change in the use of a structure or land from that permitted by any variance of the Zoning Hearing Board.~~

~~Before any such use or change of use, a person must have the intended use certified by the Zoning Officer as being in compliance with this Ordinance and other relevant Township Ordinances. The application for a use certificate must include a statement of the intended use, and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this Ordinance. Deleted 3/1/10~~

Before commencing

- ~~\_\_\_\_\_ (a) Any use of a structure erected, constructed, placed, moved or altered after the effective date of this ordinance;~~
- ~~\_\_\_\_\_ (b) Any use of any portion of a structure which has been altered, repaired, demolished or removed in such manner as to require a permit under the Construction Code Ordinance of Peach Bottom Township;~~
- ~~\_\_\_\_\_ (c) Any use of vacant land except for agricultural purposes; or~~
- ~~\_\_\_\_\_ (d) Any change of use of any land or structure~~

~~The owner must have the intended use certified by the Zoning Officer as being in compliance with this ordinance and all other relevant township ordinances. Before any use certificate or certificate of use and occupancy is issued for any structure or portion of a structure erected, constructed, placed, moved, altered, repaired, demolished or removed after the effective date of this ordinance, the Zoning Officer must verify that the structure is in compliance with all requirements of the Township Building Permit Ordinance and the Construction Code Ordinance of Peach Bottom Township. The application for a use certificate or a certificate of use and occupancy must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this ordinance. Amended 3/1/10 Deleted 9/7/11~~

Before commencing

- (a) Any use of a structure erected, constructed, placed, moved or altered after the effective date of this ordinance;
- (b) Any use of any portion of a structure which has been altered, repaired, demolished or removed in such manner as to require a permit under the Construction Code Ordinance of Peach Bottom Township;

- (c) Any use of vacant land except for agricultural purposes; or
- (d) Any change of use of any land or structure

The owner must have the intended use certified by the Zoning Officer as being in compliance with this ordinance and all other relevant township ordinances. Before any use certificate or certificate of use and occupancy is issued for any structure or portion of a structure erected, constructed, placed, moved, altered, repaired, demolished or removed after the effective date of this ordinance, the Zoning Officer must verify that the structure is in compliance with all requirements of the Township Building Permit Ordinance and that the Building Code Official has verified that the structure is in compliance with all requirements of the Construction Code Ordinance of Peach Bottom Township. The application for a use certificate or a certificate of use and occupancy must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms with this ordinance. *Added 9/7/11*

## **SECTION 410 VARIANCES**

where (a) the strict application of a regulation of this Ordinance would result in peculiar and exceptional practical difficulty to, or exceptional and undue hardship upon, the owner of property and (b) this difficulty or hardship is due to unique physical circumstances or physical conditions of the owner's property, he may apply to the Zoning Hearing Board for a variance from the regulation. The application must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and copies given to the Zoning Officer and Planning Commission. The applicant must provide all the information requested on the form, together with any other information and data that may be required to advise the Board on the variance, whether such information is called for by the official form or not.

Unless otherwise specified or extended by the Board, a variance authorized by it expires if the applicant fails to obtain a building permit within (6) months from the date of authorization of the variance.

## **SECTION 412 APPEALS - ZONING HEARING BOARD**

Any person aggrieved or affected by provision of this Ordinance or decision of the Zoning Officer, may appeal to the Zoning Hearing Board. The appeal must be on a form provided for that purpose by the Zoning Officer. It must be filed with the Board and a copy given the Zoning Officer. The appellant must provide all the information requested on the form, together with any other information and data that may be required to advise to the Board on the appeal, whether such information is called for by the official form or not.

**SECTION 413 APPEALS--COURTS OF LAW**

Within thirty (30) days after a decision of the Zoning Hearing Board—

- a. a person aggrieved by the decision
- b. a taxpayer, or
- c. the Board of Township Supervisors

may appeal to the Court of Common Pleas of the County, by petition, setting forth that the decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and specifying the ground upon which he relies.

**SECTION 415 FEES**

For each application, permit, or appeal, the applicant or appellant must pay the Township a fee as set by the Township Supervisors.

**SECTION 416 ENFORCEMENT REMEDIES**

In case any building, structure, landscaping or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township Board of Supervisors or with the approval of the Township Board of Supervisors, as officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially effected 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 landowner, or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Board of Supervisors. No such action shall be maintained until such notice has been given.

**SECTION 417 PENALTIES**

Any person, partnership or corporation who or which has violated or permitted a violation of any provision of this Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment in the amount of 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 be payable until the date of the determination of the violation by the District Justice. If the Defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the

applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determines that there has been a violation and further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation, until the fifth day following the date of determination of violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs or reasonable attorney fees collected for the violation of this Ordinance shall be paid over the Township.

## **SECTION 418 PUBLIC HEARINGS**

At public hearings, the applicant or appellant is entitled to the rights set forth in Part IV-C-4, and must conform to the procedures set forth there.

## **B. ZONING OFFICER**

### **SECTION 420 APPOINTMENT AND POWERS**

For the administration of this Ordinance, a Zoning Officer, who may hold other office in the Township, shall be appointed. The Zoning Officer shall administer the Zoning 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 the Zoning Ordinance. The Zoning Officer is the enforcement officer for this Ordinance. He issues all building permits, use certificates, and at direction of the Zoning Hearing Board, special permits and variances.

### **SECTION 421 FORMS**

The Zoning Officer must provide a form or forms prepared by the Township Solicitor for—

- a. Building permits
- b. Special permits
- c. Use certificates
- d. Appeals
- e. Variances



## **SECTION 422 TRANSMITTAL OF PAPERS**

Upon a receipt of an application for a special permit, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Planning Commission, copies of all papers constituting the record upon the special permit, variance, or appeal.

## **SECTION 423 ACTION ON BUILDING PERMITS**

Within ninety (90) days, except for holidays, after receipt of an application for a building permit, the Zoning Officer must grant or refuse the permit. If the application conforms to the applicable requirements of the building permit Ordinance and this Ordinance, the Zoning Officer must grant a permit. If the permit is not granted he must state in writing the grounds for his refusal and the manner in which the application can be corrected and/or modified to obtain the required approval if such correction and/or modification is possible.

## **SECTION 424 ACTION ON USE CERTIFICATES**

Within 90 days, except for holidays, after receipt of an application for a use certificate, the Zoning Officer must grant or refuse the certificate. If the specifications and intended use conform in all respects with the provisions of this Ordinance, he must issue a certificate to that effect. Otherwise, he must state in writing the grounds of his refusal.

If the permit is not granted, he must state in writing the grounds for his refusal and the manner in which the application can be corrected and/or modified to obtain the required approval if such correction and/or modification is possible.

## **SECTION 426 RECORDS**

The Zoning Officer must keep a record of—

- a. All applications for building permits, use certificates, special permits and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
- b. All plans submitted.

All records and plans are available for public inspection.

## **SECTION 427    REPORTS**

At intervals of not greater than six (6) months, the Zoning Officer should report to the Township Supervisors--

- a. The number of building permits and use certificates issued.
- b. The number of complaints of violations received and the action taken on these complaints.

## **C. ZONING HEARING BOARD - POWERS & DUTIES**

### **1. General**

## **SECTION 430    MEMBERSHIP OF BOARD**

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

## **SECTION 431    ORGANIZATION OF BOARD**

The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct the hearing on its behalf and the parties may waive further action by the Board as provided in Part IV-C-4. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the Township and laws of the Commonwealth. The Board shall keep full public records of its business and shall submit a report of its activities to the governing body once a year.

## **SECTION 432    POWERS**

The Zoning Hearing Board has the following powers:

- a. Interpretation: to interpret any provision of this Ordinance including zone boundaries.

- b. Special Exceptions: to hear and decide special exceptions upon which the Board is required to pass under this Ordinance as per PartIV-C-2 following.
- c. Appeals: to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement or interpretation of this Ordinance.
- d. Variances: to authorize, upon application, in specific cases a variance from the terms of the Ordinance as per Part IV-C-3 following.
- e. Rehearing: to grant the rehearing of a case if it appears there has been a substantial change in the facts as evidence of the case as presented at the initial hearing.

In exercising the powers above, the Board, in conformity with the provisions of this Ordinance, may reverse, affirm, or modify the order, requirement, decision, or determination appealed from or requested, and may make any order, requirement, decision or determination as ought to be made.

### **SECTION 433 BOARD CALENDAR**

Each application or appeal filed in the proper form with the required data, must be numbered serially, and be placed upon the calendar of the Board by the Zoning Officer. Applications and appeals must be assigned for hearing in order in which they appear on the calendar. However, for good reason, the Board may order the advance of the application or appeal. The Board must fix a reasonable time of the hearings.

#### **2. Special Exceptions**

### **SECTION 440 REFERRAL TO PLANNING COMMISSION**

All applications for a special exception shall be referred to the Planning Commission for a report.

The Chairman of the Planning Commission shall insure that a copy of its report is delivered to the Township Secretary for inclusion in the permanent record of the application, to the Zoning Officer and to the Zoning Hearing Board.

### **SECTION 441 CONDITIONS**

The Zoning Hearing Board in passing upon special exception applications may attach conditions considered necessary to protect the public welfare and the comprehensive plan, including conditions which are more restrictive than those established for other uses in the same zone.

## **SECTION 442    APPLICATION OF EXTENT-OF-USE REGULATIONS**

The extent-of-use regulations as set forth in this Ordinance must be followed by the Zoning Hearing Board. Where no extent-of-use regulations are set forth for the particular use, the Board must impose extent-of-use requirements as necessary to protect the public welfare and the Comprehensive Plan.

## **SECTION 443    GENERAL STANDARDS**

The Zoning Hearing Board, before granting a special exception for any use, must find that the use and the operations in connection with it would be in harmony with the orderly and appropriate development of the zone. In particular, the Board must make the findings following in writing:

- a. Use: that the items below are in harmony with the orderly and appropriate development of the zone;
  1. Location of the use, including location with respect to the existing or future streets giving access to it.
  2. Nature and intensity of the operations involved.
- b. The applicant must establish that the drainage requirements of Section 270 through 275 of this Ordinance will be complied with.
- c. Buildings, Walls, and Fences: that the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature, and height of buildings, walls, and fences.
- d. Traffic: that the use will not create traffic congestion or cause commercial or industrial traffic to use residential streets.
- e. The applicant must establish that adequate provision can and will be made to dispose of the sewerage created by the proposed use consistent with the requirements set forth in the regulations promulgated by the Pennsylvania Department of Environmental Resources and with the requirements of the Township Sewage Permit Ordinance.
- f. If connection to an existing public water supply system is proposed, the applicant must submit an agreement committing the public water system to provide such water as will be utilized by the proposed special exception use for such period of time and under such terms and conditions as the public water supply system provides water service elsewhere in its service area. If the water supply system proposed involves the utilization of water obtained from the tract proposed for the location of the special exception use, or from a nearby tract, the applicant must establish that the ground water recharge on the tract where the water supply system is located, after development, computed during draught

conditions (when the precipitation is forty (40) percent below normal) will exceed projected water usage. The Zoning Hearing Board may require as a condition of the approval that the applicant execute an agreement with the Township committing the proposed special exception use not to utilize more ground water on a daily basis than the ground water recharge computed during drought conditions and to establish procedures pursuant to which the usage can be verified.

- g. The applicant must establish that the environmental standards set forth in Section 390 of this Ordinance will be complied with.

Additional findings or considerations to weigh for particular uses follow in the remainder of this Part IV-C-2 or in Part III.

The applicant shall have the burden of proof with respect to each and every standard and requirement for the obtaining of a special permit as set forth in Part III, in this section, the following Sections of this Part IV-C-2, and with respect to the drainage requirements as specifically set forth in Sections 270, 271, 272, 273, 274 and 275 of this Ordinance.

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Zoning Hearing Board.

Unless otherwise specified or extended by the Zoning Hearing Board, a special exception authorized by the Board expires if the applicant fails to, where required to do so, obtain a building permit or use certificate within six (6) month of the date of the authorization of the special exception or fails to complete the work in the one (1) year next following the issuing of the building permit; excepting that in cases where the granting of a building permit or use certificate must be preceded by Township approval of a subdivision or land development plan, the special exception authorized by the Board expires if:

1. The applicant fails to file with the Township a preliminary subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) month of the date of the authorization of the special exception; or
2. Fails to file with the Township a final subdivision or land development plan meeting applicable subdivision and zoning requirements within six (6) months of the date of the approval by the Township of the preliminary plan; or
3. Fails to obtain a building permit or use certificate within six (6) month of the date of the approval by the Township of the final plan; or
4. Fails to complete the work within one (1) year of the issuing of the building permit.

## **SECTION 444     STANDARDS FOR EXPANSION OF NONCONFORMING USES**

In passing upon a special exception application for the expansion of nonconforming uses the Zoning Hearing Board must require the following:

- a. Expansion Confined to Lot: that expansion of the nonconforming use be confined to the lot on which the use is located on the effective date of this Ordinance.
- b. Access, Parking & Loading: provision of access drives, off-street parking and off-street loading consistent with standards required by this Ordinance.
- c. Yards, Height & Building Area: provision of yards, building height and building area consistent with the standards required for permitted uses in the same zone in which the nonconforming use in question is located.
- d. Appearance: that appearance is harmonious with surrounding properties. This feature includes but is not limited to: landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance in good condition of all improvements and open spaces.
- e. Buffers and Screens: buffers and screens as necessary to adequately protect neighboring properties, including, but not limited to fences, walls, planting and open space.
- f. Additional Requirements: such additional requirements as may be necessary to assure that the proposed expansion will not impair the use or development of neighboring properties.

## **SECTION 445     STANDARDS     FOR     REPLACEMENT     OF     ONE NONCONFORMING USE BY ANOTHER NONCONFORMING USE**

Before granting a special exception for the replacement of one nonconforming use by another, the Zoning Hearing Board must determine that the proposed nonconforming use will have no more adverse effect upon adjacent property than the existing nonconforming use. In making this determination, the Board should consider particularly the effect upon adjacent property of the following:

- a. Signs and lighting
- b. Extent and appearance of structures
- c. Traffic generation and movement
- d. Parking and loading

- e. Emission of noise, odors, fumes, glare, vibration, smoke, vapors, gases, wastes or storm water runoff
- f. Fire, explosion or other hazards
- g. Discharge of chemicals or other hazardous materials, which may pollute ground or surface water or soil

3. Variances

## **SECTION 450 REFERRAL TO PLANNING COMMISSION**

All applications for a type-of-use variance shall be referred to the Planning Commission for a report.

The Chairman of the Planning Commission shall insure that a copy of its report is delivered to the Township Secretary for inclusion in the permanent record of the application, to the Zoning Officer and to the Zoning Hearing Board.

## **SECTION 451 STANDARDS FOR VARIANCES**

Where there is unnecessary hardship, the Board may grant a variance in the application of the Provisions of this Ordinance only if all the findings following, in writing, are made:

- a. There are unique physical circumstances or conditions including (1) irregularity, narrowness or shallowness of lot size or shape or (2) exceptional topographical or other physical conditions peculiar to a particular property, and is not due to circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or zone in which the property is located.
- b. Because of these physical circumstances or conditions, the property cannot reasonably be used in strict conformity with the provisions of the Zoning Ordinance.
- c. The unnecessary hardship is not financial in nature and has not been created by the appellant.
- d. The variance, if authorized, will not alter the essential character of the neighborhood or zone in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- e. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the last modification possible of the regulation in issue.

## **SECTION 452    CONDITIONS**

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

## **SECTION 453    TEMPORARY PERMITS--GRANTING OF**

The Zoning Hearing Board may grant a temporary permit for a nonconforming use or structure, existing or new, which—

- a. is beneficial to the public health or general welfare, or
- b. is necessary to promote the proper development of the community, or
- c. is seasonal in nature

The permit may be issued for a period not exceeding one (1) year, and may be renewed for an aggregate period not exceeding three (3) years. The nonconforming structure or use must be completely removed upon the expiration of the permit without cost to the Township.

### 4. Public Hearings

## **SECTION 460    PROCEDURES**

### a. Notice

The notice required by this section of the Ordinance shall be given by the official designated by the Board of Supervisors to give such notice. Such official shall give public notice which for purposes of this section shall mean notice published one each week for two successive weeks in the Delta Star. 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. In addition such official shall give written notice to anyone designated to receive such written notice by the rules of the Zoning Hearing Board and in addition, written notice shall be given to the applicant, the Zoning Officer and to any persons who have made timely requests for the same. In addition to the written notice provided herein, the officer designated by the Board of Supervisors to give the notice as required by this section shall at least one week prior to the hearing post written notice of said hearing at a conspicuous location on the affected tract of land.



b. Fees

The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Such fees shall be deficient to defray the cost of said hearing including compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. Such fees shall not be intended to defray the legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness fees.

c. Hearings

1. The hearings shall be held within sixty (60) days from the date of the applicant's request unless the applicant has agreed in writing to an extension of time.
2. The hearings shall be conducted by the Board, or the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive the decision or findings by the Board and accept the decision or findings of the hearing officer as final.
3. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
4. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond to present evidence and argument and cross examine adverse witnesses on all relevant issues.
6. The formal rules of evidence shall not apply but irrelevant, immaterial or unduly repetitious evidence may be excluded.
7. The Board or the Hearing Officer as the case may be shall keep a stenographic record of the proceedings.
8. The Board or the Hearing Officer shall not communicate directly or indirectly with any party or his representatives in connection with any issue involved except

9. upon notice and opportunity for all parties to participate, shall not take notice of any communication, report, staff memorandum 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.
10. The Board or the Hearing Officer as the case may be shall render a written decision or, when no decision is called for; make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. When the application is contested or denied, each decision shall be accompanied by finding of fact and conclusions based thereon together with the reasons therefore. 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 light of the facts found. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings and the Board's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. When the Board fails to render a decision within the period required by this subsection, or fails to hold the required hearings within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to be rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of 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 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.
11. A copy of the final decision or where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board no later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings may be examined.

d. Records

1. The Zoning Officer shall retain records of all applications and notices given pursuant to this section and shall make a record of the date any notice is sent or posting performed pursuant to this section of the Ordinance.

2. He shall retain such records in a permanent file together with a copy of the decision rendered in each case.
3. He shall in addition ensure that the Township secretary receives a copy of each application and the decision rendered in connection therewith.

## **SECTION 461 REPRESENTATION; STATEMENTS**

The parties to the hearing shall be any person who is entitled to notice under Section 460 without special request therefore who has made timely appearance of record before the Board and any other person permitted to appear by the Board.

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.

Statements are to be made in the following order as the Chairman may direct:

- a. Applicant or appellant
- b. Zoning Officer and other officials
- c. Any private citizens

The applicant or appellant must be given an opportunity for rebuttal.

## **SECTION 462 WITNESSES**

The Chairman or acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

## **SECTION 463 DECISION PROCEDURE**

The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for; make written findings on the application within forty-five (45) days. Each decision shall be accompanied by findings of fact and 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 Board shall make his report and recommendations available to the parties

and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. Where the Board has power to render a decision and the Board or the Gearing Officer, as the case may be, fails to render the same within the period required by this clause, the decision shall be deemed to have been rendered in favor of the applicant.

A copy of the final decision or, where no decision is called for, the finding shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Whenever the Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the order of the Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the condition or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

## **SECTION 464 RECORDS**

The Board or the Hearing Officer, as the case may be, shall keep a record of the proceedings, either steno graphically or by sound recording, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party cost.

## **D. TOWNSHIP ENGINEER - POWERS AND DUTIES**

### **SECTION 470 DRAINAGE**

At the request of the Zoning Officer or the Zoning Hearing Board the Township Engineer must review site plans or other data to ascertain that provision for surface water drainage will be adequate (Part II-B-5).

### **SECTION 471 BUILDING ADJACENT TO DRAINAGE CHANNELS AND WATERCOURSES**

The Township Engineer shall review plans for buildings adjacent to drainage channels or watercourses to ascertain that the buildings will be an adequate distance from the high water line (Part II-B-5).

## **SECTION 472 ZONING HEARING BOARD CASES**

Where the exercise of the above powers and duties involves an application or appeal to the Zoning Hearing Board, the Township Engineer shall make recommendations to the Board. The approving authority in such cases shall be the Zoning Hearing Board and not the Township Engineer.

## **E. PLANNING COMMISSION - POWERS AND DUTIES**

### **SECTION 480 ZONING HEARING BOARD CASES**

Within thirty (30) days of receiving an application for a special permit or variance from the zoning Hearing Board, the Planning Commission must give a written report on it to the Board. The Commission is governed by the same standards as the Board in making its recommendations plus its special knowledge gathered from planning of the Township.

### **SECTION 481 AMENDMENTS**

The Planning Commission may recommend amendments to the regulations and provisions of this Zoning Ordinance to the Township Supervisors. For a proposed amendment stemming from other sources, the Commission must review it and make a recommendation regarding it to the Township Supervisors within 45 days after receipt of the proposal.

### **SECTION 482 SCREEN WHERE C AND I ZONES ABUT R ZONES**

In reviewing plans for fences or hedges where a C or I Zone abuts an R Zone, the Planning Commission must accept or refuse the plans, depending on their adequacy for this purpose (see Section 221).

### **SECTION 483 CONDITIONAL USES**

All applications for conditional uses shall be referred to the Township Planning Commission for recommendation.

## **F. TOWNSHIP SUPERVISORS - POWERS AND DUTIES**

### **SECTION 490 ZONING HEARING BOARD - APPOINTMENT**

The Township Supervisors must appoint three (3) residents of the Township to a Zoning Hearing Board. The Townships Supervisors must designate one (1) member to serve until the first day of January following the effective date, one (1) member to serve until the first day of the second January thereafter, and one (1) member to serve until the first day of the third January thereafter. Successors must be appointed on the expiration of the respective terms above to serve three (3) years. Appointments to fill vacancies must be only for the unexpired portion of the terms.

### **SECTION 491 CHANGES**

The Township Supervisors may from time to time on its own motion, or on petition or on recommendation of the Township Planning Commission, amend, supplement, or repeal any of the regulations and provisions of this Ordinance after public notice and hearing. Before the public hearing, a proposed change, except those coming from the Commission, must be referred to the Planning Commission for its recommendations. If the Commission fails to make a recommendation within forty-five (45) days the Township Supervisors may act without the Commission's recommendation.

### **SECTION 492 FEES**

~~The Township Supervisors shall set fees for all applications, permits, variances, or appeals provided for by the Pennsylvania Municipalities Planning Code or by this Ordinance to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits, use certificates and in addition to provide compensation for members of the Zoning Hearing Board if the action is brought before the Zoning Hearing Board; to provide compensation for the members of the Board of Supervisors if the application is brought before the Board of Supervisors; to defray all legal and stenographic costs incurred by the Zoning Board if the application is brought before it; to defray all stenographic costs incurred by the Board of Supervisors if the application is brought before it; and to defray the costs of independent counsel to advise the Board of Supervisors in the admission of evidence and in preparing the report required by the Pennsylvania Municipalities Code if the action is brought before it. The payment of all fees and costs as set by the Board of Supervisors pursuant to this paragraph shall be a prerequisite to the validity of any permit, variance, ruling or decision issued in favor of an applicant pursuant of any of the applications set forth above.~~

The Township Supervisors shall set fees for all applications, permits, variances, or appeals provided for by the Pennsylvania Municipalities Planning Code or by this Ordinance. Fees shall be set to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits, use certificates. In addition, fees shall be set to defray legal, engineering, stenographic, professional service and member compensation for the Zoning

Hearing Board and Board of Supervisors if the action is brought before the Boards. The payment of all fees and costs as set by the Board of Supervisors shall be prerequisite to the validity of any permit, variance, ruling or decision issued in favor of an applicant pursuant to any of the applicants set forth above. *Amended 1/3/12*

## PART V

### GENERAL INTERPRETATION

#### A. DEFINITION

#### SECTION 500 GENERAL INTERPRETATION

In this Ordinance when not inconsistent with the context--

1. The word "lot" includes the word "plot" or "parcel"
2. Words in the present tense imply also to the future tense
3. The singular includes the plural
4. The male gender includes the female gender
5. The term "shall" or "must" is always mandatory
6. The word "person" includes a partnership or corporation as well as an individual

#### SECTION 501 SPECIFIC WORDS AND PHRASES

**ACCESSORY USE** - A use customarily incidental and subordinate to the principal structure on a lot, the use of which is customarily incidental to that of the principal structure.

**ACCESSORY STRUCTURE** - A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to that of the principal structure.

**ADULT ENTERTAINMENT FACILITY** - An establishment open to the general public or a private club open to members that is used and occupied for one or more of the following activities:

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

Adult Book Store or Adult Video Store means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- A. books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual



representations which depict or describe "sexual conduct or sexual activity" or "specified anatomical areas"; or

B. instruments, devices, or paraphernalia which are designed for use in connection with "sexual conduct or sexual activity". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "sexual conduct or sexual activity" or "specified anatomical areas" and still be categorized as "Adult Book Store" or "Adult Video Store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "Adult Book Store" or "Adult Video Store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "sexual conduct or "sexual activity" or "specified anatomical areas."

Adult Cabaret means any facility which features dancers or similar entertainers who perform with less than completely and opaquely covered all of the "specified anatomical areas".

Adult Motel means a hotel, motel or similar commercial establishment which:

- A. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "sexual conduct or sexual activity" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- B. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- C. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexual conduct or sexual activity" or "specified anatomical areas".

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

**AGRICULTURE** - The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce and equipment and for housing and feeding the animals and housing the equipment. The use of land as a place for the location of a dwelling is not an agricultural use. This definition specifically excludes "CONCENTRATED ANIMAL

OPERATION", "CONCENTRATED ANIMAL FEEDING OPERATION" and "LARGE CONCENTRATED ANIMAL FEEDING OPERATION" which are defined separately herein.

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

**ALTERATIONS, STRUCTURAL** - Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

**ANIMAL CONCENTRATION AREAS** - Feedlots, loafing areas, or similar areas where animals are confined without access to pasture. The term excludes areas managed as pastures or cropland. The term also excludes pasture access ways if they do not cause direct flow of nutrients to surface water or ground water.

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

**APARTMENT, CONVERSION** - A multi-family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

**APARTMENT HOUSE** - A building occupied by three (3) or more dwelling units.

**BASEMENT** - A story having a part but not more than one-half (1/2) of its height below grade. A basement shall be considered in determining building height.

**BED AND BREAKFAST INN** - A dwelling unit where, in exchange for compensation, the owner, who resides on the premises, provides lodging and at least one meal for guests.

**BELOW GROUND STORAGE FACILITY**- Any one, or a combination of tanks or structures (including underground pipes connected thereto) the volume of which (including underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground.

**BOARDING HOUSE** - A building, where for compensation, provisions are made for lodging and meals for at least three (3) but not more than fifteen (15) persons.

**BUILDING** - Any structure or edifice designed or intended for use as an enclosure, a shelter, or protection of persons, animals or property.

**BUILDING AREA** - The total area of outside dimensions on a horizontal plan at ground level of the principal building and all accessory buildings.

**BUILDING LINE** - The required setback (front, side or rear) of a building from the property or street line.

**CAMPGROUND** - Any park, tourist park, tourist camp, court, site, lot, parcel or tract of land upon which one or more camp cottages or cabins are located and maintained for the accommodations of transients by the day, week or month or upon which tents, recreational vehicles or other temporary accommodations may be placed by transient occupants. It shall not include mobile home parks.

**CARETAKER OR WATCHMEN DWELLING** - A temporary single-family dwelling placed on property in either the "commercial" or in the "industrial" district as accessory to a commercial or industrial business.

**CELLAR** - A story partly underground and having more than one-half (1/2) of it's clear heights below the finished grade.

**CHILD DAY CARE CENTER** - A facility licensed by the Commonwealth of Pennsylvania that provides a wide range of formal day care services outside of a residence to children who are not relatives of the caregiver.

~~**CONCENTRATED ANIMAL OPERATION** - Where animal density on the parcel exceeds or will exceed two (2) animal equivalent units per acre on an annualized basis and the animals are or will be confined to a building or an animal concentration area. The number of animal equivalent units per acre is to be determined by application of the provisions of Chapter 25, Pa. Code §262 to determine the total number of animal equivalent units and dividing that number by the number of acres within the parcel proposed for the location of a Concentrated Animal Operation suitable for the application of manure. Land suitable for the application of manure does not include farmstead areas, land occupied by buildings, forest land or areas where pursuant to the Nutrient Management Act manure may not be spread because of setback requirements nor does it include land contained within any Animal Concentration Area as defined by this Ordinance. Deleted 2/4/13~~

**CONCENTRATED ANIMAL OPERATION (CAO)** - An agricultural operation that meets both of the following criteria:

1. Contains 8.00 or more Animal Equivalent Units, and
2. Has an animal density in excess of two (2.00) animal equivalent units (or 2,000 lbs). on an annualized basis. per acre of land suitable for manure application.

The number of animal equivalent units per acre is to be determined by application of the provisions of Chapter 25, Pa. Code §262 to determine the total number of animal equivalent units and dividing ~~that number~~ the total animal equivalent units by the total number of acres within the parcel proposed for the location of a Concentrated Animal Operation of land suitable for application of manure for the Concentrated Animal Operation. Land suitable for the application of manure can be identified by referring to 25 Pa. Code §83.262(a)(2)(i)-(ii).

*Added 2/4/13, 9/3/14*

~~**CONCENTRATED ANIMAL FEEDING OPERATION** - Any operation involving the keeping of livestock of the types listed in Volume 40, Code of Federal Regulations (July 1, 2003 revision) Part 122, Subpart B, §122.23(b)(6)(i)(A through M) in excess of the smallest numbers but less than the largest numbers identified in subsections (A) through (M) for such type of livestock. Deleted 2/4/13~~

**CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)** – Any animal operation that meets any of the following criteria:

1. A total of more than 1,000 Animal Equivalent Units (AEUs) on the operation; or
2. Any Concentrated Animal Operation with a total of more than 300 AEUs on the operation; or
3. Any animal operation with more than the following numbers of animals specified in any of the following categories:
  - a. 700 mature dairy cows, whether milked or dry;
  - b. 1,000 veal calves;
  - c. 1,000 cattle other than mature dairy cows or veal calves. Cattle includes, but is not limited to heifers, steers, bulls and cow/calf pairs;
  - d. 2,500 swine each weighing 55 pounds or more;
  - e. 10,000 swine each weighing less than 55 pounds;
  - f. 500 horses;
  - g. 10,000 sheep or lambs;
  - h. 55,000 turkeys;
  - i. 30,000 laying hens or broilers, if the operation uses a liquid manure handling system;
  - j. 125,000 chickens (other than laying hens), if the operation uses other than a liquid manure handling system;
  - k. 82,000 laying hens, if the operation uses other than liquid manure handling system;
  - l. 30,000 ducks (if the operation uses other than liquid manure handling system); or
  - m. 5,000 ducks (if the operation uses a liquid manure handling system).

*Added 2/4/13*

**CORNER LOT** - A lot having a frontage on two roads or streets which intersect each other at an angle of less than one hundred twenty degrees (120 ) at a location either within or adjacent to the lot, excepting that if one of the two roads or streets is a private road with a right-of-way of not more than twenty-five (25) feet, such private road or street shall not cause the lot to be considered a corner lot and the frontage on such private road or street shall not be considered a front yard.

**CROPLAND** – Land planted in cultivated agriculture plants such as grain, vegetables fruit, nursery plants, grass or legumes if utilized for hay or haylage as opposed to pasture or Christmas trees. *Added 6/2/08*

**DOMICILIARY CARE UNIT** - A building or structure designed for living quarters for one or more families which in addition to providing living quarters for one or more families, provides, on a state or federally licensed and supervised basis twenty-four (24) hour supervised, protective living arrangements by the families residing therein for not more than three (3) persons eighteen (18) years of age and above who are disabled physically, mentally, emotionally or as a result of old age and are unrelated to the family providing the care.

**DRIVEWAY** - A paved surface other than a street, which provides vehicular access from a street or a private road to a lot

**DWELLING** - A building or structure designed for living quarters for one (1) or more families, including mobile homes, but shall not include hotels, rooming houses, convalescent homes, or other accommodations used for transient occupancy.

~~**DWELLING GROUP** - A group of two (2) or more single family, two family, or multi family dwelling occupying a lot in one ownership. Deleted 8/6/12~~

~~**DWELLING UNIT** - One (1) or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one (1) family. Deleted 5/3/10~~  
A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. *Added 5/3/10*

**FAMILY** - A single person occupying a dwelling unit and maintaining a household; two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit, living together and maintaining a common household, or not more than three (3) unrelated persons occupying a dwelling unit, living together, and maintaining a common household. Family may include court appointed wards and foster children but not occupants of a club, fraternal lodging, rooming house, boarding house, institutional care facility, personal care facility, or any other arrangement pursuant to which compensation is paid in exchange for the right to reside in such facility, to receive meals, supervision and/or care. *Added 8/6/12*

**FAMILY DAY CARE HOME** - A facility located in a single family residence which provides supervised care for remuneration to not more than ten (10) children at any one time who are not relatives of the caregiver.

**FARM** - A tract of land containing at least fifty (50) acres which is used in the raising of agricultural crops, fruit, livestock, poultry, fish, bees, or dairy products and the necessary accessory uses for packing, treating or storing the produce and improved with a single family dwelling, barns, sheds, and/or other farm buildings or structures normally utilized for housing and feeding farm animals and storing farm equipment. This definition specifically excludes "CONCENTRATED ANIMAL OPERATION", "CONCENTRATED ANIMAL FEEDING OPERATION" and "LARGE CONCENTRATED ANIMAL FEEDING OPERATION" which are defined separately herein. (See Section 298 for non-conforming farm.) *added 4/1/13*

**FOREST AND WILDLIFE PRESERVE** - A tract of land containing at least ten (10) acres utilized in its entirety for the production of forest products and/or the maintenance of a sanctuary for wildlife (non-domesticated animals).

**GROUP HOME** - A building or structure used by a parent charitable, religious, educational, philanthropic institution to provide a supportive living arrangement for individuals where special care is needed by the individuals served due to age, emotional, mental, or physical handicap. This definition shall expressly include facilities for the supervised care of developmentally disabled persons, those under treatment for alcohol abuse, drug abuse, or both, unwed parents, and those who have been physically abused.

**HABITABLE FLOOR AREA** - The aggregate of the horizontal areas of rooms used for habitation, such as living room, dining room, kitchen, bed rooms, and bathrooms, but not including hallways, stairways, cellars, basements, attics, service rooms or utility rooms, closets, areas intended for the parking of motor vehicles, areas intended for storage of lawn and garden equipment, areas intended for location of heating or ventilating equipment, or other similar spaces, nor unheated such as enclosed porches, nor rooms without at least one window or skylight opening unto an outside yard or court. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area. The minimum total window area, measured between stops, shall be ten (10%) percent of the habitable floor area of such room.

**HEAVY COMMERCIAL USE** - A commercial use, with a predominantly manufacturing or industrial character due to the extent of production, repairing, or storing of goods such as contractor's yards or storage tanks.

**HOME OCCUPATIONS OR PROFESSION** - A special type of accessory use. It is an occupation or profession which--

1. Is carried on in a dwelling unit or in a structure accessory to a dwelling unit.
2. Is carried on by a member of the family residing in the dwelling unit, and
3. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

**HOSPITAL** - An institution having an organized medical staff which is primarily engaged in providing to in patients, by or under the supervision of physicians, diagnostic and therapeutic services for the care of injured, disabled, pregnant, diseased, sick or mentally ill persons, or rehabilitation services of the rehabilitation of injured, disabled, pregnant, diseased, sick or mentally ill persons. The term includes facilities of the diagnosis and treatment of disorders within the scope of specific medical specialties, but not facilities caring exclusively for the mentally ill.

**HOUSING UNIT** - A group of rooms or a single room occupied or intended for occupancy as separate living quarters; that is, when the occupants do not live and eat with any other persons in the building, and when there is either --

1. Direct access from the outside or through a common hall, or
2. A kitchen or cooking equipment for the exclusive use of the occupants.

**INDUSTRIAL PARK** - An industrial park is an industrial area--

1. Organized and laid out in accordance with an overall plan for a community of industries including the servicing of these industries, and

2. Designed to insure compatibility between the industrial operations in the park and the surrounding area through such devices as landscaping, architectural control, setbacks, and use requirements.

**JUNK** - Any discarded material or article including, but not limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

**JUNKYARD** - A lot, land or structure, or part thereof used primarily for the collecting, storage and sale of waste paper rags, scrap metal or discarded material, or for the abandonment, collecting, dismantling, demolition, storage and salvaging of machinery, or vehicles not in running condition, and for the sale of parts thereof.

**KENNEL** - A facility for keeping of dogs for breeding; boarding or other purpose involving remuneration to the owner.

**LARGE CONCENTRATED ANIMAL FEEDING OPERATION** - Any operation involving the keeping of livestock of the types listed in Volume 40, Code of Federal Regulations (July 1, 2003 revision) Part 122, Subpart A, §122.23(b)(4)(i through xiii) in excess of the threshold numbers identified in subsections i through xiii for such type of livestock.

**LANDSCAPING** – The planting of turf, trees, shrubs and other appropriate vegetative materials and ground cover within the open areas of a lot other than for agricultural purposes, and including the maintenance and replacement thereof, for the purposes of erosion control, retention of precipitation, protection against the elements and promotion of human comfort and welfare.

**LIGHT MANUFACTURING** – Manufacturing uses which do not involve objectionable odors, fumes, dirt, vibrations, noise or glare. *Added 8/5/13*

**LOADING SPACE** - An off-street space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

**LOT** - A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit. "lot" shall include all land included within the definition of a "tract" unless division of such tract has been approved by the Township after January 5, 1976, by reason of approval of a subdivision plan approving such division.

**LOT COVERAGE** – That portion of a lot covered by impervious surfaces such as, but not limited to, buildings, parking areas, driveways, ect. This definition does not include impervious surfaces within a street right-of-way

**LOT WIDTH** - The lot width of a lot measured at the street right-of-way line.

**MANUFACTURING** – The making, processing or fabrication of raw material into a finished or partially finished product. *Added 8/5/13*

**MANURE STORAGE FACILITY** - Any area where manure produced by animals is stored including lagoons, runoff ponds, stockpiles, under house or pit storage, liquid impoundments, static piles and composting piles. It does not include fields where such manure is ultimately disposed.

**MASSAGE ESTABLISHMENT** - Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body in all forms and methods of psychotherapy. This definition does not include establishments where sexual conduct or sexual activity occurs nor does it include an establishment where massage services are performed by individuals in a state of nudity or semi-nudity.

**MOBILE HOME** - A single family dwelling designed for transportation after fabrication on streets and highways on its own wheels or on flat bed or other trailers and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connections to utilities and the like. Not to include mobile dwelling units.

**MOBILE HOME PARK** - Any lot, parcel, tract, or contiguous tracts or lots, whether or not separated by public or private roads, and whether or not separated by parcels adjoined from the original tract or parcel, owned by the same person or persons or corporation, (for this purpose any person shall be considered to own all tracts or lots owned by himself, his spouse, or by a corporation or partnership in which he and/or his spouse together own at least fifty percent (50%) of the outstanding voting stock of the corporation or at least fifty percent (50%) of the ownership equity in the partnership), and designed, maintained, or used for the purpose of supplying a location or accommodation for two or more mobile homes, or upon which two or more mobile homes are parked or located; and the owner of the property in question receives consideration directly or indirectly for the use of the space occupied by the mobile home; and shall include all buildings and structures used or intended for use as a part of the equipment thereof. The term "mobile home park" shall not include any automobile, mobile home, or trailer sales lot on which any unoccupied mobile home is parked for the purpose of inspection and sale and shall not include a mobile home occupied by a family headed by an individual employed as a farm worker on a full-time basis by the owner of the property in question.

**MULTI-FAMILY DWELLING** - A building containing three (3) or more dwelling units (such as apartment houses and garden apartments) or two (2) dwelling units arranged so that one unit is above the other rather than side by side. All dwelling units are located on a single lot and share with other units a common yard area.

**NO-IMPACT HOME-BASED BUSINESS** - A special type of home occupation administered or conducted as an accessory use, which is clearly secondary to the use as a residential dwelling and which involves neither customer, client or patient traffic nor pickup, delivery or removal functions, in excess of those normally associated with residential use. The activity must further satisfy the requirements of Section 303A of this ordinance.

**NONCONFORMITY** - A use, structure, or lot (1) existing on the effective date of this Ordinance, or (2) existing at any subsequent amendment of this Ordinance, or (3) created by variance, and in conflict with the regulations of this Ordinance. Specifically, the following types of nonconformities are distinguished:



**NONCONFORMING LOT** - A lot which does not conform to a dimensional regulation prescribed by this ordinance for the district in which it is located but which lot, if in any district excepting the Residential II District, was lawfully in existence in its present configuration prior to January 5, 1976, and the owner or owners of same did not on January 5, 1976, own adjacent land which could be added to the lot to make it conforming, and if in the Residential II District was lawfully in existence in its present configuration on December 6, 1976, and the owner or owners of same did not on December 6, 1976, own adjacent land which could be added to the lot to make it conforming. If the owner or owners of such lot owned adjacent land, the lot includes such additional adjacent land and is not a nonconforming lot.

**NONCONFORMING STRUCTURE** - A structure not designed for a use permitted in the zone in which the structure is located.

**NONCONFORMING USE OF BUILDING** - A use carried on within any building, which is not a type of use permitted in the zone in which the building is located.

**NONCONFORMING USE OF LAND** - A use of open land (e.g.; junk yards) which is not a use permitted in the zone in which the land is located. The openness of land is to be gauged by the substantiality of structures affixed to the ground.

**DIMENSIONAL NONCONFORMITY** - A lot or structure, which is nonconforming because it is not in compliance with the extent-of-use or dimensional regulations of this Ordinance.

**VARIANCE** - A modification of any provision of this Ordinance granted by the Zoning Hearing Board.

**NUDITY OR STATE OF NUDITY** - The showing of the human male or female genital, pubic area; or buttocks with less than a fully opaque covering; the showing of the female breasts with less than a fully opaque covering of any part of the breasts below a point immediately above the top of the areola; the exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, public hair, natal cleft, perineum anal region, or public hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breasts, which device simulates and gives the realistic appearance of nipples and/or areola.

**NURSERY SCHOOL** - A facility designed and operated to provide regular instruction and daytime care for two (2) or more children under the age of elementary school students. No portion of a nursery school or of a building, which is used as a nursery school shall be used as a family residence.

**NURSING HOME OR CONVALESCENT HOME** - A building or structure in which nursing care and related medical or other health services are provided for a period exceeding twenty-four (24) hours for two (2) or more individuals who are not relatives of the operator, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or medical infirmity need such care.

**OUTDOOR RECREATIONAL USE** - A use of open land for leisure time activities such as a beach, swimming pool, tennis court, riding stable, golf course, or a drive-in theater.

**PARCEL** - ~~For purpose of the application of Section 202.8, a parcel shall mean all contiguous land owned by the same owner or owners at the date of the proposed transfer. Land shall be considered contiguous even though separated by public or private roads and/or by land adversed from the original tract since June 15, 1964.~~ All contiguous land owned by the same land owner and all land owned by the same land owner that is contiguous except for the presence of public or private roads, the presence of lots or parcels adversed from the original tract since January 5, 1976, and/or by utility rights of way irrespective of whether the right of way is owned in fee or is an easement. *Amended 8/6/12*

**PARKING GARAGE** - A building where passenger vehicles may be stored for short-term, daily or overnight off-street parking.

**PARKING LOT** - An open lot where passenger vehicles may be stored for short-term, daily or overnight off-street parking.

**PARKING SPACE** - An off-street space available for the parking of one (1) motor vehicle and having direct usable access to a street or alley.

**PASTURE** - Land in grass and/or legumes primarily used or formerly used primarily for grazing. Pasture land includes land which is occasionally used for field crops less than one year in seven or which has been periodically renovated with rye grass, wheat, oats, ect. for grazing. Such land may contain shade trees or scattered timber trees with less than ten percent 10% canopy, but principal plant cover identifies its use as permanent grazing land. *Added 6/2/08*

**PERSONAL CARE HOME** - A building or structure in which food, shelter, and personal assistance and/or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator and who do not require the services in, or, of a "nursing home" but do require assistance or supervision in matters such a dressing, bathing, diet, financial matters, evacuation of a residence in the event of an emergency or medication prescribed for self-administration.

**PRIME AGRICULTURAL LAND**- Land containing soils in Soil Capability Units classified as Class 1, 2, or 3 as depicted on maps prepared by the York County Planning Commission for Peach Bottom Township, which maps are based on the U.S. Department of Agriculture, Natural Resources Conservation Service, Soil Survey of York County dated 2002. *Amended 1/7/08*

**PRINCIPAL USE** - The main or primary use of property or structures, measured in terms of net floor area.

**PUBLIC SEWER** - A municipal sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection.

**PUBLIC WATER** - A municipal water supply system or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection.

**RELATIVES** - For purposes of this Ordinance, relatives shall include ancestors, direct descendants, first cousins, nephews, nieces, grandnephews and grandnieces.

**ROOMING HOUSE** - A building containing a single dwelling unit and guest rooms, where lodging is provided with or without meals for compensation.

**SCHOOL** - A place of instruction, either public or private, other than a commercial school.  
**School, Commercial** - A school conducted for profit for such special instruction as business, art, music, trades, handicraft, dancing or riding.

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

**SEMI-NUDITY** - A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts together with portions of the body covered by supporting straps or devices.

**SETBACK** - The horizontal distance between a building and a property or street line.

**Setback, Front** - The distance between the street line and the front building line projected the full width of the lot, Commonly called "front yard."

**Setback, rear** - The distance between the rear lot line and the rear building line projected the full width of the lot. Commonly called "rear yard."

**Setback, Side** - The distance between the side lot line and the side building line projected from the front yard to the rear yard. Commonly called "side yard."

**SEXUAL CONDUCT OR SEXUAL ACTIVITY** - This includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated.

**SHOPPING CENTER** - A group of stores planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

**SINGLE FAMILY ATTACHED DWELLING** - A portion of a building containing one (1) dwelling unit and having two (2) party walls in common with other dwelling units (such as row houses or townhouses). Each dwelling unit is located on a single lot. End units which have one (1) party wall in common are included and are subject to the lot area requirements for other single family attached units but must meet setback requirements on the open side.

**SINGLE FAMILY DETACHED DWELLING** - A building containing only one (1) dwelling unit and having two (2) side yards.

**SINGLE FAMILY SEMI-DETACHED DWELLING** - A portion of a building containing one (1) dwelling unit, having one (1) side yard, and one (1) party wall in common with another dwelling unit. ~~Each dwelling unit is located on a single lot.~~ *Amended 3/5/12*

**SIGN** - A device for visual communication that is used to bring the subject to the attention of the public, but not including lettering or symbols that are an integral part of another structure or flags or other insignia of any government, government agency, or of any civic, charitable, religious, fraternal, or similar organization.

**SIGN, ADVERTISING** - A sign whose major purpose is for directing attention to a business commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot, such as billboards.

**SIGN, BUSINESS** - a sign directing attention to a business or profession conducted on the same lot or, as incidental to a business, to products sold upon the same lot.

**SIGN, DIRECTIONAL** - A sign which is for directing patrons or attendants to an establishment off the main-traveled highway or to service clubs, churches, or other nonprofit organizations.

**SIGN, FREESTANDING** - A sign supported by uprights or braces placed upon the ground and not attached to a building.

**SIGN, PROJECTING** - A sign which is attached to a building or other structure and extends beyond the line of a building or structure or beyond the surface of that portion of the building or structure to which it is attached.

**SPECIFIED ANATOMICAL AREAS** -

1. Less than completely and opaquely covered: (1) human genitals, pubic regions; (2) buttock; and (3) female breasts below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**STORY** - That portion of a building, excluding cellars, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STORY, HALF** - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

**STREET** - A public or private way, excluding driveways, which affords the principal means of access to abutting properties.

**STREET GRADES** - The officially established grade of the street upon which a lot fronts or in its absence established grade of other streets upon which the lot abuts, at the mid way of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

**STREET LINE** - The dividing line between the street and lot, also known as right-of-way line.

**STRUCTURAL ALTERATION** - Any change in or addition to the supporting members of a structure.

**STRUCTURE** - Any combination of materials forming any construction, the use of which requires location on the ground or attachment to something having location on the ground.

**SWIMMING POOL** - A body of water in an artificial or semi-artificial receptacle or other container eighteen (18) inches or more in depth, used or intended to be used for public, semi-public or private swimming by adults or children.

**TRACT** - As applied to land in all districts excepting the Residential II District, "tract" shall include all land which was owned by the same owner or owners on January 5, 1976, and is contiguous. As applied to land in the Residential II District, "tract" shall include all land which was owned by the same owner or owners on December 6, 1976, and is contiguous. Land shall be considered contiguous even though separated by public or private roads, by utility rights-of-way irrespective of whether the right-of-way is owned in fee or is an easement, and/or by land adjoined from the original tract since June 15, 1964.

**TRAILER CAMP** - A tract of land:

- a. Where two (2) or more travel trailers, motor homes or campers are parked, or
- b. Which is used or held out for the purpose of supplying to the public a parking space for two (2) or more travel trailers, motor homes or campers.

**TRAVEL TRAILER** - A vehicle, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses permanently identified "Travel Trailer" by the manufacturer on the trailer. Unoccupied travel trailers do not constitute mobile homes, as used in this Ordinance.

**TRIANGULAR LOT** - A lot which when surveyed has only three sides and three bearings and distances.

**USE** - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

1. Accessory Use - A subordinate use listed in Part II under the use regulations for each Zoning District, normally located on the same lot with a principal use.
2. Principal Use - The primary purpose or purposes for which a lot is occupied as listed in the use regulations for each Zoning and District and contained in Part II. If more than one principal use occupies a single lot, each such use must be positioned so that the lot on which uses are located could subsequently be subdivided, separating each use yet meeting all applicable District dimensional requirements.

**WIND ENERGY CONVERSION SYSTEM** - A device or system of components and apparatus which converts wind energy into mechanical or electrical energy. *Added 5/3/10*

**WOODLAND** -

- A. Land at least ten percent (10%) stocked by forest trees of any size capable of producing timber, pulpwood or other wood products;
- B. Land from which trees have been cut but the land has not been prepared for other use; or

- C. Afforested (planted) areas. Land freshly clear cut and smoothed for crops or pasture or prepared for development, is considered development for other use and is included within the definition of such anticipated use. *Added 6/2/08*

**YARD** - The portions of a lot not occupied by a dwelling.

**Front Yard** - The open unoccupied space on the same lot with the dwelling extending the full width of the dwelling projected to the sidelines of the lot. The depth of the front yard shall be measured between the street line and the most proximate point on the dwelling. For purposes of defining a front yard, porches, uncovered stairs and landings to the main floor shall be considered as part of the dwelling.

**Rear Yard** - The open unoccupied space on the same lot with the dwelling extending the full width of the dwelling projected to the sidelines of the lot. The depth of the rear yard shall be measured between the rear lot line and the most proximate point of the dwelling. This definition shall not include attached unenclosed structures as defined in this Ordinance.

**Side Yard** - The open unoccupied space on the same lot with the dwelling, situated between the dwelling and the side lot line, and extending from the front yard to the rear yard. Any lot line not a front lot line or a rear lot line shall be deemed a side lot line.

## **B. BUILDINGS UNDER CONSTRUCTION**

### **SECTION 502**

If the construction is completed by one (1) year after effective date, a building, the foundation of which was completed before effective date, may be constructed without being bound by the requirements of this Ordinance. In like manner, a building, the foundation of which was completed before an amendment, may be constructed if the construction is completed within one (1) year after the amendment.

## **C. DIVISION OF BUILT-ON LOTS**

### **SECTION 503**

No lot may be formed from part of a lot occupied by a building unless each newly-created lot will meet all the applicable provisions of this Ordinance.

## **D. ERRONEOUS PERMIT**

### **SECTION 504**

A building permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such a permit or other authorization is

unlawful. No action may be taken by a board, agency, or employee of the Township purporting to validate such a violation.

**E. INTERPRETATION  
SECTION 505**

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

**F. REPEALER**

**SECTION 506**

All Ordinances or parts of Ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**G. VALIDITY**

**SECTION 507**

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

**H. EFFECTIVE DATE**

**SECTION 508**

This Ordinance shall take effect five days after enactment.

Adopted by the Board of Supervisors of Peach Bottom Township York County, Pennsylvania and enacted and ordained into an Ordinance this 6th day of May, 1991.

Board of Supervisors\_\_\_\_\_

Peach Bottom Township\_\_\_\_\_

York County, Pennsylvania

By: /s/ S. David Stewart, Chairman\_\_\_\_\_

/s/ John V. Johnson, Vice-Chairman

/s/ Joseph F. Ailes\_\_\_\_\_