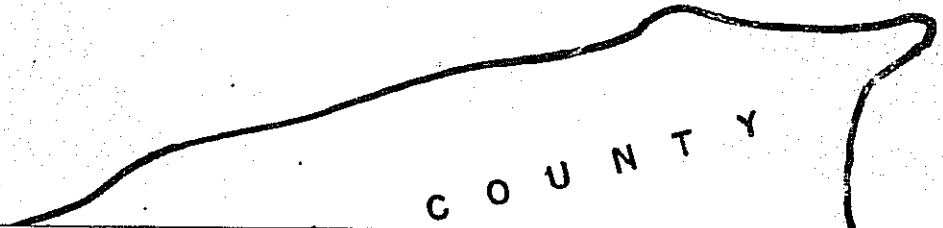


**WHEATFIELD TOWNSHIP
PERRY COUNTY, PENNSYLVANIA**

ZONING ORDINANCE

DECEMBER 1993

REPRINTED JUNE 2004



C O U N T Y

**IMPORTANT NOTE: THERE HAVE BEEN
AMENDMENTS AND ADDITIONS MADE TO
THIS ORDINANCE AND CAN BE FOUND IN
ORDINANCE NO. 36-1-03.**

ZONING ORDINANCE

WHEATFIELD TOWNSHIP, PERRY COUNTY, PA

DECEMBER 1993

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ARTICLE I

**TITLE, AUTHORITY, PURPOSE, COMMUNITY
DEVELOPMENT OBJECTIVES**

ORDINANCE NO. 23-1293

AN ORDINANCE PERMITTING, PROHIBITING, REGULATING, RESTRICTING AND DETERMINING THE USE OF LAND, WATERCOURSES, SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL AND USE OF STRUCTURES; AREAS AND DIMENSIONS OF LAND TO BE OCCUPIED BY USES AND STRUCTURES, AS WELL AS AREAS, COURTS, YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; AND PROVIDING FOR REPEAL, AND VARIANCES; FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ORDINANCE, AND SUCH OTHER PROVISIONS AS MAY BE NECESSARY TO IMPLEMENT THE PROPOSES OF THIS ORDINANCE. BE IT ENACTED AND ORDAINED AND IT IS HEREBY ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF WHEATFIELD TOWNSHIP THAT ORDINANCE NO. 21-75 OF 1975 (THE WHEATFIELD TOWNSHIP ZONING ORDINANCE OF 1975) ORIGINALLY ENACTED ON APRIL 21, 1975, AS AMENDED, IS FURTHER AMENDED BY ADDING AND SUPPLEMENTING THERETO THE PA MUNICIPALITIES PLANNING CODE OF 1968, AS AMENDED, (ACT 247 OF 1968, P.L. 805, AS REENACTED AND AMENDED BY ACT 170 OF 1988)

ARTICLE I

TITLE, AUTHORITY, PURPOSE, COMMUNITY DEVELOPMENT OBJECTIVES

Section 101 - Short Title

This Ordinance shall be known as and may be cited as the "WHEATFIELD TOWNSHIP ZONING ORDINANCE".

Section 102 - Authority

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code", July 31, 1968, as amended.

Section 103 - Purpose

- A. To promote, protect and facilitate one or more of the following: The public health, a sustainable environment, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, the provision of adequate light and air, police protection, vehicle parking and loading

space, transportation, water, sewerage, schools, public grounds, and other public requirements; as well as,

- B. To prevent one or more of the following: Overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Zoning Ordinance is made in accordance with an overall program, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

Section 104 - Community Development Objectives

This ordinance is to render a legal basis and framework to the future land use plan and development goals established in the Comprehensive Plan prepared by the Wheatfield Township Planning Commission and adopted by the Wheatfield Township Board of Supervisors. The objectives guiding future growth and improvement of existing development within the Township are to promote the most economical and efficient provision of municipal services; eliminate hazardous and detrimental land uses while encouraging beneficial and compatible land uses; maintain a healthful residential environment with adequate recreational, commercial and industrial supporting areas; protect and conserve open spaces, drainageways, and floodplains; and, in general, avoid the problems of random development inconsistent with Township-wide goals and objectives. This ordinance is found to be in accordance with the spirit and intent of the formally adopted goals and objectives of the Wheatfield Township Comprehensive Plan.

Section 105 - Zoning Hearing Board

In accordance with Article IX of said Act 247 of the Commonwealth of Pennsylvania, a Zoning Hearing Board is hereby created and shall have the number of members and such powers and authority as set forth in said Act and this Ordinance. The duly established Zoning Hearing Board may, from time to time, be herein referred to as the Board and unless clearly indicated, the term "Board" shall refer to such Zoning Hearing Board.

Section 106 - Uses Not Provided For

Whenever, in any District established under this Ordinance, a use is neither specifically permitted or denied and any application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or

deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the District and in no way is in conflict with the general purpose and intent of this Ordinance.

Section 107 - Interpretation

In interpreting and applying this Zoning Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals, and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this Zoning Ordinance shall conform with all regulations and is not intended to interfere with, abrogate, annul, supersede, or cancel any reservations contained in deeds or other agreements, but that if the Ordinance imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, the provisions of this Ordinance shall control.

Section 108 - Application

The provisions, regulations, limitations, and restrictions of this Ordinance shall apply to all structures, buildings, uses, signs, and land and their accessory structures, buildings, uses, and signs. Nothing in this Ordinance shall require any change in filed plans or existing construction of lawful use.

Section 109 - Effective Date

This Ordinance shall become effective five (5) days after its adoption.

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ARTICLE II
DEFINITIONS

ARTICLE II

DEFINITIONS

Section 201 - Definition of Terms

The following words are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Section 202 - Interpretation

- A. It is not intended that this Glossary include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.
- B. Unless otherwise expressly stated, the following shall, for the purposes of this Ordinance, have the meaning herein indicated:
 1. Words in the present tense include the future tense.
 2. The singular includes the plural.
 3. The word "person" includes a profit or non-profit corporation, company, partnership, individual, association, society, or organization.
 4. The words "used" or "occupied" as applied to any land or building includes the words "intended", "arranged", or "designed" to be used or occupied.
 5. The word "lot" includes the words "plot" or "parcel".
 6. The word "shall" is always mandatory.

Section 203 - Words Not Included in Definitions

Any words not included in the following definitions will be defined as described in the latest edition of Webster's Abridged Dictionary.

Section 204 - List of Definitions

ABANDONMENT: The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

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

ACCESSORY BUILDING OR STRUCTURE: A building or structure subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building. May include a shed with a maximum area of one-hundred and fifty (150) square feet, and a distance from the property line as defined in each Zoning District but no less than twelve (12) feet from the property line.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of the main building and located on the same lot with such principal use or main building.

ADULT BOOK STORE: An establishment that has a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:

- A. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, that are characterized by an emphasis upon a depiction or description of specified sexual activities or specified anatomical areas.
- B. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and provided further that the above uses shall not include the business of garbage feeding of hogs, fur farms, or the raising of animals such as rats, mice, monkeys and the like for use in medical or other tests or experiments.

AIR RIGHTS: The right to use space above ground level.

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

ALTERATIONS: As applied to a building or structure, any change or rearrangement in the structural parts or in the existing facilities, 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 such as bearing walls, columns, beams, or girders.

AMENDMENT: A change in use in any district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Township Board of Supervisors.

ANIMAL HOSPITAL: A building where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to hospital use.

ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which is external to or attached to the exterior of any building.

ANTENNA, SATELLITE DISH: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.

APARTMENT: A dwelling unit within a multiple dwelling. This classification includes apartments in Apartment Houses, Studio Apartments, and Kitchenette Apartments. Conversion Apartments are not included in the classification.

APARTMENT, ACCESSORY: An independent dwelling unit incorporated within an existing single-family detached dwelling without any substantial external modification.

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

building except as required by state or local building or housing codes or regulations.

APARTMENT, GARDEN: A two (2) story multi-family dwelling, containing one (1) story dwelling units.

APARTMENT HOUSE: A building arranged, intended, or designed to be occupied by three (3) or more families living independently of each other.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

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

APPOINTING AUTHORITY: The Board of Supervisors of Wheatfield Township.

AREA: The extent of surface contained within the boundaries or extremities of land or building.

AREA, BUILDING: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

AREA, LOT: The area contained within the property lines of a lot or as shown on a subdivision plan excluding space within any street, but including the area of any easement.

ATTIC: Accessible space between top of uppermost ceiling and underside of roof. Inaccessible places are considered structural cavities.

ATTIC ROOM (Finished Attic): Attic space which is finished as living accommodations but which does not qualify as a half story.

AUTO BODY SHOP: Any structure or any building or part thereof, that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers, and/or accessories of automobiles and other vehicles of conveyance.

AUTOMOBILE GARAGE: A structure or building on a lot designed and/or used primarily for mechanical and/or body repairs, storage, rental, servicing, or supplying of

gasoline or oil to automobiles, trucks, or similar motor vehicles.

AUTOMOBILE AND/OR MOBILE HOME SALES GARAGE: A structure or building on a lot designed and used primarily for the display or sale of new and used automobiles, trucks, other similar motor vehicles, mobile homes, and where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

AUTOMOBILE AND/MOBILE HOME SALES LOT: An open lot used for the outdoor display or sales of new or used automobiles, trucks, other similar motor vehicles, or mobile homes and where minor and incidental repair work, other than body and fender, may be done.

AUTOMOBILE SERVICE STATION: Any area of land, including any structures thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessories for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

AUTOMOBILE WRECKING: The dismantling or wrecking of used automobiles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

AVERAGE GROSS RESIDENTIAL DENSITY: The number of dwelling units per acre, computed by dividing the number of dwelling units which the applicant proposes to construct by the number of acres in the development which are planned to be devoted to residential and open space uses.

BASEMENT: That portion of a building that is partially or wholly below ground level. This portion is not a completed structure and serves as a substructure or foundation for a building. A basement shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes, other than a game or recreation room.

BILLBOARDS, ADVERTISING SIGN, OR POSTER PANEL: Any structure or part thereof or any device attached to a structure for the painting, posting, or otherwise displaying of information for the purpose of bringing to the attention of the public any produce, business, service, or cause not necessarily located on or related to the premises on which the sign is situated.

BLOCK: An area bounded by streets.

BOARDING HOUSE: A building arranged or used for the lodging, with or without meals, for compensation, by either transient or permanent residents. This definition includes rooming houses and lodging houses.

BUFFER YARD: See Yard, Buffer.

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

- A. Attached - A building which has two (2) or more party walls except for the end units of the building.
- B. Detached - A building which has no party walls.
- C. Semi-Detached - A building which has only one party wall.

BUILDING COVERAGE: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

BUILDING, FRONT LINE OF: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

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

BUILDING LINE: A line parallel to the front street, side or rear lot line set so as to provide the minimum yard requirements in the zoning district in which the lot is located. The lot width shall be measured at the building line.

BUILDING PERMIT: Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is located.

BUILDING SETBACK LINE: The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way.

CAMP: Any one or more of the following, other than a hospital, place of detention, school offering general instruction, or a trailer camp.

- A. Any area of land or water of a design or character used for seasonal, recreational, or other similar temporary living purposes which may include any building or group of buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters.
- B. Any land and buildings thereon, used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or children, either as individuals, families, or groups.

CAMPING GROUND: A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes, in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters.

CARPORT: A covered space, open on three (3) sides, for the storage of one (1) or more vehicles and accessory to a main or accessory building.

CARTWAY: That portion of a street or alley which is improved, designed, or intended for vehicular use, but not including shoulders, curbs, or sidewalks swales.

CELLAR: A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the maximum number of stories.

CERTIFICATE OF OCCUPANCY: A certificate issued by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with.

CLUB: An association of persons for social, political, athletic, or other ends.

CHAIRMAN: The Chairman of the Wheatfield Township Planning Commission or the Wheatfield Township Zoning Hearing Board.

CHANGE OF USE: An alternation of a building structure or land by change of use, theretofore existing, to a new use group which imposes other special provisions of law governing building construction, equipment, exits or zoning regulations.

CHURCH: A building used for public worship excluding separate buildings used for residential, educational, burial, recreational, or other uses.

CLEAR-SIGHT TRIANGLE: An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets center lines.

COMMISSION: The Wheatfield Township Planning Commission.

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

COMMUNE: A collective body of five (5) or more persons unrelated by birth or marriage living communally and sharing in work, earnings, and other pursuits of daily activity.

COMPLETELY DRY SPACE: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMPREHENSIVE PLAN: A comprehensive long-range plan adopted as an official document to guide the growth and development of the Township. The plan includes analyses, recommendations, and proposals for the Township's population, economy, housing, transportation, community facilities, and land uses.

CONDITIONAL USES: Conditional uses shall be allowed or denied by the governing body after recommendations by the Planning Commission, pursuant to express standards and criteria set forth in this Ordinance.

CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building structure, including the placement of manufactured homes.

CONSTRUCTION SITE: The total land required for buildings and activities within a unified development before a building permit may be issued.

COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER: A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable, and that the court does not extend to a street, alley, yard, or other outer court.

COURT, OUTER: A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) or end open to a street, driveway, alley or yard.

COVERAGE: That portion or percentage of the lot area covered by impervious materials.

DAY CARE CENTER: (See definition SCHOOL, NURSERY.) A private establishment enrolling four (4) or more children between two (2) and five (5) years of age and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a child care center.

DENSITY: The number of families, individuals, dwelling units, or housing structures per unit of land.

NET RESIDENTIAL DENSITY: Density of the building site.

GROSS RESIDENTIAL DENSITY: Density of the building site plus traversing streets, alleys and drives, open space, and one-half of bounding streets.

DESIGNATED FLOOD PLAIN DISTRICTS: Those flood plain districts specifically designated in the Wheatfield Township Zoning Ordinance as being inundated primarily by the one hundred (100) year flood. Included would be areas identified as Floodway District (FW), Flood-Fringe District (FF), General Flood Plain District (FA).

DESIGNATED FLOODWAY DISTRICT OR AREA: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred

(100) year magnitude as specifically defined in the Wheatfield Township Zoning Ordinance.

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

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, the subdivision of land and/or the storage of equipment and materials.

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

DISH ANTENNAS: Dish antennas consist of three main components: the antenna itself, often called a dish; a low-noise amplifier (LNA); and a receiver. The antenna and the LNA are located outdoors and are connected by coaxial cable to the receiver, which is placed indoors.

DISTRICT: A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DISTRICT, ZONING: A district includes all buildings, lots, and surface areas within certain designated boundaries as indicated on the Wheatfield Township Zoning Map.

DOG KENNEL: A structure where three (3) or more dogs that are more than six (6) months old are kept.

DRAINAGE AREA: The removal of surface water or groundwater from land by drains, grading, or other means which include run-off controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

DRAINAGE SYSTEM: Pipes, swales, natural features, and man-made improvements designed to carry drainage.

DRIVE-IN USE: An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVEWAY: A private roadway providing access for vehicles to a parking space, garage dwelling, or other structure.

DUMP: A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial, or other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or part thereof, or waste material of any kind.

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

DWELLING, APARTMENT: A dwelling unit for rent or lease within multiple family or group buildings providing separate living and sanitary facilities for each family, including provisions for cooking and sleeping. An apartment dwelling may be classified as an efficiency unit where no specific bedroom is provided or it may contain one or more bedrooms. An apartment dwelling specified as "high-rise" consists of eight (8) or more stories in height.

DWELLING GROUP: Any building or portion thereof which is designed or used as living quarters for five (5) or more persons unrelated to each other or the family occupying the dwelling unit. Group quarters shall include, but not be limited to, lodging and boarding houses, nursing homes, and homes for the aged.

DWELLING, MANUFACTURED HOME: Any structure designed primarily for residential occupancy, except a mobile home, which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage, or destruction.

DWELLING, MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing which arrives at a site complete and ready for occupancy except for minor and

incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

DWELLING, MULTI-FAMILY: A building, including apartment houses, row houses, or townhouses, used by three (3) or more families living independently of each other and doing their own cooking.

DWELLING, SINGLE FAMILY, ATTACHED (ROW): A building used for one (1) family and having two (2) party walls in common with other buildings (such as row house or townhouse), normally separately owned condominiums.

DWELLING, SINGLE FAMILY, DETACHED: A building used by one (1) family, having only one (1) dwelling unit, and having two (2) side yards.

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

DWELLING, SINGLE FAMILY, QUADROPLEXS: A dwelling used by one (1) family, having one (1) side yard, and two (2) party walls in common with another building, one party wall being a side wall and one being a rear party wall.

DWELLING, TWO-FAMILY, DETACHED (DUPLIX): A building used by two (2) families, having two (2) dwelling units, one located above the other, and having two (2) side yards.

DWELLING, TWO-FAMILY SEMI-DETACHED (DOUBLE DUPLIX): A building designed and built to contain four (4) dwelling units, consisting of two (2) sets of dwelling units, each with one (1) dwelling unit above another, arranged side by side and separated by a party wall.

DWELLING UNIT: A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EASEMENT: A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

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

ELECTRIC SUBSTATION: An assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of

switching or modifying its characteristics to meet the needs of the general public.

ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITIES: Electric public utilities transmission and distribution facilities including substations.

ENVIRONMENTAL ASSESSMENT: An analysis of the effect of development proposals and other major actions on natural and socioeconomic features of the existing environment.

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

ENGINEERING SPECIFICATIONS: The engineering specifications of the Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

EROSION: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, and gravity.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

EXCAVATION: Any act by which earth, sand, gravel, rock, or any other similar materials is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting therefrom.

EXIT: A way of departure from a building to the exterior at street or grade level, including doorways, corridors, stairways, ramps, and other elements necessary for egress or escape.

FACADE: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY: A single individual doing his/her own cooking and living upon the premises as a separate housekeeping unit, or no more than three (3) individuals doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage, or other domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding/rooming house, family care/group care facility, commune, or institution.

FAMILY CARE FACILITY: A facility providing shelter, counseling, and other rehabilitative services in a family like environment for four (4) or eight (8) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs.

FAMILY DAY CARE HOME: A residence offering baby-sitting services and child care services for four (4) to six (6) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare. A family day care home is a permitted accessory use in any residential district.

FARM: Any parcel of land containing ten (10) or more acres, which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. Such term includes necessary farm structures within the prescribed limits and the storage of equipment used, but excludes the raising of furbearing animals, riding academies, livery or boarding stables, and dog kennels.

FENCE: Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination. The structure is erected for one or more of the following purposes:

- A. To screen or divide one (1) property from another to assure privacy.
- B. To protect the screened or divided property.
- C. To define and mark the property line when such structure is erected on or within two (2) feet of any front, side, or rear lot line.

For the purpose of this ordinance, a freestanding masonry wall, when located for one of the preceding purposes, is considered to be a fence. Also for the purpose of this Ordinance, when the term "lot line" is used in relation to fences, it shall be synonymous with "rear yard lot lines", "side yard lot lines", and "front yard lot lines". Fences

are not synonymous with "garden structures" which are defined elsewhere in this Ordinance.

FILL: Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD FRINGE: That portion of the flood plain outside the floodway.

FLOOD PLAIN:

- A. A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation;
- B. An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PLAIN DISTRICTS: Those Flood Plain Districts specifically designated in the Wheatfield Township Zoning Ordinance as being inundated primarily by the one hundred (100) year flood. Included would be areas identified as Floodway District (FW), Flood-Fringe District (FF), and General Flood Plain District (FA).

FLOODPROOFING: Means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY: The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE: The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms, utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one (1) window or skylight opening onto an outside yard or court. At least one-half 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.

FLOOR AREA RATIO (FAR): The maximum allowable square footage of total floor area permitted for each square foot of land area, which is expressed as a ratio between said building floor space and the area of the lot it occupies.

FLOOR AREA RETAIL, NET: All that space relegated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer but not to include office space, storage space, and other general administrative areas.

FRATERNAL ORGANIZATION: A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals, and formal written membership requirements.

GARAGE, PRIVATE: An enclosed or covered space for the storage of one (1) or more vehicles, provided that no business, occupation, or service is conducted for profit therein.

GARAGE, PUBLIC: Any garage, other than a private garage, which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

GARDEN APARTMENT: See definition APARTMENT, GARDEN

GARDEN STRUCTURES: Any accessory structure which may be occupied for other than sleeping or general housekeeping purposes, or which serves as a shelter primarily for human beings, except a permitted garage, porch or carport, which is located in any side or rear yard not closer than three (3) feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, bath houses, private greenhouses, and freestanding screens and similar structures. No such structure may be located in any required front yard between the building setback line and

the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two (2) sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled, or unfenced patios, bird baths, ornamental pools, and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

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

GOVERNING BODY: Shall mean the Board of Supervisors of Wheatfield Township, Perry County, Pennsylvania.

GRADE, ESTABLISHED: The elevation of the center line of the streets, as officially established by the municipal authorities.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROCERY STORE: A building used primarily for the retail sale of food and related household goods.

GROUND FLOOR: The floor of a building nearest the mean grade of the front of the building.

GROUP CARE FACILITY: A facility providing shelter, counseling, and other rehabilitative services in a family like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical, or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP DAY CARE HOME: A residence offering baby-sitting services and child care services for seven (7) to eleven (11) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.

HAZARDOUS WASTE: Any garbage, refuse, or sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, (but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1342) or source, special nuclear, or byproduct material as defined by the U.S.C. Section 2014), which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

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

The term "Hazardous Waste" shall not include coal refuse as defined in the act of September 24, 1968 (P.L. 1040, No. 318), known as the "Coal Refuse Disposal Control Act." "Hazardous Waste" shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law."

HEIGHT OF BUILDING: See definition BUILDING, HEIGHT

HISTORIC STRUCTURE: Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior ; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

HOME ASSOCIATION: An incorporated, non-profit organization operating under recorded land agreements through which:

- A. Each lot and/or home owner in a planned unit or other described land area is automatically a member.
- B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.
- C. The charge if unpaid becomes a lien against the property.

HOME GARDENING: The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock, and permitting the sale of produce raised thereon.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, and no more than one (1) employee, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure of premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein.

HOTEL: A building used as the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands and other accessory services primarily for serving its occupants.

HOSPITALS: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, including, as if an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

IMPERVIOUS MATERIAL: Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways and parking areas, swimming pools, and other nonporous structures or materials.

INCINERATOR: An approved device in which combustible material, other than garbage, is burned to ashes.

INDUSTRIAL PARK: A tract of land eminently suitable for industrial use subdivided and developed according to a comprehensive plan for occupancy by a group of industries, equipped with streets and necessary utilities, and conforming in all respects with the requirements of this Ordinance.

INDUSTRY: The manufacturing, compounding, processing, assembly, or treatment of materials, articles, or merchandise.

INFRASTRUCTURE: Facilities and services needed to sustain industry, residential and commercial activities. These facilities and services may include water and sewer lines, streets and roads, communications, and public facilities (e.g. fire houses, parks, etc.).

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 collection, dismantling, storage, and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

KENNEL: An establishment in which more than six (6) dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold.

LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this act.

LAND DEVELOPMENT: Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- B. A subdivision of land.
- C. Exclusion of certain land development as defined above only when such development involves:
 1. The conversion of an existing single-family detached dwelling or single family semidetached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium; or
 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LANDSCAPE AREA: The minimum square footage of lot area that is available for the use of the residents of a dwelling unit complex in which it is located or a part of the required area of a commercial or industrial development. This area must be unsurfaced and water absorbent, and no more than one-third (1/3) of this total space footage requirement may be made up of the area located within the setback requirements for front, side, or rear yards of the complex.

LANDSCAPE PLANTING: A planting of vegetative materials including trees, scrubs, and ground cover.

LAUNDROMAT: A service establishment for the on-site renting of washing machines, exclusive of facilities provided as an accessory use in an apartment house.

LIGHTING:

- A. Diffused: That form of lighting wherein the light passes from the source through a translucent cover or shade;
- B. Direct or Flood: That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated;
- C. Indirect: That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LOADING BERTH/SPACE: An off-street area on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LODGE: The meeting place of a branch of some societies.

LOT: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street.

LOT AREA: The area contained within the property lines of a lot as shown on a subdivision plan excluding space with any street, but including the area of any easement.

LOT, CORNER: A lot at the junction of and abutting on two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than one-hundred and thirty-five (135) degrees and/or the radius of the street line is less than one-hundred (100) feet.

LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines. This distance is measured between the right-of-way line and the back property line corner.

LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT, MINIMUM WIDTH: The minimum lot width at the building setback line.

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

LOT OF RECORD: A lot which has been recorded in the Office of the Recorder of Deeds of Perry County, Pennsylvania.

LOT, REVERSE FRONTAGE: A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURING: The processing and/or converting of raw unfinished or finished materials or products, or any, or either of them, into an article or substance of a different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MARQUEE: Any hood, canopy, awning, or permanent construction which projects from a wall of a building, usually above an entrance.

MEDICAL/CENTER: Establishments primarily engaged in furnishing medical, surgical, or other services to individuals, including the offices of physicians, dentists, and other health care practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen, and miscellaneous types of medical supplies and services.

MEDIATION: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MOBILEHOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than one hundred and eighty (180) consecutive days.

MOBILEHOME LOT: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

MOBILEHOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

MOTEL: a building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, with separate entrances and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as tourist courts, tourist cabins, motor lodges, and similar terms.

MUNICIPALITY: Wheatfield Township or Perry County.

MUNICIPALITY, LOCAL: Wheatfield Township.

NEIGHBORHOOD SHOP: A building, lot, or premises performing a local neighborhood service to include such uses as drug store, grocery store, barber shop, beauty parlor, and tea room.

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after December 3, 1979, and includes any subsequent improvements thereto.

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

NONCONFORMING SIGN: Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING STRUCTURE: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NURSERY, HORTICULTURE: Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the primary use.

NURSING OR CONVALESCENT HOME: A proprietary facility, licensed by a governmental authority, for the accommodation of persons who require skilled nursing care and related medical services, but are not in need of hospital care. A housing for the elderly project is distinguished from a nursing home in that an elderly project is primarily of a residential character with only incidental nursing facilities, while a nursing home is primarily designed and used for the care of convalescent or ill persons.

OBSCENE MATERIALS: Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement, or sadomasochistic abuse, or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political, or scientific value.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or designated flood plain districts, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

OCCUPANCY PERMIT: A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

OFFICE BUILDING: A building designed or used primarily for office purposes, no part of which is used for manufacturing.

OFFICE, PROFESSIONAL: A room or rooms used for the carrying on of a profession to include, but not limited to, physicians, dentists, architects, engineers, accountants, attorneys, real estate brokers, and insurance agents,

entitled to practice under the laws of the Commonwealth of Pennsylvania, or similar type.

OFFICIAL MAP: A legally adopted map that conclusively shows the location and width of existing and proposed public streets, watercourses and public grounds, including widening, narrowing, extensions, diminutions, openings or closing of same, for the whole of the municipality.

OFF-STREET PARKING SPACE: A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

OFF-SITE SEWER SERVICE: A sanitary sewage collection system in which sewage is carried from individual lot or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

ONE HUNDRED (100) YEAR FLOOD: A flood that, on the average, is likely to occur once every one hundred (100) years, i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year). This is more precisely defined/delineated in the Wheatfield Township Zoning Ordinance.

ON-SITE SEWER SERVICE: A single system of piping, tanks, or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

OPEN AREA: An unoccupied and/or unpaved ground surface required to remain open to the sky on the same lot with the building.

OPEN SPACE: That portion of the land open to the sky and usually reserved in a natural state or for agricultural or outdoor recreational use.

OPEN SPACE, COMMON: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

PANHANDLE LOT: A lot which is designed in such a manner that it is connected to a public street by a fifty (50) foot wide strip of land which is an integral part of the lot, but not used in determining the applicable minimum lot area requirement or the minimum front yard requirement. The minimum lot area and front yard requirements shall be

determined by using that portion of the lot where the minimum lot width dimension is achieved. Panhandle lots shall not be permitted in R-1, R-2, C, or I districts.

PARKING LOT COMMERCIAL: A permanently surfaced area of one (1) or more parking spaces designed or used for the parking of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to clients or customers.

PARKING SPACE: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

PARTY WALL: A common shared wall between two (2) separate structures, buildings, or dwelling units.

PENTHOUSE: A structure located on the roof of the main building for purposes of living accommodations or mechanical equipment. When the area of the penthouse exceeds twenty (20) percent of the area of the roof or when the penthouse is to be occupied by persons, the penthouse shall be considered as another story.

PERSON: Any individual or group of individuals, corporations, partnership, or any similar entity.

PERMITTED USE: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSONAL SERVICES: Businesses primarily engaged in providing services generally to individuals, such as home laundries, portrait photographic studios, and beauty and barber shops.

PLANNING CODE: The Pennsylvania Municipalities Planning Code, Act 247, dated July 31, 1968, as amended.

PLANNING COMMISSION: The Wheatfield Township Planning Commission, appointed by the governing body in accordance with the Second Class Township Code of Pennsylvania and the Municipalities Planning Code, Act No. 247.

PLAT: The map or plan of a subdivision or land development, whether preliminary or final.

PORCH: A covered area in excess of four (4) feet by five (5) feet or twenty (20) square feet in area at a front, side or rear door.

PREMISES: Any lot, parcel, or tract of land and any building constructed thereon.

PRINCIPAL BUILDING: A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

PRIVATE: Not publicly owned, operated, or controlled.

PRIVATE ROAD: A legally established right-of-way, other than a public street, which provides the primary vehicular and/or pedestrian access to a lot.

PROFESSIONAL OCCUPATION: The practice of a profession by any professional, including but not limited to Attorney, Physician, Surgeon, Osteopath, Chiropractor, Dentist, Optician, Optometrist, Chiropodist, Engineer, Surveyor, Architect, Landscape Architect, Planner, or similar type, entitled to practice under the laws of the Commonwealth of Pennsylvania.

PROPERTY: A lot or plot, including all buildings and improvements thereon.

PROPERTY LINE: A recorded boundary of a plot. Any property line which abuts a street or other public way shall be measured from the edge of the right-of-way.

PUBLIC: Owned, operated, or controlled by a government agency (Federal, State, or Local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).

PUBLIC GROUNDS: Includes the following:

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

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.

PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

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

PUBLIC SEWER AND WATER SYSTEM: Any system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

PUBLIC SWIMMING POOL: Any pool, other than a residential pool, which is used, or intended to be used, for swimming, bathing, or wading, and is operated by an owner, lessees, operator, licensee, or concessionaire, regardless of whether a fee is charged for use.

PUBLIC SYSTEM: A water or sewerage system which is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

PUBLIC UTILITY FACILITY: A structure and its equipment, where necessary, for the transmission and exchange of cable television, telephone, gas, power, sewer, or water facilities, or for the pickup and/or discharge of passengers from a public transportation vehicle.

RAMP: A sloping walkway providing access to and from floors at different elevations.

RECREATION FACILITY, PRIVATE: A recreation facility operated by a nonprofit organization, and open only to bona fide members and guests of such nonprofit organization.

RECREATION FACILITY, PUBLIC: A recreation facility operated by governmental agency and open to the general public.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motor power or is mounted or drawn by another vehicle; having a body width of no more than eight (8) feet and a body length of no more than thirty-five (35) feet when factory equipped for the

road, and licensed as such by the Commonwealth to include, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motorhomes.

RECREATIONAL VEHICLE PARK OR CAMP GROUND: A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping, or travel use, or recreational vehicle or campground lots rented for such use, thereby constituting a "land development".

RECYCLING FACILITY: An establishment which provides the means for the collection, separation, recovery, and sale or reuse of metals, glass, paper, leaf waste, plastics, and other materials which would otherwise be disposed of and processed as municipal waste.

REGULATORY FLOOD ELEVATION: The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

REHABILITATION: The rehabilitation of one (1) or more properties to a satisfactory improved physical condition overcoming existing deterioration and aiding in the improvement of its neighborhood. Rehabilitation may include additional new construction, buildings, or additions.

RESIDENTIAL HOTEL: A hotel used by sixteen (16) or more permanent guests only and not by transients.

RESIDENTIAL SWIMMING POOL: Any pool, portable or permanent, which is used or intended to be used non-commercially for swimming, bathing, or wading. See Article XIV, Section 1402.S.

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

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; generally, the right of one to pass over the property of another.

RIGHT-OF-WAY, STREET: A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

ROAD: A public or private right-of-way which provides a public means of access to an abutting property. The term "road" shall include street, avenue, drive, circle, highway, or similar term.

ROADSIDE STAND: A structure designed or used for the display or sale of neighborhood agricultural products or other goods produced on the premises upon which such a stand is located.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

SALVAGE YARD: Any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling salvage. The term shall not include:

- A. A scrap metal processing facility.
- B. Any tract or lot adjacent to a manufacturing or processing business where salvage is stored on an interim basis pending the final disposition of the same in the normal operation of such business.
- C. Lots maintained by a dealer (as defined by this Ordinance and/or the State Vehicle Code).
- D. Salvage, all of which is stored or accumulated inside a wholly selfenclosed building or other structure.

SATELLITE DISH: See definition ANTENNA, SATELLITE DISH.

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

SCHOOL, NURSERY (DAY CARE CENTERS): A facility, and or private establishment not in a private residence, enrolling four (4) or more children no more than five (5) years of age and where tuition, fees, or other forms of compensation for the instruction and care of the children is charged. Such facility shall employ licensed personnel and shall be licensed by the Commonwealth of Pennsylvania.

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

SEASONAL RESIDENCE: A dwelling, cabin, lodge, or summer house which is intended for occupancy less than one hundred and eighty two (182) days of the year.

SEDIMENTATION: The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

SERVICE EQUIPMENT (FOR GASOLINE STATION): Includes but are not limited to: racks of oil containers, window cleaning equipment, credit card equipment, etc. Racks of tires are not inclusive of service equipment.

SERVICE STATION: Any area of land, including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designated to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

SETBACK: The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

SHED: An accessory building or structure with a maximum area of one-hundred and fifty (150) square feet, and a distance from the property line as defined in each Zoning District but no less than twelve (12) feet from the property line.

SHOPPING CENTER: A group of stores planned and designed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.

SIGHT DISTANCE: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

SIGN: Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

SIGN, ADVERTISING: A sign intended for the painting, posting or otherwise displaying of information inviting attention to any product, business, service, or cause not located on or related to the premises on which the sign is situated.

SIGN AREA: The area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the said sign.

SIGN, BUSINESS: A sign which directs attention to a use conducted, product or commodities sold, or service performed upon the premises.

SIGN, IDENTIFICATION: A sign or name plate, indicating the name of noncommercial buildings or occupants thereof, or describing the use of such buildings; or when displayed at a residence, indicating a home occupation legally existing thereat.

SIGN, NONCONFORMING: Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

SIGN, OFF-PREMISE ADVERTISING: A sign, including billboards, intended for the painting, posting, or otherwise displaying of information inviting attention to any product, business, service, or cause not located on or related to the premises on which the sign is situated.

SIGN, REAL ESTATE: A sign relating to the property upon which is located, offering such property for sale or lease, announcing improvements or changes in connection therewith, warnings, or other similar notices concerning such property.

SIGN, SERVICE: A sign which is incidental to a use lawfully occupying the property upon which the sign is located which sign is necessary to provide information to the public such as direction to parking lots, location of rest rooms, or other such pertinent facts.

SIGN, TEMPORARY: A temporary sign shall be construed to mean any sign, banner, cardboard, or other material carrying an advertisement or announcement, which is displayed or intended to be displayed for a period not exceeding ordinance requirements.

SIGN, WALL: A sign painted on or affixed to and paralleling the outside wall of a building, and extending not more than twelve (12) inches from such wall.

SITE DEVELOPMENT PLAN: A scaled graphical depiction of the proposed development of a lot, parcel, or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, right-of-ways, easements, parking facilities, open space, public facilities, and utilities, setbacks, height of buildings and structures, and other such data necessary for municipal officials to determine compliance with this Ordinance and appropriate provisions of other such ordinances, as they may apply.

SOLAR ACCESS: A property owner's right to have the sunlight shine on his land.

SOLAR SKYSPACE: The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost effective operation.

SOLAR SKYSPACE EASEMENT: A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.

SPECIAL EXCEPTION: The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with standards and criteria established by the governing body. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purpose of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and the Zoning Ordinance.

STABLE, PRIVATE: An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

STABLE, PUBLIC: A building in which any horse is kept for remuneration, hire, exhibition, or sale.

STAFF: The technical staff of the Perry County Planning Commission, unless otherwise designated by the Wheatfield Township Planning Commission.

STORAGE FACILITY: A structure intended for lease for the sole purpose of storing household goods, motor vehicles, or recreational equipment.

STORY: A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story; and, if less than two (2) feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if it averages more than five (5) feet above grade.

STORY, HALF: A story under a gabled, hipped, or gambreled roof, the wall plates of which on at least two (2) opposite exterior walls, are not over three (3) feet above the finished floor of such story.

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

STREET, CUL-DE-SAC: A street intersecting another street at one end and terminating at the other in a vehicular turn-around.

STREET GRADE: The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint 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 street line is that line determining the limit of the street or highway right of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street line shall be assumed to be at a point twenty-five (25) feet from the center line of the existing street.

STREET WIDTH: The distance between street lines measured at right angles to the center line of the street.

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

STRUCTURAL ALTERATION: Any change in the structural members of a building, such as walls, columns, beams, or girders.

STRUCTURE, TEMPORARY: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

STRUCTURE, NONCONFORMING: A structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reasons of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

SUBDIVISION (SEE LAND DEVELOPMENT): The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

SUBSTANTIALLY COMPLETED: Where, in the judgment of the Municipal Engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Wheatfield Township Subdivision and Land Development Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SUBSTANTIAL DAMAGE: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial

damage," regardless of the actual repair work performed. The term does not, however include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SURFACE DRAINAGE PLAN: A plan showing all present and proposed grades and facilities for storm water management.

SWALE: A low lying stretch of land characterized as a depression used to carry surface water runoff.

SWIMMING POOL: A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches, designed, used and maintained for swimming and bathing.

THEATER: A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

THEATER, OUTDOOR DRIVE-IN: An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats.

TOP SOIL: Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the a Horizon.

TOWNSHIP: Wheatfield Township, Perry County, Pennsylvania.

TOURIST HOME: A dwelling in which overnight accommodations are used by transient guests for compensation.

TOWN HOUSE: An attached dwelling on the ground.

TRAILER CAMP OR COURT: See camp.

TRAILER, INCLUDING AUTOMOBILE TRAILER: Any vehicle or structure constructed in such a manner as to permit the conduct of any business, trade, or occupation, or use as a selling or advertising device and so designed that it is or may be mounted on wheels and moved upon highways and streets, propelled or drawn by its own or other motor power, including automobile trailers, truck trailers, trailer coaches, buses, streetcars, and all similar devices, and not designed for permanent residence.

TRANSFORMER SUBSTATION: An electric substation containing an assemblage of equipment for the purpose other than generation or utilization, through which electrical energy in bulk is passed for the purpose of switching and modifying its characteristics to meet the needs of the general public.

TRAVEL TRAILER: A vehicle, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, 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.

UNDEVELOPED LAND: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

UNIT: A part of the property, structure, or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to a common element or common elements leading to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property structure or building.

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

USE, NONCONFORMING: See definition NONCONFORMING USE.

USE, PRINCIPAL: The primary or predominant use of any lot.

USE, TEMPORARY: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

VARIANCE: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the ordinance.

VEGETATIVE COVER: Shall consist of trees, shrubs, flowers, grass, ground, or bank cover or suitable pervious decorative substitute.

WATERCOURSE: A stream of water, river, brook, creek, or a channel or ditch for water whether natural or manmade.

WIND ENERGY CONVERSION SYSTEM (WECS): A device which converts wind energy to mechanical or electrical energy.

WIND ROTOR: The blades, plus hub to which the blades are attached, that are used to capture wind for purpose of energy conversion. The wind rotor is used generally on a pole or tower and along with other generating and electrical storage equipment forms a wind energy conversion system.

YARD: An unoccupied space, outside the building setback lines, other than a court, open to the sky, on the same lot with a building or structure.

YARD, BUFFER: A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this Ordinance, and on which is placed (planted) year-round shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall, as provided for in this Ordinance.

YARD, EXTERIOR: An open, unoccupied space between the buildings of a dwelling group or its accessory building and the project boundary or street line.

YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the building front setback line projected to the side lines of the lot. The depth of the front yard shall be measured between the front building setback line and the street line. Covered porches whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

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

YARD, REAR: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear building setback line projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear building setback line. A building shall not extend into the required rear yard.

YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ZONING: The demarcation of the Municipality into zones or areas, and the application of this Ordinance to establish regulations to govern the use of the land including the control of location, bulk, height, shape, use, and coverage of structures within each zone in accordance with the purposes as given in Section 604 of the Planning Code.

ZONING HEARING BOARD: A group of three (3) Township residents appointed by the governing body as required by the Pennsylvania Municipalities Planning Code, Act No. 247.

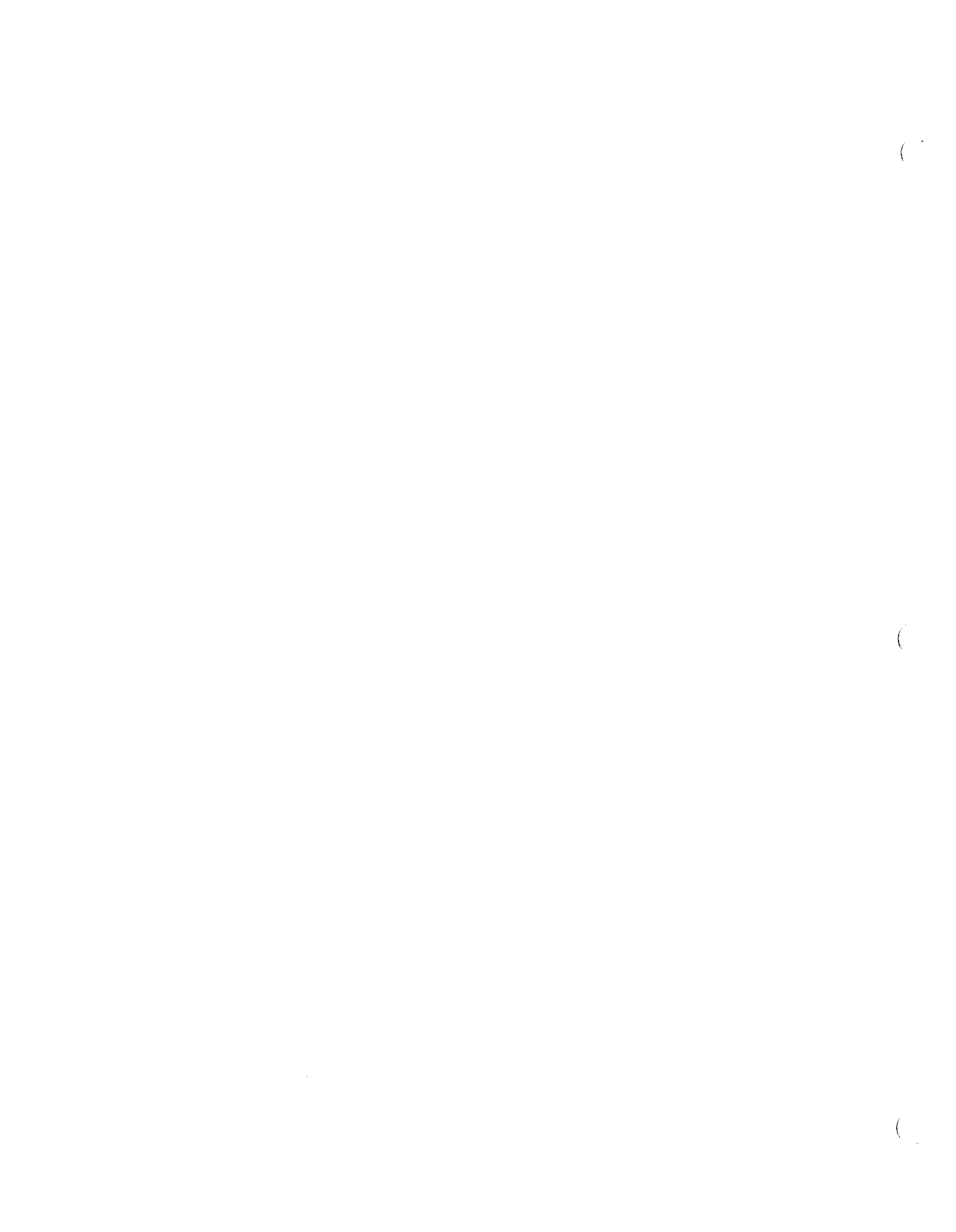
ZONING MAP: The map setting forth the boundaries of the Zoning Districts of the Township which shall be part of this Ordinance.

ZONING OFFICER: The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms.

ZONING PERMIT: A statement signed by the Zoning Officer indicating an application for permission to construct, alter, erect a building, structure, or to use land is approved and in accordance with the provisions of this Ordinance.

ARTICLE III

DESIGNATION OF DISTRICTS



ARTICLE III

DESIGNATION OF DISTRICTS

Section 301 - Zoning Districts

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

"CF"	CONSERVATION/FOREST DISTRICT
"OS"	OPEN SPACE DISTRICT
"AR"	AGRICULTURAL - RESIDENTIAL DISTRICT
"R-1"	RESIDENTIAL DISTRICT
"R-2"	RESIDENTIAL DISTRICT
"C"	COMMERCIAL DISTRICT
"C-1"	NEIGHBORHOOD COMMERCIAL DISTRICT
"I"	INDUSTRIAL DISTRICT
"FP"	FLOOD PLAIN

Section 302 - Zoning Map

- A. The boundaries of the CF, OS, AR, R-1, R-2, C, C-1, and I Districts shall be as shown, upon the map attached to and made a part of this Ordinance which shall be designated "Zoning Map". The said map and all the notations, reference, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.
- B. The boundaries of the Flood Plain (FP) Districts shall serve as overlays to the underlying Districts as shown on the Official Zoning Map, and as specifically described on the Flood Insurance Rate Map prepared for the Township by the Federal Emergency Management Agency (FEMA) dated June, 1979. That map and all notations, reference, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

Section 303 - Boundaries Between The CF, OS, AR, R-1, R-2, C, C-1, I, and FP Districts

- A. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended, or lines parallel thereto.

- B. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.
- C. Where district boundaries are not clearly fixed by the above methods they shall be determined by the use of the scale of the Zoning Map.

Section 304 - Interpretation of Boundaries

When a CF, OS, AR, R-1, R-2, C, C-1, I, and FP District boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations of either abutting district may be construed by the owner to be applicable to the portion of such lot in the other abutting district for a distance of not more than one-hundred (100) feet beyond the District boundary line.

Section 305 - Interpretation of Boundaries

In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the maps as to the location of District boundaries.

Section 306 - Interpretation of Minimum Lot Area

The required minimum lot area in all Districts will be excluding any and all right-of-ways either public or private.

ARTICLE IV

CF-CONSERVATION/FOREST DISTRICT



ARTICLE IV

CF-CONSERVATION/FOREST DISTRICT

Section 401 - Intended Purpose

These district regulations are designed to protect areas in the Township for the preservation and conservation of the natural environment and permit and encourage the retention of forested and open land; flood plain areas of streams, creeks, and drainageways; and nonintensive land used located to constitute a harmonious and appropriate part of the physical development of the Township.

Section 402 - Permitted Uses

- A. Public conservation areas and structures for the conservation of open land, water, soil, wildlife resources, and historical preservation
- B. Single-family detached dwelling units, including seasonal cottages, and hunting and fishing cabins
- C. Churches or similar places of worship and cemeteries
- D. Municipal buildings and facilities, including water pumping stations, reservoirs, and similar structures
- E. Public and private parks and recreations areas, including campgrounds, resort facilities, golf courses, and country clubs
- F. Forest uses relating to the harvesting of lumber products, including saw mills
- G. Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative materials including greenhouses.
- H. Agricultural uses related to the tilling of the land, the raising of horses, cattle, and other livestock, and the raising of poultry and poultry products in accordance with Article XIV, Section 1402.I
- I. Buildings
 1. Barns, silos, corncribs, and similar structures necessary to the proper operation of the agriculture activities.

2. Poultry houses, pigsties, stables, and dog kennels, provided they are situated no less than four hundred (400) feet from the public right-of-way and boundaries of adjoining properties.
- J. Public or private swimming pools
 - K. Radio and Television towers
 - L. Electric and telephone public utility transmission and distribution facilities, including substations.
 - M. Customary accessory uses and buildings incidental to any permitted use

Section 403 - Height Regulations

The height of a principal building shall be not greater than thirty (30) feet. No accessory building shall exceed twenty-four (24) feet in height except that buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.

Section 404 - Area Regulations

The minimum lot size shall be five (5) acres. Density of residential units shall be five (5) acres per unit.

Section 405 - Width Regulations

The lot width at the required front building line shall be not less than two hundred seventy-five (275) feet on an interior lot and the same on each side facing a street on a corner lot.

Section 406 - Yard Regulations

- A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below.
 1. Front Yard-Principal Building:
 - a. Minimum of seventy-five (75) feet from the right-of-way line. Corner lots shall be deemed to have a front yard facing the primary road and a side yard of fifty (50) feet on the side facing the secondary road.

- b. In the case where a property's front yard does not abut a public road, the front yard setback shall be not less than seventy-five (75) feet from the centerline of any private road serving more than one (1) dwelling unit.
2. Two (2) side yards with a width of thirty (30) feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than fifty (50) feet in width.
3. Rear yard depth, seventy-five (75) feet.

Section 407 - Buffer Yard

- A. All non-residential uses shall provide an additional one-hundred and eighty (180) foot buffer area to all side and rear yards abutting a residential use and/or residential district. Continuation of the non-residential use shall be in accordance with Article XIV of this Ordinance.
- B. Accessory Buildings shall be a minimum of fifty (50) feet from all side and rear lines. Buildings housing livestock, poultry, or mushroom culture shall not be closer than two hundred (200) feet to any public right-of-way nor five hundred (500) feet to a residential district.

Section 408 - Coverage Regulations

The lot coverage shall be no more than twenty (20) percent including buildings, accessory buildings, and paved surfaces.

Section 409 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.

Section 410 - Signs Requirements

Signs shall be provided in accordance with the provisions of Article XIII of this Ordinance.

Section 411 - Environmental Assessment

An Environmental Assessment (EA) shall be required for all subdivision of land into ten (10) or more lots and/or units, all new farms, and all land development plans for commercial uses.

The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to monitor the impact of development on the existing natural and socioeconomic environment of Wheatfield Township and shall be in accordance with Article XIV, Section 1417 of this Ordinance. An EA shall be required when the original tract of ground exceeds a total of ten (10) lots and/or units.

ARTICLE V

OS-OPEN SPACE DISTRICT

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ARTICLE V

OS-OPEN SPACE DISTRICT

Section 501 - Purpose

The purpose of the OS - Open Space District is to provide for the preservation and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives.

Section 502 - Uses Permitted

- A. Forest uses related to the harvesting of lumber products, including saw mills
- B. Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material
- C. Public and private parks and recreation areas, including campgrounds, resort facilities, golf courses, and country clubs
- D. Agricultural uses related to the tilling of the land, the raising of horses, cattle, and other livestock, and the raising of poultry and poultry products in accordance with Article XIV, Section 1402.I
- E. Buildings:
 - 1. Barns, silos, corncribs, and similar structures necessary to the proper operation of the agricultural activities.
 - 2. Poultry houses, pigsties, stables, and dog kennels, provided they are situated no less than four hundred (400) feet from public rights-of-way and boundaries of adjoining properties.
- F. Greenhouses and private or public swimming pools
- G. Accessory buildings and uses customarily incidental to the above use

Section 503 - Special Exception Uses

Appropriate public uses and essential services.

Section 504 - Conditional Uses

Natural resource uses such as: Excavating, quarrying, mining, and the processing of topsoil, sand, gravel, clay, shale, limestone or other natural formation. The natural production uses shall be subject to the requirements as set forth in the Supplemental Regulations.

Section 505 - Height Regulations

The height of a principal building shall be not greater than thirty (30) feet. No accessory building shall exceed twenty-four (24) feet in height except that buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.

Section 506 - Area Regulations

The minimum lot size shall be ten (10) acres. Density of residential units shall be ten (10) acres per unit.

Section 507 - Width Regulations

The lot width at the required front building line shall be not less than three-hundred and fifty (350) feet on an interior lot and the same on each side facing a street on a corner lot.

Section 508 - Yard Regulations

- A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below.
1. Front Yard-Principal Building:
 - a. Minimum of one hundred (100) feet from the right-of-way line. Corner lots shall be deemed to have a front yard facing the primary road and a side yard of seventy-five (75) feet on the side facing the secondary road.
 - b. In the case where a property's front yard does not abut a public road, the front yard setback shall be not less than one hundred and twenty-five (125) feet from the centerline of any private road serving more than one (1) dwelling unit.
 2. Two (2) side yards with a width of fifty (50) feet each, on interior lot. On a corner lot, the side yard

abutting the street shall be not less than seventy-five (75) feet in width.

3. Rear yard depth, one-hundred (100) feet.

Section 509 - Buffer Yard

Accessory Buildings shall be a minimum of twenty-five (25) feet from all side and rear lines. Buildings housing livestock, poultry, or mushroom culture shall not be closer than two hundred (200) feet to any public right-of-way nor five hundred (500) feet to a residential district.

Section 510 - Coverage Regulations

The lot coverage shall be no more than twenty (20) percent including buildings, accessory buildings, and paved surfaces.

Section 511 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.

Section 512 - Signs Requirements

Signs shall be provided in accordance with the provisions of Article XIII of this Ordinance.

Section 513 - Environmental Assessment

An Environmental Assessment (EA) shall be required for all subdivision of land into ten (10) or more lots and/or units, all new farms, and all land development plans for commercial uses. The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to monitor the impact of development on the existing natural and socioeconomic environment of Wheatfield Township and shall be in accordance with Article XIV, Section 1417 of this Ordinance. An EA shall be required when the original tract of ground exceeds a total of ten (10) lots and/or units.

ARTICLE VI

AR-AGRICULTURAL/RESIDENTIAL DISTRICT



ARTICLE VI

AR-AGRICULTURAL/RESIDENTIAL DISTRICT

Section 601 - Intended Purpose

The AR-Agricultural/Residential Districts are composed of agricultural areas and low density residential areas in the Township with limited or no public service systems. The regulations for these districts are designed to protect and stabilize these essential characteristics and promote and encourage a safe and healthful environment for family life. To these ends, development is restricted to agricultural and related land uses and low-density residential uses.

Section 602 - Permitted Uses

- A. Raising of crops, fruits and vegetables, and tilling of the soil
- B. Storage and packing of fruits and vegetables raised on the premises
- C. Commercial roadside stand for sale of garden products and commodities
- D. Processing, storage, and sale of milk and milk products produced on the premises
- E. Retail nurseries and garden stores and florists
- F. Single-family detached dwelling units
- G. Churches or similar places of worship
- H. Public or private preschool, primary, and secondary educational facilities and related school uses
- I. Municipal and public buildings
- J. Forest uses related to the harvesting of lumber products, including saw mills
- K. Horticultural uses related to the raising, propagating, and selling of trees, shrubs, flowers, and other vegetative material

- L. Public and private parks and recreation areas, including campgrounds, resort facilities, golf courses, and country clubs
- M. Agricultural uses related to the tilling of the land, the raising of horses, cattle, and other livestock, and the raising of poultry and poultry products in accordance with Article XIV, Section 1402.I
- N. Buildings:
 - 1. Barns, silos, corncribs, and similar structures necessary to the proper operation of the agricultural activities.
 - 2. Poultry houses, pigsties, stables, and dog kennels, provided they are situated no less than four hundred (400) feet from public rights-of-way and boundaries of adjoining properties.
- O. Greenhouses and private or public swimming pools
- Q. Veterinary services and animal hospitals
- R. Cemeteries including mausoleums therein
- S. Home Occupations in accordance with Article XIV of this Ordinance
- T. Customary accessory uses and building incidental to any permitted use

Section 603 - Height Regulations

The height of a principal building shall be not greater than thirty (30) feet. No accessory building shall exceed twenty four (24) feet in height except that buildings devoted for farm use shall be exempt from height restrictions. This height requirement is measured from the highest point of the adjacent existing ground.

Section 604 - Area Regulations

Each single-family detached dwelling shall be on a lot not less than eighty seven thousand one hundred twenty (87,120) square feet, for a maximum net density of one (1) dwelling unit per two (2) acres.

Section 605 - Width Regulations

The minimum lot width is two hundred (200) feet at the minimum building setback line and a minimum of one hundred seventy five (175) feet at the right-of-way line.

Section 606 - Minimum Lot Depth

The minimum lot depth shall be one hundred seventy five (175) feet.

Section 607 - Yard Regulations

A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below.

1. Front Yard-Principal Building:

a. Minimum of seventy-five (75) feet from the right-of-way line. Corner lots shall be deemed to have a front yard facing the primary road and a side yard of fifty (50) feet on the side facing the secondary road.

b. In the case where a property's front yard does not abut a public road, the front yard setback shall be not less than one hundred (100) feet from the centerline of any private road serving more than one (1) dwelling unit.

2. Two (2) side yards with a width of thirty (30) feet each, on interior lot. On a corner lot the side yard abutting the street shall not be more than thirty (30) feet in width.

3. Rear yard depth, fifty (50) feet.

Section 608 - Buffer Yard

A. All non-residential uses shall provide an additional one hundred and eighty (180) foot buffer area to all side and rear yards abutting a residential use and/or residential district. Continuation of the non-residential uses into the buffer yard shall be in accordance with Article XIV of this Ordinance.

B. Accessory Buildings shall be a minimum of fifteen (15) feet from all side and rear lines. Buildings housing livestock, poultry, or mushroom culture shall not be closer than two

hundred (200) feet to any public right-of-way nor five hundred (500) feet to a residential district.

Section 609 - Coverage Regulations

Building coverage shall be no more than twenty (20) percent.

Section 610 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.

Section 611 - Signs Requirements

Signs shall be provided in accordance with the provisions of Article XIII of this Ordinance.

Section 612 - Environmental Assessment

An Environmental Assessment (EA) shall be required for all subdivision of land into ten (10) or more lots and/or units, all new farms, and all land development plans for commercial uses. The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to monitor the impact of development on the existing natural and socioeconomic environment of Wheatfield Township and shall be in accordance with Article XIV, Section 1417 of this Ordinance. An EA shall be required when the original tract of ground exceeds a total of ten (10) lots and/or units.

ARTICLE VII

R-1 RESIDENTIAL DISTRICT

ARTICLE VII

R-1 RESIDENTIAL DISTRICT

Section 701 - Intended Purpose

The R-1 Residential Districts are designed to accommodate and protect the amenities of certain areas in the Township where the development pattern has already been established with single-family residential dwellings of a low-density character and to stabilize these areas as a development feature of the Township.

Section 702 - Permitted Uses

- A. Single-family detached dwelling units
- B. Churches and similar places of worship
- C. Public or private preschool, primary, and secondary educational facilities and related school uses
- D. Public park and recreation areas (Either private or public)
- E. Municipal and public buildings
- F. Medical Facilities
- G. Public utility buildings provided they do not include material storage, storage for trucks, repair facilities, or housing quarters for repair crews
- H. Home occupations in accordance with Article XIV of this Ordinance
- I. Customary accessory uses and buildings incidental to any permitted use

Section 703 - Height Regulations

The height of a principal building shall be not greater than thirty (30) feet. No accessory building shall exceed twenty four (24) feet in height. This height requirement is measured from the highest point of the adjacent existing ground.

Section 704 - Area Regulations

- A. Each single-family detached dwelling shall be on a lot not less than eighty seven thousand one hundred twenty (87,120) square feet, for a maximum net density of one (1) dwelling unit per two (2) acres.
- B. Where the lot is served by public sewer, the minimum lot area shall be not less than eighteen thousand seven hundred and fifty (18,750) square feet, for a maximum net density of two point zero 2.00 dwelling units per acre.

Section 705 - Width Regulations

- A. The minimum lot width is two hundred (200) feet at the minimum building setback line and a minimum of one hundred Seventy five (175) feet at the right-of-way line.
- B. Where the lot is served by public sewer, the minimum lot width is one hundred (100) feet at the minimum building setback line and a minimum of seventy-five (75) feet at the right-of-way line.

Section 706 - Minimum Lot Depth

The minimum lot depth shall be one hundred seventy five (175) feet.

Section 707 - Yard Regulations

- A. Each lot shall have front, side and rear yards of not less than the depth and width indicated below.
 - 1. Front Yard-Principal Building:
 - a. Minimum of seventy-five (75) feet from the right-of-way line. Corner lots shall be deemed to have a front yard facing the primary road and a side yard of fifty (50) feet on the side facing the secondary road.
 - b. Thirty (30) feet minimum on an eighteen thousand seven hundred and fifty (18,750) square foot lot.
 - c. In the case where a property's front yard does not abut a public road, the front yard setback shall be not less than seventy-five (75) feet from the centerline of any private road serving more than one (1) dwelling unit.

2. Two (2) side yards with a width of thirty (30) feet each, on interior lot. On a corner lot the side yard abutting the street shall be not less than fifty (50) feet.
3. Rear yard depth, seventy-five (75) feet.

Section 708 - Buffer Yard

Accessory Buildings shall be a minimum of twelve (12) feet from all side and rear lines.

Section 709 - Coverage Regulations

Building coverage shall be no more than twenty (20) percent.

Section 710 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.

Section 711 - Signs Requirements

Signs shall be provided in accordance with the provisions of Article XIII of this Ordinance.

Section 712 - Environmental Assessment

An Environmental Assessment (EA) shall be required for all subdivision of land into ten (10) or more lots and/or units, all new farms, and all land development plans for commercial uses. The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to monitor the impact of development on the existing natural and socioeconomic environment of Wheatfield Township and shall be in accordance with Article XIV, Section 1417 of this Ordinance. An EA shall be required when the original tract of ground exceeds a total of ten (10) lots and/or units.

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ARTICLE VIII

R-2 RESIDENTIAL DISTRICT



ARTICLE VIII

R-2 RESIDENTIAL DISTRICT

Section 801 - Intended Purpose

The R-2 Residential Districts are designed to accommodate high-density development in areas of the Township where supportive infrastructure (transportation, public water, and public sewer facilities) exists or will exist at the time of development. The R-2 District will further the range of housing types available in the Township.

Section 802 - Permitted Uses

- A. Single-family detached dwelling units
- B. Multiple-family dwellings
- C. Churches and similar places of worship
- D. Public or private preschool, primary, and secondary educational facilities and related school uses
- E. Public park and recreation areas (either public or private)
- F. Municipal and public buildings
- G. Medical Facilities
- H. Public utility buildings provided they do not include material storage, truck storage, repair facilities, or housing quarters for repair crews
- I. Mobile Home parks in accordance with Article XIV of this Ordinance
- J. Home Occupations in accordance with Article XIV if this Ordinance
- K. Customary accessory uses and buildings incidental to any permitted use

Section 803 - Height Regulations

The height of a principal building shall be not greater than thirty (30) feet. No accessory building shall exceed one story or twenty four (24) feet in height. This height requirement is measured from the highest point of the adjacent existing ground.

Section 804 - Area Regulations

- A. The lot area, lot width, yard setback, and coverage requirements shall be not less than the dimensions shown on the following tables.
1. Table 804.A assumes public sewer are not available at the time of development.
 2. Table 804.B assumes public sewer is available at the time of development.
 3. All mobile home parks and multiple-family residential uses shall comply with the regulations as set forth on Table 804.B.
- B. Buildings within a land development shall be separated from one another by the distance in accordance with Section 1402.Z.

Section 805 - Minimum Lot Depth

- A. The minimum lot depth shall be one hundred and seventy-five (175) feet.
- B. Area regulations for areas with public sewers systems provided shall be in accordance with Table 804.B in Article VIII.

Section 806 - Minimum Off-Street Parking Requirements

Off-Street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.

Section 807 - Sign Requirements

Signs shall be provided in accordance with the provisions of Article XIII of this Ordinance.

Section 808 - Yard Regulations

A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below.

1. Front Yard-Principal Building: See Table 804.A and 804.B.
2. Side Yard: See Table 804.A and 804.B.
3. Rear Yard: See Table 804.A and 804.B.

Section 809 - Buffer Yard

Accessory buildings shall be a minimum of twelve (12) feet from all side and rear lines.

Section 810 - Environmental Assessment

An Environmental Assessment (EA) shall be required for all subdivision of land into ten (10) or more lots and/or units, all new farms, and all land development plans for commercial uses. The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to monitor the impact of development on the existing natural and socioeconomic environment of Wheatfield Township and shall be in accordance with Article XIV, Section 1417 of this Ordinance. An EA shall be required when the original tract of ground exceeds a total of ten (10) lots and/or units.

**TABLE 804.A
AREA REGULATIONS
FOR AREAS WITHOUT
PUBLIC OR COMMUNITY
SEWER SYSTEMS**

DWELLING TYPE	DEVELOPMENT AREA (SQ. FT.)	LOT AREA FOR EACH PERMITTED DWELLING UNIT (SQ. FT.)	MINIMUM INDIVIDUAL LOT WIDTH (FEET)	MAXIMUM BUILDING COVERAGE	OPEN SPACE EXCLUSIVE OF VEHICULAR ACCESS AND PARKING SPACE	FRONT YARD	ONE SIDE	TOTAL SIDE	REAR YARD
SINGLE-FAMILY DETACHED	87,120 (2 ACRES)	87,120 (2 ACRES)	200	30%	60%	30	20	40	30
SINGLE-FAMILY SEMI-DETACHED	174,240 (4 ACRES)	43,560 (1 ACRE)	200	30%	60%	30	20	20	30
TWO-FAMILY DETACHED	87,120 (2 ACRES)	43,560 (1 ACRE)	200	30%	60%	30	20	40	30
PRINCIPAL NONRESIDENTIAL BUILDING	87,120 (2 ACRES)	87,120 (2 ACRES)	200	30%	50%	30	20	40	30

- a. Public sewer is a waste water collection and treatment system operated by the municipal authority.
- b. Community sewer is a waste water collection and treatment system owned and operated privately.

**TABLE 804.B
AREA REGULATIONS
FOR AREAS WITH PUBLIC
OR COMMUNITY
SEWER SYSTEMS**

DWELLING	DEVELOPMENT AREA (SQ. FT.)	LOT AREA PER EACH PERMITTED DWELLING UNIT (SQ. FT.)	MINIMUM INDIVIDUAL LOT WIDTH (FEET)	MAXIMUM BUILDING COVERAGE	OPEN SPACE EXCLUSIVE OF VEHICULAR ACCESS AND PARKING SPACE	FRONT YARD	MINIMUM YARD SETBACK (FEET)	TOTAL SIDE YARD	REAR YARD
SINGLE-FAMILY DETACHED	18,750	18,750	100	30%	60%	30	15	30	30
SINGLE-FAMILY SEMI-DETACHED	30,000	15,000	100	30%	60%	30	15	30	30
TWO-FAMILY DETACHED (DUPLIX)	60,000	15,000	75	30%	60%	30	15	30	30
SINGLE-FAMILY ATTACHED (TOWNHOUSE) ** a	87,120 (2 Acres)	5,000	(20' INTERIOR) b	30%	60%	30	10	20	30
MULTI-FAMILY * a	87,120 (2 Acres)	2,500	---	20%	55%	30	20	40	30
MOBILE HOME PARK c	435,600 (10 ACRES)	7,200	60	35%	20% FROM SUBDIVISION ORDINANCE	25	10	20	15
PRINCIPAL NONRESIDENTIAL BUILDING	87,120 (2 Acre)	21,780 (.5 ACRES)	100	30%	50%	30	20	40	30

- a. Limited to a maximum of eight (8) dwelling units per dwelling or row of attached single-family units. Includes Garden Apartments.
 - b. Minimum lot width for interior and/or exterior individual dwelling unit within specified minimum development area.
 - c. Additional requirements are found in Article VI, Mobile Home Park Regulations in the Wheatfield Township Subdivision and Land Development Ordinance.
 - d. Public sewer is a waste water collection and treatment system operated by a municipal authority.
 - e. Community sewer is a waste water collection and treatment system owned and operated privately.
- * Multi-Family are under one ownership and rented independently.
 ** Single-Family are attached are separately owned units within a single family (condominiums).

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ARTICLE IX

C-COMMERCIAL DISTRICT

ARTICLE IX

C-COMMERCIAL DISTRICT

Section 901 - Intended Purpose

These districts are designed to provide adequate and accessible commercial services to the Township.

Section 902 - Permitted Uses

- A. Building materials and garden supplies store
- B. General merchandise stores
- C. Food stores
- D. Automotive dealers and service stations
- E. Apparel and accessory stores
- F. Furniture and home furnishings stores
- G. Restaurants
- H. Drug stores and proprietary stores
- I. Used merchandise stores
- J. Miscellaneous shopping goods
- K. Retail stores
- L. Banking
- M. Credit agencies other than banking
- N. Security, commodity brokers and service
- O. Insurance carriers
- P. Insurance agents, brokers and service
- Q. Real estate
- R. Combined real estate, insurance, etc.
- S. Holding and other investment offices

- T. Hotels and other lodging places
- U. Personal services
- V. Business services
- W. Automotive rentals, without drivers
- X. General automotive repair shops
- Y. Automotive services
- Z. Miscellaneous repair services
- AA. Junk yards
- AB. Motion picture production and services
- AC. Motions picture distribution and services
- AD. Motion picture theaters, excluding drive-in
- AE. Health services
- AF. Legal services
- AG. Educational services
- AH. Social services
- AI. Museums and art galleries
- AJ. Membership organizations
- AK. Miscellaneous services
- AL. Wholesale and retail business or storage in conn with and/or compatible to permitted uses
- AM. Residence facilities only incidental to and acceptable to any permitted use for occupancy by caretaker, watchmen, guards or fire fighters only (Except for existing residential lots in existence at the time of adoption of this Ordinance)
- AN. Single-Family detached dwelling units on existing planned residential lots at the time of adoption of this Ordinance
- AO. Private amusement and recreational services
- AP. Radio and Television towers

- AQ. Electric and telephone public utility transmission and distribution facilities, including substations.
- AR. Customary accessory uses and buildings incidental to any permitted use

Section 903 - Height Regulations

The height of a principal building shall be not greater than thirty (30) feet. No accessory building shall exceed twenty four (24) feet in height. This height requirement is measured from the highest point of the adjacent existing ground.

Section 904 - Area Regulations

- A. The lot area for all non-residential uses shall be not less than eighty seven thousand and one hundred and twenty (87,120) square feet.
- B. Each single-family detached dwelling shall be on a lot not less than eighty seven thousand and one hundred and twenty (87,120) square feet, for a maximum net density of one (1) dwelling unit per two (2) acres.

Section 905 - Width Regulations

The lot width at the front building line shall be not less than one hundred and twenty-five (125) feet on an interior lot and the same on each side facing a street on a corner lot. Lots served by public sewer shall have a minimum lot width of seventy-five (75) feet.

Section 906 - Yard Regulations

- A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below:
 - 1. Front Yard-Principal Building:
 - a. Minimum of seventy-five (75) feet from the right-of-way line. Corner lots shall be deemed to have a front yard facing the primary road and a side yard of fifty (50) feet on the side facing the secondary road.
 - b. In the case where a property's front yard does not abut a public road, the front yard setback shall be not less than one hundred (100) feet from the

centerline of any private road serving more than one (1) dwelling unit.

2. Two (2) side yards with a width of twenty (20) feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than thirty-five (35) feet in width. No side yard shall be required where adjoining property owners shall mutually agree in writing. However, in no case shall party walls be permitted between properties or lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least twenty (20) feet in width shall be provided at grade level at intervals of not more than four hundred (400) feet.
3. Rear yard depth, thirty-five (35) feet.

Section 907 - Buffer Yard

- A. A buffer yard shall be provided between residential and nonresidential uses in accordance with Article XIV of this Ordinance.
- B. Accessory buildings shall be a minimum of twelve (12) feet from all side and rear lines.

Section 908 - Coverage Regulations

Building coverage shall be no more than fifty (50) percent.

Section 909 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.

Section 910 - Signs Requirements

Signs shall be provided in accordance with the provisions of Article XIII of this Ordinance.

Section 911 - Environmental Assessment

An Environmental Assessment (EA) shall be required for all subdivision of land into ten (10) or more lots and/or units, all new farms, and all land development plans for commercial uses.

The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to monitor the impact of development on the existing natural and socioeconomic environment of Wheatfield Township and shall be in accordance with Article XIV, Section 1417 of this Ordinance. An EA shall be required when the original tract of ground exceeds a total of ten (10) lots and/or units.

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ARTICLE X

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

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ARTICLE X

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

Section 1001 - Purpose

The purpose of the C-1 Neighborhood Commercial District is to provide for the orderly development of those uses necessary to meet the neighborhood needs for goods and services as well as those of a social, cultural, and civic nature, and to exclude uses not compatible with such neighborhood activities. Since it is often hard to precisely determine means of potential commercial growth in rural areas, it is the intent of this commercial district to allow the Township Supervisors, upon recommendation of the Planning Commission to permit a neighborhood commercial district only where they deem appropriate throughout the Township (Conditional Use) so as to provide an area that is not in opposition to the needs and desires of neighborhood residents and is in harmony with the needs and desires of neighborhood residents and in no way detrimental to the aesthetic quality of the neighborhood.

Section 1002 - Permitted Uses

- A. All permitted uses as specified for the surrounding district to which this district will become a conditional use.

Section 1003 - Conditional Uses

- A. Stores and personal services shops for the conducting of neighborhood retail business
- B. Business, professional, and financial offices
- C. Studios for teaching art, music, dancing, or similar cultural subjects
- D. Specialty shops for custom work and articles to be sold at retail on the premises such as baking, confectionery, dressmaking, tailoring, and printing
- E. Personal service shops such as barber, beauty, shoe repair, dry cleaning, and laundromats
- F. Fraternal clubs, lodges, social clubs, recreational clubs, and youth clubs
- G. Medical and dental clinics

H. Accessory buildings and uses customarily incidental to the above uses

Section 1004 - Height Regulations

The height of a principal building shall be not greater than thirty (30) feet. No accessory building shall exceed twenty four (24) feet in height. This height requirement is measured from the highest point of the adjacent existing ground.

Section 1005 - Area Regulations

The minimum area for this district shall conform to the minimum lot area in this Ordinance for the surrounding district to which this district will become a conditional use.

Section 1006 - Width Regulations

The minimum lot width for this district shall conform to the minimum lot width in this Ordinance for the surrounding district to which this district will become a conditional use.

Section 1007 - Minimum Lot Depth

The minimum lot depth shall be one-hundred and seventy-five (175) feet.

Section 1008 - Yard Regulations

A. Each lot shall have front, side, and rear yards of not less than the depth and width indicated below:

1. Front Yard-Principal Building:

- a. Minimum of fifty seventy-five (75) feet from the right-of-way line. Corner lots shall be deemed to have a front yard facing the primary road and a side yard of fifty (50) feet on the side facing the secondary road.
- b. In the case where a property's front yard does not abut a public road, the front yard setback shall be not less than one hundred (100) feet from the centerline of any private road serving more than one (1) dwelling unit.

2. Two (2) side yards with a width of thirty (30) feet each, on interior lot. On a corner lot the side yard abutting the street shall be not less than thirty (30) feet in width.
3. Rear yard depth, fifty (50) feet.

Section 1009 - Buffer Yard

Accessory buildings shall be a minimum of twelve (12) feet from all side and rear lines.

Section 1010 - Lot Coverage

At least twenty-five (25) percent of the lot shall be landscaped.

Section 1011 - Coverage Regulations

Building coverage shall be no more than twenty (20) percent.

Section 1012 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.

Section 1013 - Signs Requirements

Signs shall be provided in accordance with the provisions of Article XIII of this Ordinance.

Section 1014 - Landscaping

Landscaping shall be provided in accordance with the provisions of Article XIV, Section 1405 of this Ordinance.

Section 1015 - Screening Plantings

Screening plantings shall be provided in accordance with the provisions of Article XIV, Section 1406 of the Ordinance.

Section 1016 - Environmental Assessment

An Environmental Assessment (EA) shall be required for all subdivision of land into ten (10) or more lots and/or units, all new farms, and all land development plans for commercial uses. The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to monitor the impact of development on the existing natural and socioeconomic environment of Wheatfield Township and shall be in accordance with Article XIV, Section 1417 of this Ordinance. An EA shall be required when the original tract of ground exceeds a total of ten (10) lots and/or units.

ARTICLE XI

I-INDUSTRIAL DISTRICT

ARTICLE XI

I-INDUSTRIAL DISTRICT

Section 1101 - Intended Purpose

The purpose of these district regulations are to provide for a broad range of industrial uses to supplement existing activities and to provide new employment opportunities, while preserving the integrity of the adjacent land uses.

Section 1102 - Permitted Uses

- A. Agricultural, horticultural, and forestry uses, including the raising, breeding, and grazing of animals, when part of a farm
- B. A single-family dwelling only when accessory and incidental to one or more of the permitted uses
- C. Recycling facility
- D. Auto salvage yard, body shops, painting, tire retreading or recapping, welding shops, and the like
- E. Bottling works
- F. Bookbinding
- G. Machine shops
- H. Metal fabrication and forging
- I. Manufacture of metal dies and taps
- J. Distribution plants and other service industries
- K. Wholesale business, warehousing, and other storage plants
- L. Carpenter, cabinet making, furniture repair and upholstery, electrician, tinsmith, plumbing, and metal working shops
- M. The manufacturing, compounding, processing, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, pharmaceutical, and food products, except vinegar, yeast, and the rendering or refining of fat and oils

- O. The manufacturing of pottery and figurines or other similar ceramic products, using only clay and kilns fired only by electricity or gas
- P. Printing and newspaper publishing
- Q. Agricultural operations, nurseries, green houses, kennels, boarding stables, animal hospital
- R. Freight and trucking terminals
- S. Laboratories
- T. Junk yards
- U. Public utility and communications buildings and structures
- V. Municipal buildings and uses
- W. Radio and Television towers
- X. Electric and telephone public utility transmission and distribution facilities, including substations.
- Y. All uses similar to the above and not otherwise prohibited by law
- Z. Customary accessory uses and buildings incidental to any permitted use

Section 1103 - Height Regulations

The height of a principal building shall not be greater than thirty (30) feet. No accessory building shall exceed one story or twenty-four (24) feet in height. This height requirement is measured from the highest point of the adjacent existing ground.

Section 1104 - Area Regulations

- A. The lot area for all non-residential uses shall be not less than eighty seven thousand and one hundred and twenty (87,120) square feet.
- B. Each single-family detached dwelling shall be on a lot not less than eighty seven thousand and one hundred and twenty (87,120) square feet, for a maximum net density of one (1) dwelling unit per two (2) acres.

Section 1105 - Width Regulations

- A. The minimum lot width for all non-residential uses at the front building line shall be two hundred (200) feet on an interior lot and the same on each side facing a street on a corner lot.
- B. The minimum lot width for an accessory single-family dwelling use having on-lot septic and/or well shall be not less than two-hundred (200) feet.
- C. The minimum lot width for an accessory single-family dwelling use having public sewer shall be not less than seventy-five (75) feet.

Section 1106 - Yard Regulations

- A. Each lot shall have front, side and rear yards of not less than the depth and width indicated below:
 - 1. Front Yard-Principal Building:
 - a. Minimum of fifty (50) feet from the right-of-way line. Corner lots shall be deemed to have a front yard facing the primary road and a side yard of forty (40) feet on the side facing the secondary road.
 - b. In the case where a property's front yard does not abut a public road, the front yard setback shall be not less than seventy-five (75) feet from the centerline of any private road serving more than one (1) dwelling unit.
 - 2. Two (2) side yards with a width of twenty (20) feet each side of a principal building, provided that when adjoining property owners shall mutually agree in writing, no side yard shall be required where two or more uses abut side to side. However, in no case shall party walls be permitted between properties or lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least twenty (20) feet in width shall be provided at grade level at intervals of not more than four hundred (400) feet.
 - 3. Rear yard depth, fifty (50) feet.

Section 1107 - Buffer Yards

- A. A buffer yard shall be provided between residential and nonresidential uses in accordance with Article XIV of this Ordinance.
- B. Accessory buildings shall be a minimum of twelve (12) feet from side and rear lines.

Section 1108 - Coverage Regulations

- A. Building coverage shall be no more than fifty (50) percent.
- B. At least fifteen (15) percent of the total lot area shall be maintained with vegetative material.

Section 1109 - Minimum Off-Street Parking Requirements

Off-street parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.

Section 1110 - Signs Requirements

Signs shall be provided in accordance with the provisions of Article XIII of the Ordinance.

Section 1111 - Environmental Assessment

An Environmental Assessment (EA) shall be required for all subdivision of land into ten (10) or more lots and/or units, all new farms, and all land development plans for commercial uses. The EA shall be submitted to the Township Engineer and Planning Commission for review and recommendation to the Board of Supervisors. The intent of the EA is to monitor the impact of development on the existing natural and socioeconomic environment of Wheatfield Township and shall be in accordance with Article XIV, Section 1417 of this Ordinance. An EA shall be required when the original tract of ground exceeds a total of ten (10) lots and/or units.

ARTICLE XII

FP-FLOOD PLAIN DISTRICT

ARTICLE XII

FP-FLOOD PLAIN DISTRICT

1201 - General Provisions

- A. The purpose of these provisions is to set forth, by separate Article, zoning related flood plain management regulations deemed necessary to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
1. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
 2. Restricting or prohibiting certain uses, activities, and development from location within areas subject to flooding.
 3. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage,
 4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
- B. These provisions shall apply to all lands within the jurisdiction of Wheatfield Township and shown as being located within the boundaries of the designated flood plain districts which are considered as a part of the Official Zoning Map.
- C. Compliance - No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- D. Warning and Disclaimer of Liability - The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may

occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge opening restricted by debris. This ordinance does not imply that areas outside the flood plain districts, or that land uses permitted within such districts will be free from flooding or flood damages.

This ordinance shall not create liability on the part of Wheatfield Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

1202 - Establishment of Zoning Districts

A. Description of Districts

1. Basis of Districts - The various flood plain districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Township of Wheatfield Flood Insurance Study prepared by the Susquehanna River Basin Commission for the Federal Flood Insurance Administration dated June 1979, or the most recent revision thereof.

- a. The Floodway District (FW) is delineated for purposes of this Ordinance using the criteria that a certain area within the Flood plain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in the Floodway Data Table of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.

The term shall also include floodway areas which have been identified in other available studies or sources of information for those flood plain areas where no floodway has been identified in the Flood Insurance Study.

- b. The flood-Fringe District (FF) shall be that area of the one hundred (100) year flood plain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the above

referenced Flood Insurance Study (FIS) and as shown on the accompanying Flood Boundary and Floodway Map.

- c. The General Flood District (FA) shall be that flood plain area for which no detailed flood profiles or elevations have been provided. They are shown on the maps accompanying the FIS prepared by FIA. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data such as the U.S. Army Corps of Engineers, Flood Plain Information Reports, U.S. Geological Survey-Flood Prone Quadrangles, etc. then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by Professional Engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

In addition, when available, information from other Federal, State, and other acceptable sources shall be used to determine a floodway area, if possible.

2. Overlay Concept

- a. The Flood Plain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the Flood Plain Districts shall serve as a supplement to the underlying district provisions.
- b. Where there happens to be any conflict between the provisions or requirements of any of the Flood Plain Districts and those of any underlying district the more restrictive provisions and/or those pertaining the Flood Plain Districts shall apply.
- c. In the event any provision concerning a Flood Plain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

- B. Zoning Map - The boundaries of the Flood Plain Districts are established as part of the Official Zoning Map of Wheatfield Township which is declared to be a part of this Ordinance and which shall be kept on file at the Wheatfield Township office.
- C. District Boundary Changes - The delineation of any of the Flood Plain Districts may be revised by the Wheatfield Township Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission or other qualified agency or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
- D. Interpretation of District Boundaries - Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

1203 - District Provisions

- A. All uses, activities, and development occurring within any Flood Plain District shall be undertaken, only, in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances such as the Wheatfield Township Subdivision and Land Development Ordinance. In addition, all such uses, activities, and development shall be undertaken only in compliance with Federal or State law including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334.

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

Prior to any proposed alteration or relocation of any stream, watercourse, etc within the municipality, a permit shall be obtained from the Department of Environmental Resources, "Bureau of Dams, Waterways and Wetlands, Division of Waterways Management." Further, notification of the proposal by Wheatfield Township, shall be given to all affected

adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.

B. Floodway District (FW) - In the Floodway District no development shall be permitted except where any rise in flood heights caused by the proposed development will be fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities as required above.

1. Permitted Uses - In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

- a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- b. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
- c. Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas.
- d. Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.

2. Uses Permitted by Special Exception - The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other Ordinance:

- a. Structures except for mobil homes accessory to the uses and activities under Permitted Uses above.
- b. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.

- c. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
 - d. Extraction of sand, gravel, and other materials.
 - e. Temporary uses such as circuses, carnivals, and similar activities.
 - f. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
 - g. Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural developments, shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.
- C. Flood-Fringe District (FF) - In the Flood-Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in all other applicable codes and ordinances.
- D. General Flood Plain Conservation District (FA)
- 1. In the General Flood Plain District no development, use or activity (including fill, grading and/or substantial improvements to structures, etc.) shall be permitted unless the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses, and activities will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood heights.
 - 2. In the floodway portion of the District no development shall be permitted except where the effect of such development of flood heights is fully offset by accompanying improvements. Only those uses and/or

activities provided for in the Floodway District (FW) shall be permitted in the Floodway portion of this District.

3. All uses, activities, and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in all other applicable codes and ordinances.

1204 - Special Exceptions and Variances (Additional Factors to be Considered)

- A. In passing upon applications for Special Exceptions and Variances the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and:
 1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels in the Floodway District.
 2. The danger that materials may be swept onto other lands or downstream and cause injury to others.
 3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 5. The importance of the services provided by the proposed facility to the community.
 6. The requirements of the facility for a waterfront location.
 7. The availability of alternative locations not subject to flooding for the proposed use.
 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 9. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area.

10. The safety of access to the property in times of flood of ordinary and emergency vehicles.
 11. Such other factors which are relevant to the purposes of this Ordinance.
 12. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- B. The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to the Township Engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
- C. Special exceptions and/or variances shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in
1. Unacceptable or prohibited increases in flood heights
 2. Additional threats to public safety
 3. Extraordinary public expense
 4. Create nuisances
 5. Cause fraud or victimization of the public, or
 6. Conflict with local laws or ordinances.
- D. Whenever a variance is granted, the Township shall notify the applicant in writing that:
1. The granting of the variance may result in increased premium rates for flood insurance.
 2. Such variances may increase the risks to life and property.
- E. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

1205 - Special Provisions Applying in Designated Flood Plain Districts

A. In order to prevent excessive damage to buildings and structures due to flooding conditions, the following provisions shall apply to all proposed new construction or development occurring in any of the flood plain districts in Wheatfield Township.

B. General

1. Residential Structures - Within any designated Floodway (FW), Flood-Fringe (FF) or General Flood Plain (FA) District, the lowest floor (including basement) of any new or improved residential structure shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation.

2. Non-Residential Structures

a. Within any designated Floodway (FW), Flood-Fringe (FF) or General Flood Plain (FA) District, the lowest floor (including basement) of any new or improved non-residential structure shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

b. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Floodproofing Regulations" (U.S. Army Corps of Engineers, June 1972) or some other equivalent standard, for that type of construction.

All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

3. Enclosed space below the lowest floor

a. Enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or

incidental storage in an area other than a basement, shall be designed and constructed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

b. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- (2) The bottom of all openings shall be no higher than one (1) foot above grade.
- (3) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Design and Construction Standards

1. Drainage Facilities - Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
2. Sanitary Sewer Facilities - All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
3. Water Facilities - All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damages.
4. Streets - The finished elevation of proposed new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

5. Utilities - All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
6. Fill - If fill is used, it shall:
 - a. Extend laterally at least fifteen (15) feet beyond the building line from all points,
 - b. Consist of soil or small rock materials only; sanitary landfills shall not be permitted.
 - c. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling,
 - d. Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Official,
 - e. Be used to extent to which it does not adversely affect adjacent properties.
7. Placement of buildings and Structures - All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water. In so doing, consideration shall be given to their effect upon the flow and height of flood waters.
8. Anchoring
 - a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or other movement thus reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.
 - b. All air ducts, large pipes and storage tanks located at or below the Regulatory Flood elevation shall be firmly anchored in accordance with accepted engineering practices to prevent flotation.
9. Floor, Walls and Ceilings - Where located at or below the Regulatory Flood elevation:

- a. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
- b. Plywood shall be of any "exterior" or "marine" grade and of a water-resistant or waterproof variety.
- c. Walls and ceiling in non-residential structures shall have sufficient wet strength and be so installed as to survive inundation.
- d. Window frames, door frames, door jamb, and other components shall be made of metal or other water-resistant material.

10. Electrical System

- a. All electric water heaters, electric furnaces, electric air conditioning and ventilating systems, and other electrical equipment or apparatus shall be permitted only at elevations above the Regulatory Flood Elevation.
- b. No electrical distribution panels shall be allowed at an elevation less than three (3) feet above the level of the one hundred (100) year flood elevation.
- c. Separate electrical circuits shall serve lower levels and shall be dropped from above.

11. Plumbing

- a. Water heaters, furnaces and other mechanical equipment or apparatus shall be permitted only at elevations above the Regular Flood.
- b. No part of any on-site sewage disposal system shall be constructed within any designated flood plain districts.
- c. Water supply system and sanitary sewage systems shall be designed to preclude infiltration of flood waters into the systems and discharges from the system into flood waters.
- d. All gas and oil supply systems shall be designed to preclude the infiltration of flood waters into the systems and discharges from the systems into flood

waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

12. Paints and Adhesives - Where located at or below the Regulatory Flood elevation:

- a. Adhesives shall have a bonding strength that is unaffected by inundation (i.e. "marine" or water-resistant quality).
- b. All wooden components (doors, trim, cabinets, etc.) shall be sealed with a "marine" or water-resistant quality or similar product.
- c. Paints or other finishes shall be capable of surviving inundation (i.e. "marine" or water resistant quality).

13. Storage - No materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal or plant life, shall be stored below the Regulatory Flood Elevation.

D. Special Flood Damage Control Provisions for Mobile Homes and Mobile Home Parks in the Designated Flood Plain Districts

1. All mobile homes and any additions thereto shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with the American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of Mobile Homes Including Mobile Home Park Requirements (NEPA No. 501A-1974 (ANSI A119.3-1975)) as amended for Mobile Homes in Hurricane Zones or other Appropriate Standards such as the following:
 - a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet.
 - b. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (5) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.

- c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds per square inch.
2. All mobile homes and any additions thereto shall also be elevated in accordance with the following requirements.
 - a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at or above the elevation of the Regulatory Flood Elevation.
 - b. Adequate surface drainage is provided.
 - c. Adequate access for a hauler is provided.
 - d. Where pilings are used for elevation, the lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
 - e. All mobile homes shall be placed on a permanent foundation.
3. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for mobile home parks and mobile home subdivisions where appropriate.
4. No mobile homes shall be placed in any designated Floodway District or area.

1206 - Supplementary Administrative Provisions for Activities in Designated Flood Plain Districts

- A. Plan Requirements - In addition to the permit application requirements normally required the Township Building Official shall require the following specific information to be included as part of the application for a building permit:
 1. A plan which details the:
 - a. Existing and proposed contours and/or elevation (in relation to mean sea level, i.e. the National Geodetic Vertical Datum of 1929) of the ground and the lowest floor of proposed construction.
 - b. One hundred (100) year flood elevations

- c. Other associated factors such as pressures and impact forces etc.
 - d. Storage elevations
 - e. Size of the structures
 - f. Location and elevations of streets, water supply, sanitary facilities
 - g. Soil types
 - h. Floodproofing measures including specific reference to the level of the floodproofing in relation to the one hundred (100) year flood.
2. A document, certified by a registered professional engineer or architect, which states that the proposed construction has been adequately designed to withstand the flood depths, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the one hundred (100) year flood.

Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure.

- B. Review by County Conservation District - A copy of all applications and plans for construction or development in any designated flood plain district to be considered for approval shall be submitted by the Township Building Official to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Township Building Official for possible incorporation into the proposed plan.

1207 - Existing Structures in Flood Plain Districts

- A. A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions.
 1. Existing structures and/or uses located in any floodway district shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement of flood heights is fully offset by accompanying improvements.

2. The modification, alteration, repair reconstruction, or improvement of any kind to a structure and/or use regardless of its location in the Flood Plain Districts to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this or any other applicable ordinance. If the modification, alteration, repair, reconstruction, or improvement of any kind is less than fifty (50) percent of its market value, the developer shall try to meet the provisions of this ordinance where reasonable possible.
3. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

1208 - Administration

A zoning permit shall be required for all new construction and development which includes but is not limited to paving, filling, grading, excavation, mining, dredging or drilling operations, etc.

1209 - Development Which May Endanger Human Life

- A. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this ordinance, or any other ordinance, code, or regulation.
- B. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which has the following uses shall be subject to the provisions of this section, in addition to all other applicable provisions.
 1. Will be used for the production or storage of any of the following dangerous materials or substances; or,
 - a. Acetone
 - b. Ammonia
 - c. Benzene
 - d. Calcium carbide
 - e. Carbon disulfide
 - f. Celluloid
 - g. Chlorine
 - h. Hydrochloric acid
 - i. Hydrocyanic acid
 - j. Magnesium
 - k. Nitric acid and oxides of nitrogen
 - l. Petroleum products (gasoline, fuel oil, etc.)

- m. Phosphorus
 - n. Potassium
 - o. Sodium
 - p. Sulphur and sulphur products
 - q. Pesticides (including insecticides, fungicides and rodenticide)
 - r. Radioactive substances, insofar as such substances are not otherwise regulated.
- 2. Will be used for any activity requiring the maintenance of a supply or more than 550 gallons, or other comparable volume, or any of the following dangerous materials or substances on the premises; or,
 - 3. Will involve the production, storage, or use of any amount or radio-active substances;
- C. Within any Floodway District (FW) any structure of the kind described in Section 1209.B above, shall be prohibited.
 - D. Where permitted within any Flood-Fringe District (FF) Fringe Area or General Floodplain District (FA), any structure of the kind described in Section 1209.B, above, shall be:
 - 1. Elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one hundred (100) year flood and
 - 2. Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.
- Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood -Proofing Regulations" (U.S. Army Corps of Engineers, June 1971), or with some other equivalent watertight standard
- E. Within any General Floodplain District (FA), any structure of the kind described in Section 1209.B above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 - F. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of Section 1209.

1210 - Activities Requiring Special Permits

- A. The provisions of this Section shall be applicable, in addition to any other applicable provisions of this ordinance, or any other ordinance, code, or regulation.
- B. Identification of Activities Requiring a Special Permit. In accordance with the Pennsylvania Flood Plain Management Act (Act 1978-166) and regulations adopted by the Department of Community Affairs as required by the Act, the following obstruction and activities are permitted only by Special Permit, if located partially or entirely within any floodplain district:
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.
- C. Application Requirements. Applicants for Special Permits shall provide five (5) copies of the following items:
1. A written request including a completed Building Permit Application Form.
 2. A small scale map showing the vicinity in which the proposed site is located.
 3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. North arrow, scale and date;
 - b. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
 - c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;

- d. The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - e. The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - f. The location of the flood plain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
 - g. The location of all proposed buildings, structures, utilities, and any other improvements; and
 - h. Any other information which the municipality considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- a. Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations, as appropriate;
 - b. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
 - d. Detailed information concerning any proposed floodproofing measures;
 - e. Cross-section drawings for all proposed streets, drives, other accessway, and parking areas, showing all rights-of-way; and pavement widths;

- f. Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
 - g. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
5. The following data and documentation:
- a. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - b. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;
 - c. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;
 - d. A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;
 - e. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have one hundred (100) year flood elevations and flows;
 - f. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development";
 - g. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of

Environmental Resources to implement and maintain erosion and sedimentation control;

- h. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Resources under Section 302 of Act 1978-166; and
- i. An evacuation plan which fully explains the manner in which the site will be safety evacuated before or during the course of a one hundred (100) year flood.

D. Application Review Procedures. Upon receipt of an application for a Special Permit by the Wheatfield Township Supervisors, the following procedures shall apply in addition to all other applicable permit procedures which are already established;

- 1. Within three (3) working days following receipts of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Perry County Planning Commission by registered or certified mail for its review and recommendations.

Copies of the application shall also be forwarded to the Wheatfield Township Planning Commission and the Township Engineer for review and comment.

- 2. If an application is received that is incomplete, the Township Secretary shall notify the applicant in writing, stating in which respects the application is deficient.
- 3. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval within ninety (90) days after receipt of the application.
- 4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered mail, within five (5) working days after the date of approval.
- 5. Before issuing the Special Permit, the Wheatfield Township Supervisors, shall allow the Department of Community Affairs thirty (30) days, after receipt of the notification by the Department, to review the application and the decision made by the Township.

6. If the Township does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.
 7. If the Department of Community Affairs should decide to disapprove an application, it shall notify the Wheatfield Township Supervisors and the applicant, in writing, of the reasons for the disapproval, and the Township Secretary shall not issue the Special Permit.
- E. Technical Requirements for Development Requiring a Special Permit. In addition to any other applicable requirements, the following provisions shall also apply to the activities requiring a Special Permit. If there is any conflict between any of the following requirements and any otherwise applicable provision, the more restrictive provision shall apply.
1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will;
 - a. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that;
 - (1) The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.
 - (2) The lowest floor elevation (including basement) will be at least one and one half (1 1/2) feet above the one hundred (100) year flood elevation.
 - (3) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.
 - b. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

2. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community Affairs.
- F. Within any floodplain district, any structure of the kind described in Subsection B. above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 - G. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

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ARTICLE XIII

SIGNS

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ARTICLE XIII

SIGNS

Section 1301 - Intended Purpose

Signs may be erected and maintained only when in compliance with the provisions of this Article and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

Section 1302 - Signs in Conservation/Forest, Openspace, Agricultural/Residential, and Residential Districts

- A. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided:
1. The area of one (1) side of the sign shall not exceed six (6) square feet.
 2. Not more than one (1) sign is placed upon any property in single and separate ownership, unless such property fronts upon more than one (1) street, in which event one (1) such sign may be erected on each frontage.
 3. Signs shall be removed within seven (7) days of final sale or rental.
- B. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other person interested in such sale or development, may be erected and maintained, provided:
1. The area of one (1) side of the sign shall not exceed twenty (20) square feet.
 2. Not more than one (1) sign is placed upon any property in single and separate ownership, unless such property fronts upon more than one (1) street, in which event one (1) such sign may be erected on each frontage.
 3. Any signs for the purpose of sale or development of lots or land shall be removed after a three (3) year period after erected unless permission is obtained from the Wheatfield Township Supervision to extend this period.

- C. Signs indicating the location and direction of premises available for, or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:
1. The area of one (1) side of the sign shall not exceed six (6) square feet, and shall not exceed four (4) feet in length.
 2. Not more than one (1) such sign is erected on each five hundred (500) feet of street frontage, with a maximum of five (5) such signs.
 3. Signs shall be removed within seven (7) days of final sale or rental.
- D. Signs bearing the word "sold" or the word "rented", with the name of the person effecting the sale or rental, provided the conditions in this Ordinance hereof, are complied with.
- E. Signs of mechanics, painters, and other artisan during the period such persons are performing work on the premises on which such signs are erected, provided:
1. The area of one (1) side of any such sign shall not exceed twelve (12) square feet.
 2. Such signs are removed promptly upon completion of the work.
- F. Signs indicating the private nature of a driveway, or trespassing signs, provided:
1. The area of one (1) side of any such sign shall not exceed two (2) square feet.
- G. Signs of schools, churches, sanitariums, or other institutions of a similar nature provided:
1. The area of one (1) side of any such sign shall not exceed twenty (20) square feet.
 2. Not more than one (1) sign is placed on property in single and separate ownership, unless such property fronts upon more than one (1) street, in which event one (1) such sign may be erected on each frontage.
- H. Identification signs for authorized Home Occupations, provided:

1. Such signs shall be placed only on the property for which the Home Occupation has been authorized.
 2. The area of one (1) side on any such sign shall not exceed four (4) square feet.
 3. Not more than one (1) such sign shall be placed on any property.
 4. Such signs may be illuminated if such lighting is shielded or indirect; however neon signs shall not be permitted.
- I. On- and/or off-premise signs necessary for the direction, regulation, and control of traffic; street name signs; legal notices; warnings at railroad crossings; and other official signs which are similarly authorized or erected by a duly constituted governmental body. Such signs may be illuminated only as necessary or customary for traffic control or safety.
- J. Public utility signs required in connection with the identification, operation, or protection of public utility, provided:
1. The area of one (1) side of any such sign shall not exceed eight (8) square feet.
- K. Signs indicating direction may be erected along streets to direct vehicles or pedestrians to premises or businesses not located on such streets, but the access to which is from such streets. The following regulations shall apply:
1. Directional signs shall be ground signs with a maximum area of six (6) square feet on a single-faced or twelve (12) square feet on a double-faced sign.
 2. The content of directional signs shall be limited to the name of the establishment and direction and distance information.
 3. Directional signs shall not be located more than five-hundred (500) feet from an entrance or other street leading to the advertiser and shall be located in advance of such street or entrance and on the same side of the road as the advertisers premises.

Section 1303 - Signs in Commercial and Industrial Districts

- A. Any sign authorized in Conservation/Forest, Agricultural/Residential, and Residential Districts shall be permitted in the Commercial and Industrial Districts.
- B. Business Identification Signs. One of the following types of signs may be permitted for commercial and industrial properties within the Commercial and Industrial Districts.
1. One (1) wall sign to a property, provided it is attached to the wall of a building and projects horizontally not more than twelve (12) inches there from, is not less than ten (10) feet above the sidewalk and occupies not more than twenty (20) percent of the total area of the front of the principal building. It shall not project more than three (3) feet above the roof line or parapet wall.
 2. One (1) projecting sign, provided it shall not project beyond a vertical plane five (5) feet inside the lot from the street line.
 3. One (1) free-standing sign not to exceed one-hundred (100) square feet in area. It shall not extend beyond a vertical plane five (5) feet inside the lot from the street line and shall not exceed a height of thirty-five (35) feet.
- C. Shopping Centers (for the purpose of this Ordinance, a shopping center is defined as a group of three (3) or more stores on a single parcel of ground) may have the following displays as provided:
1. One (1) of the following types of signs may be permitted for each use in the shopping center, provided the type of sign is the same for each use.
 - a. One (1) wall sign to a property, provided it is attached more than twelve (12) inches therefrom, is not less than ten (10) feet above the sidewalk and occupies not more than ten (10) percent of the total area of the front of the principal building. It shall not project above the roof line or parapet wall; or
 - b. One (1) projecting sign to the building front beyond a vertical plane not to exceed three (3) square feet.

2. In addition, one (1) ground sign identifying the shopping center and uses may be erected on each street frontage. The area of one (1) side of any sign shall not exceed seventy-five (75) square feet, and the location and orientation of such a sign shall be designated on, or in connection with, the required land development plan.

Section 1304 - Billboards (off-premise advertising signs)

- A. Off-premise advertising signs shall be permitted in the Township and are subject to the following:
 1. Off-premise advertising may be located in any district, except the and R-1 Residential District, where such areas are located along a major arterial street as defined in the Wheatfield Township Comprehensive Plan. For the purpose of this Ordinance these streets are portions of PA Route 34, PA Route 274, and PA Route 849.
 2. Advertising signs shall not be placed closer than three hundred (300) feet to a dwelling which is located on the same side of the street as the sign nor closer than two thousand five hundred (2,500) feet to another billboard.
 3. Such sign shall be placed no closer than fifty (50) feet from any street right-of-way and may not exceed three hundred (300) square feet in area.

Section 1305 - Special Signs

- A. In addition to the sign regulations set forth in Section 1302 through Section 1305 above, the following signs shall be permitted:
 1. Temporary signs advertising home garage sales, yard sales, and the like, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:
 - a. The sign may be erected only on the property on which the sale is going to be held.
 - b. The area of one (1) side of any such sign shall not exceed four (4) square feet.

- c. Only one (1) such sign may be erected on any one piece of property, unless such property fronts on two (2) streets, in which case one (1) sign is authorized on each street frontage.
 - d. The sign shall be installed no earlier than one (1) week prior to the sale and shall be removed within one (1) day after the activity. In no case shall such signs be permitted to remain on the property in excess of eight (8) days.
 - e. Direction signs may be erected the day of the event and must be removed within twenty-four (24) hours after the end of the event.
2. Temporary signs advertising public auctions or sales, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:
 - a. Such signs shall be subject to the provisions of this section.
 - b. Such signs may be erected no earlier than one (1) month prior to the date of the sale and shall be removed no later than two (2) days after the sale or auction.
 3. Temporary political signs advertising political parties or, candidates for election may be erected, provided:
 - a. The area of any one (1) side of such sign shall not exceed six (6) square feet.
 - b. Such signs shall not be erected earlier than thirty (30) days prior to the election to which they pertain and shall be removed no later than seven (7) days after the date of the election.
 4. Holiday decorations displayed for recognized holidays shall be exempted from the provisions of this Ordinance except as they may cause glare, interfere with traffic safety, or in any other way become a public safety hazard.

Section 1306 - Signs Prohibited in all Districts

- A. The following signs shall not be permitted, erected, constructed, or maintained in any zoning district, notwithstanding anything contained in this part or elsewhere. Such signs which are prohibited shall be removed or brought

into conformity with the provisions of this part within three years after this Ordinance is enacted.

1. Signs which incorporate in any manner any flashing or moving illumination, or with illumination which varies in intensity or color, and signs which have any visible revolving parts or visible mechanical movement of any description, or other apparent visible movement achieved by electrical pulsation or by actions of normal wind currents. Hanging signs which simply swing in the wind and clock, time, or temperature signs, and barber poles shall not be considered as a prohibited sign as long as it complies with the other provisions of this Article.
2. Signs advertising activities that are illegal under federal, state, or local laws, regulations, or ordinances as applied to the location of a particular sign or the location of such activities.
3. Signs which by reason of size, location, movement, content, coloring, or manner of illumination obstruct the vision of drivers either when leaving or entering a public street from another street or driveway, and/or obstruct or detract from the visibility or effectiveness of any traffic control device or traffic sign on a public street.
4. Signs which make use of words such as "stop", "look", "one-way", "danger", "yield", "go slow", "caution", or any similar words, phrases, symbols, lights, or characters in such a manner as to interfere with, mislead, or confuse traffic, or which imitate an official traffic sign or signal.
5. Signs which advertise an activity, business, product, or service no longer produced or conducted. In such case, such signs shall be removed within thirty (30) days after the same is no longer produced or conducted.
6. Signs which are placed or located within the public right-of-way, except as provided elsewhere in this Ordinance.
7. Signs painted on, pasted, or attached to, or supported by utility poles, trees, fences, a stone cliff, or other man-made or natural object.
8. Signs which consist of pennants, spinners, banners, streamers, or search-lights, except for occasions such as grand openings and then only with permission of the Building Inspector for a use limited to a period of fifteen (15) days.

9. String lights other than temporary holiday decorations, or special events, or function of public service, charitable, religious, educational, and civic organizations which are unshielded from off the premises on which they are located.
10. Signs which obstruct free ingress to or egress from a fire escape, door, window, or other exitway.
11. Signs which are structurally unsafe or in a state of disrepair.

Section 1307 - General Regulations

- A. The following regulations shall apply to all signs uses.
 1. Computation of sign area.
 - a. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
 - b. Where the sign consists of individual letters or symbols attached to a building, wall, or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
 - c. In computing square foot area of a double-face sign, only one (1) side shall be considered, provided both faces are identical. If the interior angle formed by the two (2) faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.
 2. Sign must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated. It is desirable for all permanent signs to be made of wooden materials when possible and to blend into the surrounding architecture. All posts should be wood when possible.
 3. Signs projecting beyond the property lines shall be not less than ten (10) feet above the public sidewalk areas.
 4. Signs shall not project above the height limit permitted in any district in which they are located.

5. All signs erected within the right-of-way of a state highway shall be in accordance with the regulations of the Pennsylvania Department of Transportation.
6. Light sources which cast light on signs shall be shielded by opaque material so that the bulbs, floodlights or tubes are not visible off the property on which the signs are located.
7. Except for home occupations, a permit shall not be required for the erection, alteration, or maintenance of any signs permitted in a Residential District.
8. A permit shall be required for the erection, alteration, or reconstruction of billboards, or advertising sign boards, including poster panels, bulletins, and the like.
9. All signs shall be removed when the circumstances leading to their erection no longer applies.
10. All non-conforming signs, or advertising sign boards, including poster panels, bulletins, and the like, shall be made to conform to all pertinent regulations or be removed within three years after the effective date of this Ordinance, except that business identification signs on legal non-conforming uses may be continued and maintained as a part of the legal non-conforming use.



ARTICLE XIV

GENERAL REGULATIONS

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ARTICLE XIV
GENERAL REGULATIONS

Section 1401 - General

The following regulations shall qualify or supplement the district regulations appearing elsewhere in this Ordinance.

Section 1402 - Use Regulations

- A. **Animals and Poultry:** In districts where permitted, operations involving the use of buildings and land for farming, nurseries, and greenhouses, dog kennels, animal hospitals, stock raising, dairying, and poultry shall be subject to the following safeguards and regulations:
1. Buildings in which animals or poultry are kept shall not hereafter be erected within two hundred (200) feet from any residential lot line.
 2. Storage of manure, or odor, or dust-producing substances shall not be permitted within two hundred (200) feet from any residential lot line.
- B. **Antennas, Radio and Television:** Radio and television antennas, including but not limited to satellite dish antennas, may be installed, erected, and maintained within all zoning districts of the Township, as set forth in this Section. All antennas shall be subject to the following:
1. **Approval of Antennas**
 - a. All antennas shall be subject to the review and approval of the Zoning Officer.
 - b. The following antennas shall be reviewed and approved by the Zoning Officer if in accordance with development standards as set forth in this Section:
 - (1) All roof-mounted antennas where the boom or any active element of the antenna array is longer than twelve (12) feet.
 - (2) All ground-mounted antennas thirty (30) feet or less in height.

- c. Ground-mounted antennas as defined in subsection B.4 of this Section, exceeding thirty (30) feet in height may be permitted, if a special exception permit is granted in accordance with this Section, provided that no antenna shall exceed seventy-five (75) feet in height.

2. Development Standards

- a. All antennas shall be located, designed, constructed, treated, and maintained in accordance with the following standards:
 - (1) Antennas shall be installed and maintained in compliance with this Ordinance.
 - (2) Antennas which are roof-mounted shall not extend higher than twelve (12) feet above the highest point of the roof section where mounted, except a single-vertical pole antenna may extend to twenty (20) feet above the peak of the roof. Roof-mounted dish antennas shall be constructed of a wire mesh material or its equivalent and shall not exceed eight (8) feet in diameter.
 - (3) No more than one (1) ground-mounted antennae exceeding forty (40) feet in height shall be permitted on each lot.
 - (4) Antennas shall be erected or maintained to the rear of the main building, except in those instances when the subject property abuts a cul-de-sac or is a corner lot where the side yard is larger than the rear yard, in which case the antenna may be located in any required setback area. No portion of an antenna array shall not be anchored within any front yard or easement areas, but may be attached to the building.
 - (5) Antennas may be roof or ground-mounted, free-standing or supported by guy wires, buildings, or other structures in compliance with the manufacturer's structural specifications. Ground-mounted antennas shall be any antenna with its base mounted directly in the ground, even if such antenna is supported or attached to the wall of a building. Fixed-guyed antenna towers shall be fascia-mounted or guyed according to approved standards. Wire antennas that are

not self-supporting shall be supported by objects within the property lines, but not within any front yard areas.

- (6) The antenna including guy wires, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. Antennas shall be screened through the addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property. Screening material shall be of a height necessary to conceal the antenna without reception being obstructed. Screening shall not exceed six (6) feet in height. The materials used in constructing the antenna shall not be unnecessarily bright, shiny, garish, or reflective.
- (7) Antennas shall meet all manufacturer's specifications. The mast or tower shall be of noncombustible and corrosive-resistant material. The miscellaneous hardware, such as brackets, turnbuckles, clips, and similar type equipment subject to rust or corrosion, shall be protected with a zinc or cadmium coating by a galvanizing or similar process after forming. These finishes are selected to guard against corrosion and to protect the elements against electrolytic action due to the use of adjoining dissimilar metals.
- (8) An antenna can not be installed closer to a power line than the height of the said antenna.
- (9) Every antenna must be adequately grounded for protection against a direct strike of lightning, with an adequate ground wire. Ground wires shall be of the type approved for grounding masts and lightning arresters, and shall be installed in a mechanical manner with as few bends as possible, maintaining a clearance of at least two (2) inches from combustible materials. Lightning arresters, approved by the Underwriters' Laboratories, Inc., shall be used. Both sides of the line must be adequately protected with proper arresters to remove static charges accumulated on the line. When lead-in

conductors of polyethylene ribbon-type are used, lightning arresters must be installed in each conductor. When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arresters by grounding the exterior metal sheath.

- (10) All cable wires leading to antennas and adjacent to or crossing driveways shall be no less than twelve (12) feet.

3. Application for Approval

a. Upon installing any antenna listed in Section B.1.b and Section B.1.c, an application shall be submitted to and approved by the Zoning Officer. The application shall be accompanied by construction drawings showing the following:

- (1) Method of installation.
- (2) The manufacturer's specifications, if any.
- (3) A sketch showing the location of the antenna, property and setback lines and all structures.

4. Special Exception Permit

a. When a special exception permit is required by this Section, the application shall include, in addition to all other required contents, the following:

- (1) A site plan showing adjacent properties, possible views, and all screening features.
- (2) Affected exterior elevations and architectural features and the texture and color of all materials to be used.
- (3) A map and list showing adjoining property owners by name and address, as shown on the last tax assessment record, within a distance of three hundred (300) feet along adjacent streets and one hundred (100) feet from other boundaries of the subject property.
- (4) A statement of proposed measures to mitigate radio frequency and television interference shall be included in case such interference

should result from the operation of an amateur radio station.

- b. The application will be processed in accordance with the above requirements and may be approved only if the above criteria and other criteria of this Ordinance are met. The antenna shall not exceed seventy five (75) feet in height and shall have minimum setbacks as follows:
 - (1) Side yard - ten (10) feet.
 - (2) Rear yard - fifteen (15) feet.
- c. Conditions of approval may be imposed to mitigate any negative impacts from installation of the antenna.
- d. The antenna shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant, and shall be so conditioned, provided, however, that if sale or transfer of ownership occurs, then upon application to the Township, the permit may be extended by the Zoning Officer.

5. Enforcement

- a. All antennas shall be maintained in good condition and in accordance with all requirements of this Section.
 - b. All antennas shall be subject to periodic reinspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change, or modification is in conformity with the Special Exception Permit.
 - c. Failure to abide by and faithfully comply with this Section or with any and all conditions that may be attached to the granting of any Special Exception Permit shall constitute grounds for the revocation of the permit by the Zoning Officer. The remedies provided for herein shall be cumulative with all other remedies provided in this Ordinance.
6. The permit applicant shall pay a fee of ten (10) percent of the rental value of the antenna or a minimum of twenty-five (25) dollars, whenever is less.

- C. Apartment: (Conversion) Where permitted, any building existing at the effective date of this Ordinance may be converted to a dwelling for more than one (1) family, provided that:
- a. The lot area per dwelling unit shall conform to the regulations for the district in which it is located. The minimum habitable floor area of such converted dwelling unit shall be provided in accordance with this Article.
 - b. There is no exterior evidence of change in the building except as required by state, or local building, or housing codes, or regulations.
 - c. Fire escapes, where required, shall be in the rear of the building and shall not be located on any wall facing a street.
 - d. Parking shall be provided in accordance with the provisions of Article XVI.
 - e. The plans for the conversion of said building shall be submitted to the Zoning Officer.
- D. Automobile Service Stations and other Drive-In Type Uses: Such uses, where permitted, shall comply with the following:
1. No street entrance or exit for vehicles and no portion or equipment of such service station or other drive-in uses shall be located:
 - a. Within five hundred (500) feet of a street entrance or exit of any school, park, or playground conducted for and attended by children and of any hospital, nursing home, library, or church.
 - b. Within one hundred (100) feet of a lot in a residential district as established in this Ordinance.
 2. No equipment for the service of motor vehicles shall be closer than twenty-five (25) feet to any property line or street line.
 3. Canopies shall be located no less than ten (10) feet from the right-of-way line.
 4. No two (2) driveways leading from a public street to such service station or other drive-in use shall be within twenty-five (25) feet of each other at their intersection with the curb or street line.

5. Parking and vehicle access shall be so arranged that there will be no need for the motorists to back over sidewalks or into streets.
 6. Plantings shall be installed a width of five (5) feet and extend across the width of the property between the entrance of driveways
- E. Churches, Schools, and other Public Buildings: In districts where permitted, these uses shall meet the following requirements:
1. The lot area shall be determined on the basis of building size, yard requirements listed below, and parking requirements but in no case shall the lot area be less than twenty thousand (20,000) square feet.
 2. Lot coverage shall not be greater than forty (40) percent of lot area.
 3. Width Regulations. The lot width at the front building setback line shall be based on the building size and yard requirements, but in no case shall the lot width be less than one hundred (100) feet in width.
 4. Yard Regulations. Each lot shall have yards not less than the following depths or widths:
 - a. Front yard depth, thirty (30) feet.
 - b. Side yard - two (2) in number, width, not less than twenty (20) feet on an interior lot. On a corner lot the side yard abutting the street shall be not less than thirty (30) feet in width.
 - c. Rear yard depth, thirty (30) feet.
 5. A buffer yard/screen planting of no less than ten (10) feet in depth shall be maintained along all property lines and shall be placed in accordance with Section 1406 contained in this Article.
 6. Off-Street Parking. Parking shall be provided in accordance with the provisions of Article XVI of this Ordinance.
- F. Clubs, Lodges, and Fraternal Organizations: Where permitted, these and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members, provided:

1. That no permanent sign advertising the sale of food or beverages will be permitted.
2. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located.
3. A planted buffer no less than fifteen (15) feet in depth shall be maintained along all property lines abutting a residential use.

G. Commercial Greenhouses and Nurseries: Where permitted, these uses may be established subject to the following:

1. A minimum lot area of twenty thousand (20,000) square feet shall be provided in addition to the lot area required for other uses located on the same property. However, in no case shall the lot be less than the minimum lot area permitted in the District in which it is located.
2. No structure may be located closer than forty (40) feet to a side or rear property line, unless greater setbacks are required in the District in which it is located.
3. A buffer yard/screen planting of no less than five (5) feet in depth shall be maintained along all property lines abutting a residential use.
4. Greenhouse heating plants which are not contained within the structure they serve may be located to the side or rear of any main building, but not in the required side or rear yard, provided that the heating plant is not hazardous to others and does not create noise, dirt, or heat flows of objectionable amounts or intensities.
5. A greenhouse operated for noncommercial purposes shall be considered as an accessory structure and shall comply with all applicable district provisions.

H. Conditional Use Criteria. The following general standards shall be used as guidelines by the Planning Commission and governing body in acting upon applications for Conditional Uses. In passing upon such applications the Commission and/or governing body shall determine:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

2. That the conditional use will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate measures have been, or will be taken to provide ingress and egress so designed as to minimize traffic congestion and to facilitate the circulation and movement of pedestrian and vehicular traffic.
5. That adequate utility services and facilities such as sanitary and storm sewers, water, trash and garbage collection and disposal, access roads, and other necessary facilities have been, or are being provided.
6. That the intended purpose of the proposed use is not inconsistent with the planning policies of Wheatfield Township as contained in the Wheatfield Township Comprehensive Plan and this Ordinance.
7. In granting a conditional use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and of the Municipalities Planning Code.

I. Containment of Large Pets and Farm Animals:

1. Such animals may be permitted in the CF, OS, and AR districts provided that:
 - a. All activities shall be in compliance with the Perry County Animal Waste Storage and Nutrient Management Ordinance No. 1992.
 - b. Such animals are owned by the property owner, or property lessee with written permission of the property owner.
 - c. Open area (in addition to the minimum lot area required for the residential use) having a minimum of one (1) acre shall be set aside for the following:
 - (1) 1 equine (horse) per one (1) acre or a maximum of fifty (50) per farm; or

- (2) 1 bovine (cattle) per one (1) acre or a maximum of one hundred and fifty (150) per farm; or
 - (3) 4 ovine (sheep) per one (1) acre or a maximum of one hundred and fifty (150) per farm; or
 - (4) 4 caprin (goat) per one (1) acre or a maximum of one hundred and fifty (150) per farm; or
 - (5) 1 swine (hog) per one (1) acre or a maximum of fifty-five (55) per farm; or
 - (6) 1-5 fowl or poultry per one (1) acre or a maximum of five hundred (500) per farm.
- d. The open area shall be enclosed with a fence of suitable construction to provide for safe and adequate confinement of all such animals. The pasture area shall not be permitted to encroach on any street right-of-way.
 - e. The storage of manure and location of animal shelter shall be located within the pasture area and no closer than two hundred (200) feet from any property line.
- J. Farming/Gardening: The tilling of the soil, raising of crops and gardening shall be permitted in any district.
- K. Garden Apartments: Where permitted all garden apartments shall comply with the following:
1. There shall be no more than twelve (12) dwelling units per building.
 2. No garden apartment building shall be in excess of two (2) stories in height.
 3. Lot area per dwelling unit shall not be less than the area required by the applicable district regulations when served by both public water and sanitary sewers.
- L. Golf Courses and Country Clubs: Where permitted, the following standards shall also apply:
1. A minimum of one hundred (100) acres shall be provided.
 2. No building or structure shall be located closer than seventy five (75) feet from a side or rear lot line.

3. At least seventy (70) percent of the lot area shall be maintained with a vegetative cover.

M. Home Occupation: Where permitted, home occupations may be established subject to the following conditions:

1. The home occupation shall be carried on completely within the dwelling unit or accessory building.
2. Not more than two (2) persons other than the occupants of the dwelling unit shall be employed.
3. Not more than fifty (50) percent of the floor area of a main building shall be devoted to a home occupation.
4. Articles sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the home occupation and directly related thereto, such as hair care products by a barber or beautician. If the gross sales of articles not produced on the premises exceed twenty five (25) percent of the gross receipts from the home occupation and sales of articles produced on the premises, such sales shall not be deemed to be incidental to the home occupation, and shall not be permitted.
5. There shall be no exterior display or sign (except as permitted in the regulation of signs in this ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.
6. No offensive noise, vibration, smoke, or other particulate matter, heat, humidity, glare, or other objectionable effects shall be produced.
7. A home occupation may include, but is not limited to art studios; dressmaking or millinery; barbershop; beauty parlor; teaching, music or dance instruction limited to a single pupil at a time; real estate or insurance office; the professional office of a dentist, physician, lawyer, engineer, planner, accountant, architect; or any other activities of a similar nature.
8. A home occupation shall, under no circumstances, be interpreted to include a commercial stable, dog kennel, animal hospital, mortuary, restaurant, roominghouse, boarding home, lodging house, retail or wholesale stores.

9. Non-commercial greenhouse, tool shed, private garage, swimming pool, tennis court, or similar accessory structure and other accessory uses customarily incidental to a permitted use and not normally conducted as an independent principal use, provided that any use accessory to a use permitted by special exception shall be established only as provided in such exception.
 10. At least two (2) off street parking spaces shall be provided plus one (1) additional parking space for each employee.
- N. Mobile Homes (other than in mobile home parks): A mobile home shall be permitted to be used as a single-family detached dwelling in all residential districts subject to the following:
1. Only one (1) mobile home is permitted on a lot and each such manufactured home lot shall conform to residential standards for dwellings in the district in which it is located.
 2. A mobile home shall meet the minimum habitable floor area requirements of a single-family detached dwelling as well as standards set forth by any Commonwealth of Pennsylvania agency.
 3. The wheels and axles shall be removed, if possible, and the home shall be installed on and securely fastened to a frost-free foundation or footer; in no event shall it be erected on jacks, loose blocks, or other temporary materials. Skirting of a suitable material shall be installed and maintained around the perimeter of the home within a ninety (90) day period after installation.
 4. An enclosure of compatible design and material shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- O. Mobile Home Parks: Mobile home parks shall be allowed by the Board of Supervisors in districts where permitted as set forth in Article VI-Mobile Home Park Regulations of the Wheatfield Township Subdivision and Land Development Ordinance. In addition, the Board of Supervisors may require the completion of an Environmental Assessment (EA) by a qualified Environmental Scientist or Licensed Professional Engineer to provide an analysis of the impact of the proposed project on the natural and socioeconomic environment. The EA shall be written in narrative form with significant graphics to assist in developing an understanding of the proposed project, its impact on the existing and future environment,

and mitigation measures to reduce adverse impact. The EA shall be completed in accordance with Section 1417 of this Ordinance.

P. Motels/Hotels: In districts where permitted, motels / hotels shall be subject to the following safeguards and regulations:

1. Where one (1) or more buildings are proposed, as a land development, a plat shall be prepared and submitted in accordance with the requirements of the Wheatfield Township Subdivision and Land Development Ordinance.
2. Motels/hotels shall be connected to a public sanitary sewer and water supply where feasible or a sanitary sewerage collection and treatment system and water supply approved by the Department of Environmental Resources.
3. Front, side and rear yards of the motel/hotel shall be permanently landscaped and maintained in good condition.
4. Off-street parking and loading spaces for other facilities developed as part of the motel/hotel premises shall be provided as required by Article XVI of this Ordinance.
5. Every unit shall be provided with running hot and cold water and separate toilet facilities.
6. Motel/hotel buildings or parts thereof shall be placed no closer than thirty (30) feet to any lot line.
7. The space between motel/hotel buildings shall be not less than twenty (20) feet and the space between the fronts or rears of units shall be not less than the dimensions required for courts, where such are formed by the arrangement of units.

Q. Municipal Uses. In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended, or designed for municipal uses, including municipal recreation uses.

R. Medical or Dental Clinical Buildings: Where permitted in a residential district a building for use as a medical or dental clinic may be erected and used subject to the following conditions:

1. The building shall be occupied and used only by persons, and their staffs, licensed to practice the healing arts in the Commonwealth of Pennsylvania.

2. The lot area shall not be less than two (2) acres. The front yard depth shall be not less than thirty-five (35) feet, the side yard width shall be not less than thirty-five (35) feet, the rear yard depth shall be not less than thirty-five (35) feet.
 3. Parking shall be provided on the basis of three (3) parking spaces per doctor, plus one additional space for every employee. The size and locations of these spaces shall be in accordance with the provisions of Article XVI.
 4. An architectural sketch of the building and a plot plan showing the size and location of the building, parking areas, driveways and the plan for sewage disposal shall be submitted to the Board of Supervisors and Planning Commission for review and approval.
 5. Where two or more buildings are proposed as a land development, plats shall be prepared and submitted to the municipality in accordance with the requirements of the Township's Subdivision and Land Development Ordinance for action by the governing body.
- S. Private Swimming Pools: Private pools may be erected as an accessory use in any district, provided they comply with the following:
1. The pool is used solely for the enjoyment of the occupants of the principal building use of the property on which it is located, including guests.
 2. The pool structure, including perimeter walkway, shall not be located closer the ten (10) feet from any side or rear property line; nor closer to any street than the minimum building setback line permitted for the district in which it is located.
 3. All permanent swimming pools hereafter constructed shall be enclosed by a permanent fence of durable material at least four (4) feet in height and shall be so constructed as not to have openings, mesh, or gaps larger than four (4) square inches in any direction, and if a picket fence is erected or maintained the horizontal dimension shall not exceed four (4) inches. All gates used in conjunction with the fence shall meet the same specifications as to the fence itself and shall be equipped with approved locking devices and shall be locked at all times when the swimming pool is not in use.

4. A dwelling or accessory building may be considered as part of the fence required under this section, however, the height requirements for a fence shall not apply to the building.
 5. The provisions regulating fencing shall not apply to pools having sides extending four (4) feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily unaccessible when not in use.
 6. All materials used in the construction of private pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times.
 7. Private pools shall not be connected to a sanitary sewerage system and all waters from the pool shall be discharged in such a manner that another person's property is not damaged or affected by the discharge of the said water. Water may be discharged from a swimming pool into a street, if proper drainage facilities are available and with the permission of the governing body.
 8. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures.
- T. Prohibited Uses: The following uses are prohibited in all districts throughout the Township:
1. The commercial incineration, reduction, or storage of garbage, waste plants (toxic or nuclear), offal (animals, fish, or refuse) unless by the authority of, or under the supervision of the Township Board of Supervisors.
 2. Dumps and dumping of any kind, unless by the authority of or under the supervision of the Township.
 3. The operation of any business which has a substantial or a significant portion of its stock-in-trade, obscene materials, or offers live entertainment appealing to the prurient interest.
 4. Massage Parlor: The operation of any massage parlor in which any of the following activities are carried on:
 - a. The treatment of any person, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically

state the number of treatments. The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by the police. The requirements of this provision shall not apply to treatments given in the residence of a patient, the office of a licensed physician, osteopath, or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.

b. The massage of, or physical contact with, the sexual or genital parts of one person by any other person.

5. Head shops or any other businesses which involve, in whole or in part, the sale, lease, trade, gift, or display for sale of any and all types of drug paraphernalia.

6. Toxic and/or nuclear wastes.

7. Any use or activity prohibited by Section 5903 of the Pennsylvania Crimes Code, 18 Pa. C.S. subsection 5903, as amended and supplemented.

U. Outdoor Recreation Areas - Private or Semi-Private: Where permitted, private or semi-private recreation areas shall be subject to the following conditions:

1. The minimum lot area shall be not less than two (2) acres.

2. Where two or more buildings or structures are proposed, as a land development, plans shall be prepared and submitted to the municipality in accordance with the requirements of the municipality's Subdivision and Land Development Ordinance.

3. Where only one building or structure is proposed plans shall be submitted to the zoning officer for review and approval.

4. Such recreation use shall not be primarily for gain or profit.

5. Parking shall be provided in accordance with the provisions of the Off-Street Parking, Article XVI, of this ordinance.

6. Social and fraternal buildings shall be permitted only when incidental to and accessory to the primary use of the area.
7. A buffer yard of not less than fifteen (15) feet nor more than thirty (30) feet in width and a screen planting, as determined by the municipal agency responsible for approval for the specific use, shall be provided at a height and type as approved by the responsible agency under item T.1 and T.2 above.

V. Public Utility Facilities: Public utility facilities shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings or structures erected for these utilities shall be subject to the following regulations:

1. Front, side, and rear yards shall be provided in accordance with the regulations of the district in which the facility is located.
2. Height restrictions shall be as required by the district regulations.
3. Unhoused equipment shall be enclosed within a chain link fence six (6) feet in height topped with barbed wire.
4. Housed equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the district in which the facility is located.
5. Screen planting in Residential and Commercial Districts shall be completed in accordance with Section 1406 of this Article.
6. The external design of the building shall be in conformity with the buildings in the district.

W. Solar collectors and solar-related equipment:

1. Solar collectors and solar-related equipment shall be permitted in any district as an appurtenance to a building or as a detached accessory structure.
2. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of the solar collector that is protected is that portion located so as not to be shaded between the hours of

10:00 a.m. and 3:00 p.m. by a hypothetical twelve (12) foot obstruction located on the lot line; and has an area of not greater than one-half of the largest area of the structure and/or building served.

3. This subsection does not apply to accessory structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or on the effective date of this Article, whichever is later. This subsection controls any accessory structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.
4. A statement that a solar energy collection system is to be installed on a lot shall be filed with the Wheatfield Township Zoning Officer on the date the zoning permit for the solar system is issued, with the date of installation being the date of recordation. The solar facility must be completed and the Zoning Officer notified of completion, within one (1) calendar year from the date of permit issuance.

X. Solid Waste Storage Facilities: All multi-family, commercial, and manufacturing buildings or uses shall include adequate facilities on site for the proper storage of solid wastes in accordance with the following:

1. Storage areas shall have hardened, stabilized surfaces with outdoor areas constructed to prevent accumulation of rainfall.
2. Storage areas shall be located such that collection vehicles will not obstruct the public street or otherwise violate Township regulations while parked for collection of refuse and shall be provided with accessways facilitating ready deposit and collection of refuse.

Y. Temporary Roadside Stands: Such a structure and use may be permitted, provided the following are complied with:

1. A Highway Occupancy Permit shall be obtained from the appropriate State or Municipal Authority for any access or pull-off areas.
2. Vehicular parking shall not be permitted within the cartway or berm, and such pull-off area shall be designated such that vehicles need not back onto the cartway to exit.

3. No structure shall be located closer than twenty-five (25) feet from the edge of the cartway.
 4. The structure shall be removed at the end of the growing and harvesting season of the products sold.
 5. No hazards to pedestrians or vehicular traffic shall be created.
- Z. Multi-family residential and townhouse development: In districts where permitted, all multi-family units and townhouses shall comply with the following:
1. Multi-family or townhouse buildings shall consist solely of residential dwelling units, rental office, recreational and parking facilities, however, coin-operated washing and drying machines, and vending machines for food, beverages, newspapers or cigarettes located inside the building shall be permitted provided that these are for the tenants' use only. Sample apartments or townhouse for display purposes shall be permitted for each type of construction.
 2. Individual units may be subdivided and contained on individual lots only when served by community sewerage and water facilities.
 3. The developer should vary architectural treatments within apartment projects, individual apartments, and between dwelling units in a townhouse development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials, or use of color.
 4. Variety and flexibility in design layout and arrangement, of buildings, parking areas, services, recreation areas, common open space, and plantings that fully considers the particular physical characteristics of the site and the natural amenities is highly desired.
 5. The horizontal distance between groups of townhouses or garden apartments shall be provided in accordance with the following schedule:

<u>SEE NOTE</u>	<u>SPACE BETWEEN BUILDING IN FEET</u>
F to F	70
F to S	50
F to R	70
S to R	30
S to S	30

R to F
C to C

50
20

NOTE: F = Front; S = Side; R = Rear; C = Corner

6. Access and service shall be provided in the front of each townhouse. Parking may be provided on the lot as carports, as an integral part of the townhouse, or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.
 7. Usable open space devoted to recreational use as herein required shall be designated for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted to and approved by the Planning Commission.
 8. Garden apartment buildings shall not exceed two hundred (200) feet in length, and shall not have more than eight (8) dwelling units per building.
 9. In the event a development is designed to contain more than one permitted use, the plan submitted shall indicate an area designation for each such use and all requirements of this Ordinance for each area so designated.
- AA. Wind Energy Conversion Systems: Windmills, windwheels, or wind energy conversion systems (WECS) shall be permitted in all districts, subject to the following conditions:
1. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height plus ten (10) feet from any occupied dwelling, and shall not be more than seventy five (75) feet in height.
 2. The minimum distance between the tower and any property line shall be not less than twice the height of the tower.
 3. The minimum distance between grade and the lowest point of the rotor blade shall be twenty (20) feet.
 4. All electric lines/utility wires shall be buried underground.

5. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a six (6) foot fence. The supporting structure shall also be enclosed by a six (6) foot fence, unless the base of the tower is not climbable for a distance of twelve (12) feet.
6. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed one hundred forty (140) square feet in area nor eight (8) feet in height and must be located at the base of the supporting structure.
7. In permitted residential districts, only one (1) windmill, windwheel, or WECS shall be permitted per lot.
8. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless all applicable cogeneration requirements are met.
9. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within sixty (60) days.
10. The applicant shall demonstrate that any noise from the wind generating unit shall not exceed forty-five (45) dBA measured at the property line.
 - a. A "decibel" shall mean a unit for measuring the relative intensity of sounds. More specifically, a unit for expressing the ratio of two amounts of acoustic signal power equal to ten (10) times the common logarithm of this ratio.
 - b. "A" Weighted Sound Level shall mean the total sound level in decibels of all sound as measured with a sound level meter with a reference pressure of twenty (20) micropascals using the "A" weighted network (scale) at slow response. The unit of measurement shall be defined as dBA.

AB. Natural Resource Use, for the purpose of extracting minerals from the earth in districts where authorized as conditional use, shall be regulated by the provisions of Act No. 147 of the General Assembly of the Commonwealth of Pennsylvania, effective January 1, 1972, known as the "Surface Mining Conservation and Reclamation Act," with the addition of the following requirements:

1. Vibrations:

- a. Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership, or public right-of-way.

2. Emissions:

- a. The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise, or similar substances or conditions which can endanger the health, safety, or general welfare or which can cause any soiling or staining of persons or property at any point beyond the property line of the use creating the emissions are hereby prohibited.

AC. Existing natural production uses:

1. Operations existing prior to the effective date of this Ordinance, which are nonconforming as to setback requirements, shall not be required to correct such existing nonconformity. Any required fencing and/or screen planting shall be provided within six (6) months after the effective date of this Ordinance.

AD. Uses Not Provided For: Whenever in any district established under this Ordinance, a use is neither specifically permitted nor denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance.

AE. Manufacturing: In order that the Zoning Officer may have a reasonable basis upon which to approve a proposed industrial operation for conformity to the requirements of this ordinance, the following data shall be submitted with an application for a permit to be received by the Planning Commission and the Supervisors:

1. Plot plan;
2. Architectural plan;
3. Description of operation;
4. Engineering and architectural plans for water supply and sewage disposal;

5. Plans for prevention or control of noise, vibration, glare, fire hazards, air pollution, toxic waste, water pollution, and traffic;
6. Proposed fuel;
7. Number of shifts and maximum employment per shift; and
8. Where two or more buildings are proposed, as a land development, plats shall be prepared and submitted to the municipality in accordance with the requirements of the municipality's Subdivision and Land Development Ordinance for action by the governing body.

Section 1403 - Height Regulations

- A. Height regulations shall not apply to spires, belfries, cupolas, domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, utility poles or towers, solar collectors, and ornamental or necessary mechanical appurtenances
- B. For all residential uses, accessory buildings shall not exceed twenty-four (24) feet in height.

Section 1404 - Area Regulations

- A. On an existing lot of record held in single and separate ownership from adjacent land, which does not fulfill the regulations for the minimum area and yard dimensions for the district in which it is located, a building may be erected, altered, and used thereon providing the yard space is not less than the minimum specified herein, and further that the proposed sanitary sewer system and water system is approved by the Department of Environmental Resources.
- B. The area, width, and depth of lots shall provide adequate open space for off-street loading, unloading, and/or parking space. When necessary, septic tanks and drain fields shall be provided with open space in addition to the open space required for off-street parking, other paved areas, and the area covered by the main building and buildings and structures accessory thereto.

Section 1405 - Yard Regulations

- A. Yards shall be provided in accordance with the provisions of this Ordinance and shall be planted with grass, sod, or other vegetative cover excepting in cases where walks, access drives, off-street parking lots, patios, or other types of

surfaces are permitted. All yards shall be maintained and kept free of all debris and rubbish.

- B. Where the street or streets upon which the lot abuts are less than fifty (50) feet in width, the front yard depth and the width of the side yard abutting the street shall be measured from the ultimate street right-of-way, as defined for each street classification in the design standards set forth in the Wheatfield Township Subdivision and Land Development Ordinance.

C. Front Yards

1. When a vacant lot is situated between two (2) lots each occupied by a principal building (within twenty-five (25) feet of the side lot line of such vacant lot) which extends into the required front yard, the front yard of such vacant lot may be the average depth of the front yards of such two (2) adjacent occupied lots.
2. Where a vacant lot adjoins only one lot occupied by a principal building (within twenty-five (25) feet of the common side lot line) which extends into the required front yard of such occupied lot, the front yard depth of such vacant lot may be the average depth of the front yard of such adjacent lot and the front yard required for the district in which such vacant lot is located.
3. However, the second vacant lot from the original occupied lot must have at least the minimum front yard depth required in the district.
4. An accessory building shall not be erected or altered within any front yard.
5. Parking shall not be permitted in front yards in Residential Districts.

D. Side Yards

1. On corner lots, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this Ordinance.
2. On a lot, in a district where residential structures are permitted, held in single and separate ownership at the effective date of this Ordinance, with a lot width less than required for the zoning district, only one (1) single family dwelling may be erected, and side yard

shall be provided according to the following requirements:

- a. On interior lots with a width of fifty (50) feet or more, two (2) side yards shall be provided as required by the district regulations.
 - b. On corner lots with a width of fifty (50) feet or more, two (2) side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the district requires, but may not be reduced to less than the required interior side yard. The interior side yard shall be provided as required by the district regulations.
 - c. On lots less than fifty (50) feet but not less than twenty-seven (27) feet in width, two (2) side yards shall be provided, each equalling twenty (20) percent of the lot width.
 - d. For such dwellings, constructed to a depth of more than two (2) rooms, a court not less than six (6) feet in width shall be provided, abutting the side wall for all rooms beyond the second room.
3. On a lot, in a commercial or industrial district, held in single and separate ownership from adjacent land at the effective date of this Ordinance, with a lot width less than that required for the zoning district, the required side yards shall be determined by the Zoning Hearing Board upon application for a variance based on the same criteria as listed under Subsection D.2 above for residential structures.
 4. A accessory building shall be constructed with the minimum setbacks as specified in each district. Such a building shall not, however, be located within the minimum permitted street set-back line.

Section 1406 - Buffer Yards and Screen Plantings

A. Buffer Yards

1. Where a commercial or industrial use adjoins a residential district or use, a buffer yard of not less than thirty (30) feet in depth shall be provided along the lot lines, in addition to the yard required for the district in which it is located.

2. No structure, manufacturing or processing activity, or storage of materials shall be permitted in buffer yards. However, not more than one (1) of the following shall be permitted: access roads, service drives, and utility easements not more than thirty five (35) feet in width are permitted to cross a buffer yard provided that the angle of the centerline of the road, drive, or easement crosses the buffer yard at an angle not less than sixty (60) degrees.
3. Parking of automobiles may not be permitted in the buffer yard.

B. Screen plantings

1. Shall be located in the exterior portion of the required buffer yards and shall be in accordance with the following requirements:
 - a. Plant materials used in screen planting shall be at least four (4) feet in height when planted, shall be planted no more than three (3) feet apart, and be of such species as will produce, within three (3) years, a complete year-round visual screen of at least six (6) feet in height;
 - b. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year;
 - c. The screen planting shall be so placed that at maturity it will be not closer than three (3) feet from any ultimate right-of-way or property line;
 - d. A clear sight triangle shall be maintained at all street intersections and at all points where vehicular accessways intersect public streets;
 - e. The screen planting shall be broken only at points of vehicular or pedestrian access;
 - f. Screen plantings shall be provided between the property line and any off-street parking area and any outdoor solid waste storage area for any multi-family, townhouse, commercial, or manufacturing use where the parking or solid waste area abuts a residential zoning district or a lot occupied by a residential use.

- g. Trees that shall not be used in planting of buffer yards are:
- (1) Poplars - all varieties
 - (2) Willows - all varieties
 - (3) White or Silver Maple
 - (4) Aspen - all varieties
 - (5) Common Black Locust
- h. Prior to the issuance of a building permit, plans for buffer yards shall be submitted for review and approval to the Zoning Officer. Said plans shall show the arrangement of all of the buffer yards and the placement, species, and size of all plant materials to be placed in such buffer yard. Said plans must be reviewed by the Planning Commission and approved by the Zoning Officer before a building permit may be issued.

Section 1407 - Projections in Yard Setbacks

- A. Solar collectors and unenclosed ground-story terraces, patios, and uncovered porches may project into any required yard not more than one-half its required dimension and not more than ten (10) feet in any case.
- B. Chimneys, flues, columns, sills, and ornamental architectural features may project not more than two (2) feet into a required yard.
- C. Covered porches, whether enclosed or unenclosed shall be considered as part of the main building and shall not project into any yard.

Section 1408 - Obstruction to Vision

- A. Walls, fences, signs or other structures shall not be erected or altered, and hedges, trees, or other growth shall not be planted or maintained, which may cause danger to traffic on a street or road by obstructing the view.
- B. A clear sight triangle of seventy-five (75) feet, measured along the centerlines of intersecting streets, shall be maintained; within which an unobstructed view shall be provided by limiting such structures or planting to a height of not more than three (3) feet or less than ten (10) feet

above the street grade, excepting the trunks of street trees or other ornamental trees whose foliage is kept trimmed to a height of ten (10) feet above the street grade.

Section 1409 - Fences and Walls

- A. Fences and walls may be erected, altered, and maintained within the yards subject to the following height requirements:
1. Any such fence or wall in the front yard shall not exceed three and one half (3 1/2) feet in height.
 2. Any fence or wall in the side or rear yard shall be a maximum of eight (8) feet in height. Furthermore, any fence or wall exceeding six (6) feet in height shall contain openings therein equal to fifty (50) percent of the area of that portion of the wall or fence exceeding six (6) feet.
- B. All yards used for the storage of any material needed or the operation or conduct of a manufacturing or commercial enterprise shall be enclosed by a solid wall, uniformly painted board fence, or screen planting on all sides which face upon a street or face upon a lot in a more restricted zone.
- C. If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless the fence is so designed as to provide equal frame and cover area to adjoining yards.
- D. If the fence is open metal mesh, supported by posts and frame of either pipe or wood, the posts and frames must be on the interior of the mesh.
- E. If the fence is of masonry construction, a finished surface must be provided on the exterior side.
- F. No fence shall be constructed in any street or alley right-of-way.
- G. All fences must meet the intersection visibility requirements set forth in Section 1409, above.

Section 1410 - Habitable Floor Area

The minimum habitable floor area of a dwelling unit hereafter erected shall be six hundred (600) square feet. In the case of buildings holding or containing two (2) or more dwelling units,

the minimum habitable floor area shall be not less than three hundred (300) square feet per dwelling unit, except those dwelling units designed for and occupied exclusively by one (1) person, which dwelling units shall each contain not less than two hundred (200) square feet of habitable floor area.

Section 1411 - Illumination

- A. The illumination of any sign shall be arranged in such a manner that the light shall be shielded from any residential building nor fall within the right-of-way of any street or highway.
- B. Outside lights must consist of a light source and reflector so that acting together, the light beam is controlled and not directed across any property lines.

Section 1412 - Performance Standards

All uses of land, buildings, and structures, or industrial processes shall be prohibited that may be noxious or injurious by reason of the production and/or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration, or similar substances or condition. Uses may be permitted, except those specifically prohibited in the district regulations or general provisions, if safeguards to protect the health, safety, morals, and the general welfare of the community are established by a written agreement, between the governing body and the property owner, subject to the securing of a permit therefore and subject to the carrying out of such provisions, restrictions, and safeguards.

Section 1413 - Drainage Regulations

- A. Prior to obtaining a permit for any construction or earthmoving activities, the applicant must submit an erosion and sedimentation control plan and storm water management plan for approval by the Township Board of Supervisors upon recommendation and review of the Township Engineer.
- B. Such plans shall be in conformance with those standards set forth in the Township Subdivision and Land Development Ordinance, and any other applicable State, County, and Township Legislation or Regulations, particularly the Pennsylvania Storm Water Management Act of October 4, 1978, as amended, approved by the General Assembly on May 14, 1985.

Section 1414 - Control of Traffic and Protection Of Public Safety

The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service, and parking areas, and access to highways. Where a driveway or access road gives access to a State Road or Highway, approval by the Pennsylvania Department of Transportation shall be required.

Section 1415 - Reduction of Lot Dimensions

The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are smaller than prescribed in this Ordinance.

Section 1416 - Courts

A. All courts shall conform to the following:

1. An open space in the form of an interior court or outer court shall be provided in connection with any building in any residential or business district wherever any room therein in which a person or persons live, sleep, or congregate, cannot be adequately lighted and ventilated. Such court shall be adjacent to such rooms, the windows of which shall open in such court. (This Section shall not apply to specialized commercial or manufacturing processes where controlled light and/or ventilation is required).

B. Outer Court

1. The width of any outer court upon which windows open from a living room, bedroom, or dining room, shall be not less than the height of the wall opposite such windows.
2. The depth of an outer court formed by walls on three sides shall be not greater than one and one-half (1 1/2) times the width.
3. The width of an outer court formed by walls on three sides shall be not greater than one and one-half (1 1/2) times the width.

C. Inner Court

1. Each dimension of an inner court shall be not less than the full height of the walls enclosing such court, provided, however, that not less than fifty (50) feet for apartment buildings and not less than ten (10) feet for two-family dwellings.
2. An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross-sectional area and headroom for the passage of fire fighting equipment, and shall be continuous from the inner court to a yard or unobstructed open area with access to a street.

Section 1417 - Environmental Assessment (EA)

- A. An environmental assessment shall be provided for land developments and large subdivisions as required in each district.
- B. The EA shall be completed by a qualified Environmental Scientist or Licensed Professional Engineer and shall include:
 1. A graphic of the project area drawn to scale depicting:
 - a. Contours at two (2) foot intervals.
 - b. Soil types.
 - c. Natural features, including but not limited to, forested areas, wetlands, and prime agricultural land.
 2. Soils engineering report describing in detail the suitability of the soil for construction activity of the proposed land development.
 3. A description of the geologic characteristics and ground water quality and supply including the location of Harrell Formation, which contains concentrations of natural water contaminants.
 4. A description of the development impact on the existing environment (eg. forested areas, wetlands, endangered species, etc.) and mitigation measures to reduce adverse impacts.

5. In the R-1 and R-2 Residential Districts, the EA shall include an assessment of traffic and socioeconomic impacts and mitigation measures to reduce the impacts of the proposed project. The School District shall also be contacted for comment.

Section 1418 - Junk Yards

- A. All junk yards existing at the effective date of this Ordinance, within one (1) year thereafter, and all new junk yards, where permitted, shall comply with the following provisions:
 1. Any junk yard shall be completely enclosed with a visual screen of evergreen or evergreen-type hedge or tree-row of a variety and size at the time of planting that such will attain a height of eight (8) feet within three (3) years thereafter and maintained in a sound and attractive manner.
 2. All junk yards shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and with no junk piled to a height of more than eight (8) feet.
 3. Open burning of material is permissible subject to the Title 25 Rules and Regulations of the Department of Environmental Resources, paragraph 129.14. All burning shall be attended and controlled at all times.
 4. Any junk yard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.
- B. Any junk yard established as a conditional use after the effective date of this Ordinance, shall comply with the following provisions:
 1. No junk material, appurtenant structures, or other enclosure shall be stored or placed within fifty (50) feet of any adjoining property or public right-of-way and such setback area shall be kept free of weeds and scrub growth unless the adjoining property is wooded.
 2. The minimum junk yard size shall be five (5) acres.
 3. Junk yards shall be located a minimum of one thousand (1,000) feet from a residential district.

Section 1419 - Earth-Sheltered Housing

- A. Earth-sheltered dwellings shall be permitted in any zone in which residential uses are permitted, subject to the provisions of the district in which located and further subject to the following provisions:
1. The maximum grade on any berm or fill established for earth-sheltering shall be a ratio of three feet horizontal distance to one foot of vertical height or the natural angle of repose of the soil, whichever is less. Such grades shall not extend beyond any property line except when the adjacent property is also to be constructed with earth-sheltering and written permission is obtained from the owner. Berm or retaining walls constructed for earth-sheltering shall not be placed in any easement.
 2. The main floor level, which is hereby defined as being the level containing the main living, eating, and cooking areas, shall be at or above the street grade for units facing onto a street, and not more than one-half (1/2) story below street grade if facing away from the street unless the natural slope would normally accommodate a full walk-out story.
 3. Where earth cover is proposed to be placed on the roof, a minimum soil depth of eighteen (18) inches, with twenty-four (24) inches preferred, shall be provided. Earth covering on walls for which retaining walls are established shall be equivalent to that provided by a thirty-three (33) percent slope. Retaining walls more than five (5) feet in height shall be certified by a structural engineer. Retaining walls constructed in a series or a slope, regardless of height, shall be founded within the stable slope angle for the soil type present.
 4. Each dwelling unit shall have an entrance on the street side of the dwelling generally at or above the street grade and incorporated in a facade not less than ten (10) feet deep and twenty (20) feet wide.
 5. Grading shall avoid successive concentration of drainage onto adjoining properties unless that is the established drainage pattern or proper easements are obtained.

Section 1420 - Cluster Option

- A. This option permits the same maximum number of dwellings as would result on a tract from applying conventional lot size standards, but allowing increased density of dwelling clusters, while retaining open spaces.
- B. Districts in Which Permitted. A cluster of Zero Lot Line development for one-family dwellings may be permitted only in the Agricultural/Residential, R-1, and R-2 Districts. Where the regulations included herein conflict with regulations included in the individual districts or other sections of the ordinance, the regulations included herein shall apply.
- C. Regulations for Zero Lot Line Dwellings.
1. Uses Permitted. Single-family dwellings and accessory uses permitted in the Agricultural/Residential, R-1 and R-2 Districts.
 2. Minimum Size of Development. Five (5) acres..
 3. Minimum Lot Size. No minimum is required if developed as a condominium; otherwise the lot size shall conform to the district in which it is located for a single-family detached dwelling.
 4. Number of Units Per Cluster. The maximum number of units per cluster is eight (8) units.
 5. Setback Requirements.
 - a. Front yard - same as district in which it is located.
 - b. Side yard - one side yard must be zero. The other side yard may also be zero. If the second side yard is not zero, it must be at least twenty (20) feet.
 6. Maximum Lot Coverage. Twenty-five (25) percent.
 7. Building Height. No principal building shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height; and no accessory building shall exceed one (1) story or fifteen (15) feet in height.
 8. Minimum Off-Street Parking Requirements. Two (2) parking spaces shall be included for each dwelling units. Garages may be included as parking spaces.

9. Open Space Requirement. A minimum of fifty (50) percent of the area shall have a vegetative (trees, bushes or grass) cover.
- D. Common Open Space and Maintenance of Facilities. Common open space is not required by may be permitted. If common open space is provided, provisions must conform to the Condominium Section of this ordinance.
- E. Land Development Plan Review. Any proposed Zero Lot Line development plan must be submitted to the Township in conformance with the Wheatfield Township Subdivision and Land Development Ordinance.

Section 1421 - Waste and Sewage Disposal

- A. All methods and plans for the one-lot disposal of sewage or wastes shall be designed in accordance with all applicable regulations pertaining to the statement of adequacy from the appropriate agency (or Pennsylvania Department of Environmental Resources) shall be a prerequisite to the issuance of a zoning permit.
- B. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance, which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.
- C. All materials or wastes, which might cause fumes or dust, which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors unless enclosed in containers which are adequate to eliminate such hazards.

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ARTICLE XV

NONCONFORMING BUILDINGS AND USES

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ARTICLE XV

NONCONFORMING BUILDINGS AND USES

Section 1501 - General

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

Section 1502 - Continuation

- A. The Zoning Officer shall identify and register all of the premises occupied by a lawful nonconforming use or building existing at the effective date of this ordinance and issue a Certificate of Nonconformance which shall be for the purpose of insuring to the owner the right to continue a nonconforming building or use.
- B. 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, that no nonconforming lot shall be further reduced in size.

Section 1503 - Alterations

Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use, provided such alterations and repairs conform with regulations set forth in this Ordinance and all other applicable codes and ordinances adopted by the Township.

Section 1504 - Extensions or Enlargements

- A. The types of extensions and enlargements listed below are permitted for nonconforming uses and buildings existing on the effective date of this Ordinance:
 1. The extension of a nonconforming use of land upon a lot occupied by such use.

2. The extension or enlargement of a conforming building occupied by a nonconforming use.
 3. The extension or enlargement of a non-conforming building occupied by a non-conforming use.
 4. The extension or enlargement of a nonconforming building occupied by a conforming use.
- B. The foregoing extensions or enlargements of such nonconforming buildings or uses shall be subject to the following conditions:
1. The extension or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which it is located. Where a structure is nonconforming as to a required side yard or rear yard setback, the established nonconforming setback may be continued, so long as the proposed extension or enlargement does not project further into any yard, whether front, side, or rear yard, then the original building line extended. Extension or enlargement shall not exceed fifty (50) percent of the existing floor area or use.
 2. The entire building or use shall be provided with off-street parking and loading spaces as required by Article XVI, herein.
 3. The extension or enlargement does not replace a conforming use.
 4. The extension or enlargement of a building used for a nonconforming use shall not be permitted to extend into vacant parcels of land adjacent to the initial parcel of land existing and occupied on the effective date of this Ordinance, where such vacant parcels have been recorded separately or acquired following the effective date of this Ordinance.
 5. Any lawful nonconforming use of a building or land may be changed to another nonconforming use of substantially the same character upon approval by special exception by the Zoning Hearing Board. The applicant shall satisfactorily prove to the Zoning Hearing Board that the proposed change in nonconforming use will not increase the need for off-street parking, produce any noise, glare, heat, dust, traffic vibration, or illumination in excess of the existing nonconforming use.

Section 1505 - Reconstruction/Restoration

- A. A nonconforming building or use which is damaged by fire, explosion, windstorm, or other natural or criminal acts, may be reconstructed and used for the same purposes, provided that:
1. The reconstruction and/or restoration of the building is commenced within one (1) year from the date of occurrence of the damage and is carried to completion without undue delay, and
 2. The reconstructed building or occupied area does not exceed the height, area, and volume of the original structure and occupied use.

Section 1506 - Discontinuance

If a nonconforming use of land or building ceases operations for a continuous period of more than twelve (12) months, then such use and any subsequent use or building shall conform to the regulations of this Ordinance.

Section 1507 - Nonconforming Signs

Signs in existence at the effective date of this Ordinance or amendments thereto, may be continued subject to the regulations contained in Section 1506 above.

Section 1508 - Construction Approved Prior To Ordinance

- A. Where a building permit has been issued ninety (90) or more days prior to the effective date of this Ordinance and the proposed building or use does not conform to the requirements of this Ordinance, the proposed building or use shall be considered the same as a lawful building or use and shall be regulated by the requirements of this Article.
- B. Where a building permit has been issued less than ninety (90) days prior to the effective date of this Ordinance and the proposed building or use does not conform to the requirements of this Ordinance, the proposed building or use shall be considered the same as a lawful building or use and shall be regulated by the requirements of this Article, only if a least one of the following conditions has been met prior to the effective date of this Ordinance:
1. Construction other than excavation has been started.
 2. A contract for construction other than excavation has been let.

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ARTICLE XVI

OFF-STREET PARKING

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ARTICLE XVI

OFF-STREET PARKING

Section 1601 - General Parking Regulations

- A. Off-street parking facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public right-of-way.
- B. Outdoor parking space shall be deemed to be part of the open space of the lot which upon it is located.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard provided that the level of such yard shall conform to the general level of the other yards on the lot. The space above an underground garage shall be deemed to be part of the open space of the lot on which is located.
- D. Off-street parking may not be permitted in the front yard in residential districts.

Section 1602 - Facilities Required

Any of the following buildings hereafter erected or enlarged and any building hereafter converted into one (1) of the following buildings and any open area hereafter used for commercial or industrial purposes shall be provided with not less than the minimum parking spaces as set forth below.

Off-Street Parking Space Requirements

<u>Uses</u>	<u>Minimum Required Parking</u>
A. Residential	
1. Single and Two-Family Dwellings	2 spaces for each family or dwelling unit
2. Multiple Dwellings	2 spaces per dwelling

3. Hotels, Motels,
Tourist Houses,
Boarding and room
Lodging Houses 1 space for each guest
room plus 1 space for
each 2 employees in the
Maximum working shift

B. Commercial

1. Automobile Wash 5 spaces for each washing
machine
2. Automotive Sales and
Service Garages 1 space for each 400 sq.
ft. of gross floor area
devoted to service
facilities or 2 spaces for
each service bay whichever
is larger, plus 1 space
for each 200 sq. ft. or
gross floor area devoted
to sales facilities or
usage plus 1 space for
each fulltime employee
3. Banks or Professional
Offices 1 space for each 200 sq.
ft. of floor area
4. Bowling Alleys 5 spaces for each alley
5. Dance Halls, Swimming
Pools, Roller Rinks,
Clubs, Lodges, and
other similar uses 1 space for each 100 sq.
ft of floor area or of
water area in swimming
pool
6. Driving Ranges and
Miniature Golf 1 space for each tee
7. Food Markets and
Convenience Stores 1 space for each 200 sq.
ft. of floor area
8. Funeral Homes,
Mortuaries One (1) parking space for
each fifty (50) sq. feet
of floor area for use of
memorial services, viewing
area, business office and
products display
9. Furniture or Appliance
Stores 1 space for each 200 sq.
ft. of floor area

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| 10. | Medical and Dental
Offices | 5 spaces for each
practitioner |
| 11. | Office Buildings | 1 space for each 200 sq.
ft. of floor area |
| 12. | Restaurants, Cafes,
and other similar
places serving food
or beverages | 1 space for every 2.5
seats |
| 13. | Retail Stores
and Shops | 1 space for each 120 sq.
ft. of floor area |
| 14. | Sports Arenas
Auditoriums, Theaters,
Assembly Halls | 1 space for each 3.5 seats |
| 15. | Trailer or Monument
Sales or Auctions | 1 space for each 2,500 sq.
ft. of lot area |

C. Industrial

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|----|---|---|
| 1. | Manufacturing Plants,
Research or Testing
Laboratories, and
Bottling Plants. | 1 space for each 1,000 sq.
ft. of floor area, plus 1
space for each 2 employees
in the maximum working
shift. The total parking
area shall not be less
than 25% of the building
floor area |
| 2. | Warehouse or Wholesale
Establishments | 1 for each 2 employees on
maximum shift. The total
parking area shall be not
less than 25% of the
building floor area |

D. Public and Semi-Public areas

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|----|--|---|
| 1. | Churches and Schools | 1 space for each 3.5 seats
in an auditorium, or 1 sp-
ace for each 17 classroom
seats, whichever is
greater |
| 2. | Community Buildings
and Social Halls | 1 for each 100 sq. ft. of
floor area |
| 3. | Hospitals, Nursing and
Convalescent Homes | 1 space for each 3 beds,
plus 1 space for each
employee |

Section 1603 - Location of Parking Space

- A. Parking spaces for multiple dwelling buildings, commercial or industrial uses shall be readily accessible to, and within a reasonable distance from, the buildings served thereby. Such spaces shall be on the same lot and in the same zoning district as the principal building or open area conforming to the following regulations:
1. The required parking spaces shall be situated within six hundred (600) feet of the principal building or open space in question. These spaces shall be on the same property with concrete sidewalk provided for access.
 2. Such spaces shall be in the same ownership as the principal use to which they are accessory and shall be subject to deed restrictions acceptable to the Zoning Hearing Board, binding the owner and heirs or assigns to maintain the required number of parking spaces throughout the life of the principal use.

Section 1604 - Design Standards

- A. The minimum dimensions of parking facilities to be provided shall be as follows:
1. In all districts net parking spaces per vehicle shall be not less than ten (10) feet wide and twenty (20) feet long, except when more than ten (10) parking spaces are required, in which case a maximum of forty (40) percent of the parking spaces may be provided for compact vehicles. Each compact parking space shall not be less than eight (8) feet wide by eighteen (18) feet long. All compact parking shall be arranged and located in the same area and be marked to indicate spaces designated for compact parking.
 2. In all districts except for single family dwellings, there shall be no less than ten (10) feet of open space between the curb line or edge of any parking area and the outside wall of any building. No parking area shall be located within a public right-of-way.

3. Parking lot dimensions shall be not less than those listed in the following table.

Angle of Parking	Parking		Aisle-Width	
	Stall Width (ft.)	Stall Depth* (ft.)	One-Way (ft.)	Two-Way (ft.)
90 degrees	10	20	24	24
60 degrees	10	22	18	20
45 degrees	10	21	15	20
30 degrees	10	19	12	20

*Depth from curb is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

- B. All dead end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
- C. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- D. The width of entrance and exit drives shall be a minimum of twelve (12) feet for one-way use only, a minimum of twenty (20) feet for two-way use (except where 90 degree parking is used in which case the minimum shall be not less than twenty-four (24) feet.)
- E. Setback for parking areas shall be provided as follows:
1. All parking spaces and access drives shall be at least ten (10) feet from any multiple dwelling building, industrial building, or commercial building on the lot;
 2. All parking spaces and access drives shall be at least five (5) feet from any exterior lot line, except where buffer yards are required in which case such parking spaces and access drives may not encroach on the buffer yard area; and
 3. Except at entrance and exit drives, parking areas shall be physically separated from any public and/or private streets by a minimum five (5) feet planting strip. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking area.
 4. All off-street parking spaces shall be marked so as to indicate their location.

- H. Separate parking areas on a parcel or development shall be physically separated from one another by eight (8) feet planting strips.
- F. A structure or planting material shall be provided of sufficient height and density to screen off-street parking lots from the public street and from the ground level of adjoining residential districts.

Section 1605 - Handicapped Parking

- A. Handicapped parking space shall be provided all uses, with the exception of single and two-family residential uses, and shall comply with the location, size, marking, and ingress and egress requirements set forth herein. Each reserved parking space for the physically handicapped person shall be not less than twelve (12) feet wide. The number of accessible parking spaces required are as follows:

Total Parking in Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
Over 1000	20 plus 1 for each 100 over 1000

Section 1606 - Drainage, Surfacing and Maintenance Standards

- A. The area of the parking lots, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Municipal Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property.
- B. Parking areas shall be kept clean and free from rubbish and debris.

Section 1607 - Lighting

Any lighting used to illuminate off-street parking or loading areas shall be arranged so that the direct rays from the

luminaries will not fall on any residence beyond the property line.

Section 1608 - Loading and Unloading Space

- A. In addition to the off-street parking space required above, all commercial and industrial establishments, hospitals or sanitariums, and other similar uses shall provide adequate off-street area for loading and unloading of supplies to and from vehicles.
- B. At least one loading berth shall be provided; however, should the gross floor area of the main building and buildings accessory thereto used for commercial and/or industrial purposes exceed ten thousand (10,000) square feet, one additional loading berth shall be provided for each ten thousand (10,000) square feet of gross floor area. The off-street loading berth shall be not less than ten (10) feet wide, thirty five (35) feet in length, and fourteen (14) feet in height.
- C. Hotels shall have at least one loading berth, with an additional loading berth when the floor area exceeds fifty thousand (50,000) square feet.

Section 1609 - Changes in Requirements

Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards, the total additional parking required for the alteration, change, or extension shall be provided in accordance with the requirements of this Article.

Section 1610 - Continuing Obligation

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total number of spaces or area after their provisions, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of the Article. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities does not constitute a nuisance, hazard, or unreasonable impediment to traffic.

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ARTICLE XVII

MOTOR VEHICLE ACCESS

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ARTICLE XVII

MOTOR VEHICLE ACCESS

Section 1701 - General

Wherever motor vehicle access is provided from the street or private road onto the lot, the following regulations shall apply:

Section 1702 - Driveways and Curbs

A. Access to the lot shall comply with the following regulations.

1. Property access shall be provided by not less than one (1) nor more than two (2) driveways for each one hundred (100) feet of street or private road frontage.
2. No driveways serving single-family dwellings shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet. No flare shall cross an extended side property line.
3. Each driveway shall be stabilized and shall be not less than ten (10) feet in width nor more than thirty five (35) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
4. Driveways shall not cross the street right-of-way line within forty (40) feet of the street right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve. Notwithstanding the above and when deemed necessary for safety by the governing body, this dimension may be increased for driveways into shopping centers or other commercial, industrial, public, multi-family, or institutional uses.
5. Driveways shall not cross the street right-of-way within fifteen (15) feet of a fire hydrant, or within five (5) feet of a catch basin or drain inlet.
6. Driveways shall not cross the street right-of-way for other than single and two family type uses within forty (40) feet of another driveway on the same lot, excepting

in the case where dual access drives are deemed necessary to permit safe ingress and egress, these dimensions may be reduced to not less than twelve (12) feet between two (2) access drives.

7. Driveways shall not cross the street right-of-way for all multi-family developments and in all commercial and industrial districts within twenty (20) feet of a property line unless two (2) adjoining property owners mutually agree in a legally recorded instrument to a common driveway.
8. For nonresidential uses, where there is an existing curb and gutter or sidewalk on the street or private road, a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two (2) ends and street/private road side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the Township Engineer.
9. There shall be no more than one (1) driveway entering onto a township road from any residential lot in any district except for farming use.
10. For nonresidential uses, where there is no existing curb and gutter or sidewalk; a landscaping buffer not less than eight (8) inches and not more than two (2) feet in height shall be constructed along the entire length of the property line, except in front of the permitted driveway. This buffer shall be a minimum of three (3) feet wide.
11. General Safety Requirements - Sight Distance: Driveways shall be located in safe relationship to sight distance and barriers to vision, and shall not exceed a slope of ten (10) percent within twelve (12) feet of the street line. Where drives enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than one-half (1/2) foot vertical to one (1) foot horizontal within ten (10) feet of the point the drive intersects with the right-of-way line.
12. Submission of Plan: A scale drawing of proposed off-street parking and loading areas, access drives, and walks shall be submitted as part of the required plot plan. Any plan requiring access onto a State Highway shall be approved by the Pennsylvania Department of Transportation.

Section 1703 - Location of Gasoline Pumps

Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25) feet from any lot or right-of-way line and shall be so positioned that vehicles stopped for service will not extend over any such line.

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ARTICLE XVIII

AMENDMENTS

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ARTICLE XVIII

AMENDMENTS

Section 1801 - Procedure

The Township Board of Supervisors may, from time to time, on its own motion or on petition or recommendation of the Planning Commission, amend, supplement, or repeal any of the regulations and provisions of this Ordinance after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Township Planning Commission, must be referred to the Township Planning Commission for its recommendations at least thirty (30) days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least thirty (30) days prior to the hearing on the Ordinance or amendment by the Township Board of Supervisors, the Township Planning Commission shall submit the proposed ordinance or amendments to the Perry County Planning Commission for recommendations. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

Section 1802 - Procedure Upon Curative Amendments

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Section 609.1 and Section 609.2.

Section 1803 - Content Of Public Notice

Public notices of proposed zoning ordinances and amendments shall include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing.

Section 1804 - Publications After Enactment

After enactment, if the advertisement of a zoning ordinance or amendment is required by other laws respecting the advertisement of ordinances, such advertisement may consist solely of a reference to the place or places within the municipality where such copies of such ordinance or amendment shall be obtainable for a charge not greater than the cost thereof and available for examination without charge. Zoning ordinance and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

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ARTICLE XVIX

ADMINISTRATION AND ENFORCEMENT

Section 1901 - Appointment and Powers of Zoning Officer

For the administration of this Zoning Ordinance, a Zoning Officer, who may not hold any elective 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.

Section 1902 - Enforcement

It shall be the duty of the Zoning Officer to enforce the provisions of this Ordinance and such power and authority as is necessary for enforcement is hereby conferred upon the Zoning Officer. The Zoning Officer shall examine all applications for permits, issue permits for requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents, and make such reports as the governing body may require. Permits for construction and uses which are a variance to requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board. Permits for construction and uses which are a conditional use shall be issued only upon approval of such conditional use by the governing body.

Section 1903 - Zoning Appeals

A. The governing body shall appoint a Zoning Hearing Board which shall be composed of three members, organized, empowered, and conducted in accordance with Article IX of the Pennsylvania Municipalities Planning Code (53 P.S. Subsection 10901) existing or hereafter as amended and supplemented (the "Code"). The duly established Zoning Hearing Board shall have the following functions:

1. Hearings

- a. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Code. Written notice shall be given to the public, the applicant, the Perry County Planning Commission, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate, and any person who has made timely request for the same. Notices shall be given at such time and in

such manner prescribed by adopted Rules of the Zoning Hearing Board. The governing body may establish reasonable fees, based on cost, to be paid by the applicant and persons requesting any notice or materials not required by ordinance.

2. Jurisdiction

a. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- (1) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 and 916.1 (a) (2) in Act 247.
- (2) Challenges to the validity of a land use ordinance, raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the municipality and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- (3) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- (4) Appeals from a determination by a Municipal Engineer or the Zoning Officer with reference to the administration of any Flood Plain or Flood Hazard Ordinance or such provisions within a Land Use Ordinance.
- (5) Application for variances from the terms of the Zoning Ordinance and Flood Hazard Ordinance or such provisions within a Land Use ordinance, pursuant to Section 910.2 in Act 247.
- (6) Applications for special exceptions under the Zoning Ordinance or Flood Hazard Ordinance or

such provisions within a Land Use Ordinance, pursuant to Section 912.2 in Act 247.

- (7) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.
- (8) Appeals from the Zoning Officer's determination under Section 916.2 in Act 247.
- (9) Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any Land Use Ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications in Act 247.

3. Variance

- a. The Zoning Hearing Board shall hear request for variances where it is alleged that the provisions of this ordinance inflict unreasonable hardship upon the applicant. The Zoning Hearing Board shall prescribe the form of application and require application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided the following findings are made where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the ordinance in the neighborhood or district in which the property is located;
- (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefor necessary to enable the reasonable use of the property;

- (3) That such unnecessary hardship has not been created by the applicant;
- (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and,
- (5) That the variance, if authorized, will represent the minimum variance that will afford relief and represent the least modification possible of the regulation in issue.
- (6) In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this ordinance and of the Code.

Section 1904 - Permits

A. Requirements of Permits

1. A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use until a permit has been duly issued therefore. No such building permit or zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure.

B. Application for Permits

1. All applications for permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such information as may be

necessary to determine compliance with this Ordinance and all other ordinances. One (1) copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

C. Issuance of Permits

1. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance, as well as the provisions of all other applicable ordinances.
2. Zoning Officer shall act upon request within thirty (30) days following application.
3. A permit issued hereunder shall become void twelve (12) months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least thirty (30) days prior to the permit expiration date.

D. Temporary Permits

1. A temporary permit may be authorized by the Zoning Officer for a structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding two (2) years.

Section 1905 - Certificate of Nonconformance

A. Certificate of Nonconformance shall be issued by the Zoning Officer to the owner of any property which, at the time of the effective date of this Ordinance, is identified as containing a nonconforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Township as follows:

1. Such Certificate of Nonconformance shall be issued within one hundred eighty (180) days after the effective date of this Ordinance.

2. The Certificate of Nonconformance shall set forth in detail all of the nonconforming conditions of said property.
3. A copy of the Certificate of Nonconformance shall be retained and filed by the Zoning Officer at the Township Municipal Building.
4. The Certificate shall be for the purposes of insuring the owner the right to continue a nonconforming use in accordance with the regulations of this Ordinance.

Section 1906 - Conditional Uses

Applications for any conditional use permitted by this Ordinance shall be made to the Board of Supervisors through the Zoning Officer. The Zoning Officer shall refer all such applications to the Planning Commission for review and recommendation. The Planning Commission shall review the application pursuant to applicable standards and criteria and submit its recommendations to the governing body for approval or denial pursuant to public notice and a public hearing.

Section 1907 - Fees

- A. The Wheatfield Township Board of Supervisors shall establish a schedule of fees, charges, and expenses, as well as a collection procedure for zoning permits, certificates of occupancy, appeals, variances, special exceptions, amendments, bonds, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer.
- B. Such fees shall be payable to the Wheatfield Township Board of Supervisors and until all applicable fees, charges, and expenses have been paid in full, the application shall be considered incomplete.

Section 1908 - Inspection

- A. It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections of property for which a permit has been issued:
 1. At the Beginning of Construction.
 - a. A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer

in regard to conformance of the construction with plans submitted with the approved permit application.

- b. If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

2. At the Completion of Construction.

- a. A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Ordinance, and the opinion of the Zoning Officer in regard to the issuance of a Certificate of Use Permit.

Section 1909 - Certificate of Use

- A. A Certificate of Use shall be a statement, issued by the Zoning Officer setting forth that a building, structure, parcel, or use of land complies with the provisions of this Ordinance.
- B. No vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, substantially altered or changed in use shall be occupied or used until a Certificate of Use shall have been issued by the Zoning Officer.
- C. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within fifteen (15) days after a final inspection by the Zoning Officer.
- D. A Certificate of Use for changing or extending a nonconforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after a final inspection and approval by the Zoning Officer.
- E. A record of all Certificates of Use shall be kept on file in

the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

Section 1910 - Violations

- A. Failure to comply with any provision of this Ordinance, failure to secure a permit, Zoning Hearing Board Certification, when required, or failure to secure a Certificate of Use, shall be violations of this Ordinance.
- B. Notice of Violation: When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, agent, or occupant, or contractor, such violation shall be discontinued immediately.
- C. Penalties: It shall be unlawful to erect, construct, reconstruct, alter and maintain, or use any building or structure or to use any land in violation of any provisions of this Ordinance or amendment thereto. Any person, partnership or corporation, who or which shall violate the provisions of this Ordinance or amendment thereto, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred (500) dollars. Plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. Each day that a violation is continued shall constitute a separate offense. All fines collected for violations of this Ordinance shall be paid to the Township of Wheatfield.
- D. Remedies: In case any building, structure, or land is erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this ordinance or amendment thereto, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land use, or to prevent in or about such premises, any act, conduct, business, or use constituting a violation.

Section 1911 - Appeals and Applications

- A. An appeal, or application for an amendment, or variance from the terms of this Ordinance shall be filed with the Zoning Officer, and shall contain:
 - 1. The name and address of the applicant.

2. The name and address of the owner of the real estate to be affected by such proposal.
3. A brief description and location of the real estate to be affected by such proposal.
4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
5. A statement of the section of this Ordinance under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed, and reasons for the appeal.
6. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.
7. Any other pertinent data required by the Zoning Hearing Board, Township Board of Supervisors, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Article.

Section 1912 - Validity

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

Section 1913 - Interpretation, Purpose, and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements,

covenants, restrictions, regulations, or ordinances, the provisions of this Ordinance shall control.

Section 1914 - Repealer

All ordinances or part of ordinances inconsistent herewith are hereby repealed.

Section 1915 - Effective Date

This Ordinance shall become effective five (5) days after enactment.

Section 1916 - Enactment

ENACTED, ORDAINED, AND ADOPTED this 16 day of December, 1993, by the Wheatfield Township Board of Supervisors of Perry County, Pennsylvania in a lawful session duly assembled.

WHEATFIELD TOWNSHIP BOARD OF SUPERVISORS

ATTEST: R. Michael Begley
(SECRETARY)

Edward E. Miller
(CHAIRMAN)

J. H. Reed, Jr.

Malen G. Lane

ZONING MAP

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