

# **ZONING ORDINANCE OF BLOOMFIELD TOWNSHIP**

**ORDINANCE NO. 11-14-2022**

AN ORDINANCE REPEALING THE PRIOR ZONING ORDINANCE, ORDINANCE NO. 2010-6-1, AS AMENDED, AND REPLACING IT WITH THIS BLOOMFIELD TOWNSHIP ZONING ORDINANCE, ESTABLISHING ZONING REGULATIONS FOR BLOOMFIELD TOWNSHIP, CRAWFORD COUNTY, PENNSYLVANIA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968 AND ITS AMENDMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES THAT MAY BE IN CONFLICT HERewith, AND FOR AN EFFECTIVE DATE.

WHEREAS, on or about June 1, 2010, the Board of Supervisors (the "Supervisors") of Bloomfield Township, Crawford County (the "Township") adopted Ordinance No. 2010-6-1, as amended, (the "2010 Zoning Ordinance"); and

WHEREAS, the Supervisors have determined that the 2010 Zoning Ordinance was in need of updating to include new regulatory obligations as well as to resolve inconsistencies or ambiguities in the 2010 Zoning Ordinance: and

WHEREAS, the Supervisors have determined that repealing the 2010 Zoning Ordinance in whole and replacing it with this new Zoning Ordinance, known as the "Bloomfield Township Zoning Ordinance," is in the best interests of the citizens, residents and taxpayers of the Township: and

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code, empowers Bloomfield Township to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, Bloomfield Township deems it necessary for the purpose of promoting the health, safety, and general welfare of the Township to enact such an ordinance; and

WHEREAS, the Board of Township Supervisors of Bloomfield Township pursuant to Article II of the Pennsylvania Municipalities Planning Code has appointed a Planning Commission which has studied the Township and fashioned a comprehensive plan for all Township lands which contains mapped, descriptive and statistical information about the Township, which articulates development objectives for the Township and which establishes a land use and facilities plan for the Township;

WHEREAS, the Planning Commission has studied zoning regulations for the Township, divided Township lands into districts and prepared regulations for said districts in general accordance with the comprehensive plan and in such a way as to guide development into suitable areas to prevent overcrowding of the land; to conserve lands suitable for productive agriculture; to protect property values based on existing uses and patterns of settlement and established development character; and, to promote the health and general welfare of the Township; and

WHEREAS, the Planning Commission has held public meetings thereon and submitted its final report to the Board of Township Supervisors; and

WHEREAS, the Board of Township Supervisors has given due public notice of hearings relating to zoning districts and regulations and has held such public hearings; and

WHEREAS, all requirements of the Pennsylvania Municipalities Planning Code with regard to the preparation of a comprehensive plan and zoning regulations have been met;

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE BOARD OF TOWNSHIP SUPERVISORS OF BLOOMFIELD TOWNSHIP, CRAWFORD COUNTY, PENNSYLVANIA AS FOLLOWS:

## **ARTICLE I**

### **GENERAL PROVISIONS**

#### **101. TITLE**

This Ordinance shall be known and may be cited and referenced to as the "Zoning Ordinance of Bloomfield Township."

#### **102. PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS**

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

#### **103. SEVERABILITY**

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

#### **104. REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE**

All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance, including, but not limited to, Ordinance No. 2010-6-1, as was amended, are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall take effect five (5) days after its enactment by the Board of Township Supervisors.

## **ARTICLE II OBJECTIVES**

### **201. COMMUNITY DEVELOPMENT OBJECTIVES**

The following community development objectives developed through the Township's comprehensive planning process and set forth explicitly and implicitly in the Township's Comprehensive Plan as adopted by the Board of Township Supervisors, and as amended by the Board from time to time, are the basis for the provisions of this Ordinance.

201.1. To protect and promote the public health, safety, and the general welfare of the residents of the Township.

201.2. To protect good farming areas from excessive development and from development that hurts agricultural interests.

201.3. To ensure that all development takes place on lots of adequate size so that on-lot sewage systems will be workable and not cause land pollution problems harmful to nearby residents and to the environment in general.

201.4. To ensure that higher density residential development is located in areas that can be served by community facilities, particularly community sewerage systems.

201.5. To guide development into locations and patterns which will work to protect property values and prevent incompatible development which would have the effect of undermining such values.

201.6. To increase the tax base of the Township by providing suitable lands for the location of commercial and industrial uses, preventing such lands from being compromised by inadvisable development not in keeping with their highest and best use potential.

201.7. To encourage business and industry to locate in areas already established as logical areas of development and settlement which are conveniently accessible to the population, and which can be economically served by Township facilities.

201.8. To protect the headwaters, aquifer recharge areas and environmentally sensitive areas adjacent to Canadohta Lake by regulating the density and type of development that can locate on these lands.

201.9. To link Lincolnville and the Canadohta Lake area in one development network so that the two areas can share their assets to become one united community serving all the Township.

201.10. To protect the existing main highway system of the Township from indiscriminately placed access points and from poorly sited structures along the rights-of-way, ensuring that these highways can continue to carry traffic safely and effectively.

201.11. To encourage additional housing of all types and cost ranges without jeopardizing established property values.

201.12. To preserve to the fullest extent possible the Township's natural amenities including its streams, springs, lakes, wetlands and woodlands.

201.13. To identify areas subject to periodic flooding and to protect such areas from future permanent building.

201.14. To allow citizens maximum opportunities to develop their land consistent with the objectives of this Ordinance.

201.15. To regulate the density of development, to conserve existing community facilities, and to preserve land and other physical features.

## **ARTICLE III DEFINITIONS**

### **301. INTERPRETATION OF WORDS**

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

301.1. The word "shall" is always mandatory;

301.2. The word "may" is permissive;

301.3. The word "should" is a preferred requirement;

301.4. Words used in the present tense shall include the future;

301.5. Words used in the singular shall include the plural;

301.6. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

### **302. MEANING OF WORDS**

It is not intended that this Article include only words used or referred to in this Ordinance. Meanings of words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and to aid in the carrying out of Township duties and responsibilities. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage:

302.1. **ACCESSORY USE OR STRUCTURE:** A use or structure customarily incidental and subordinate to the principal use or structure and which contributes to the comfort, convenience and necessities of occupants of the principal use or structure and which is located on the same lot with the principal use or structure.

302.2. **ADULT BOOKSTORE:** An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes, offers for sale adult-oriented merchandise and which may, in conjunction therewith, have facilities for the presentation of adult entertainment for observation by patrons.

302.3. ADULT BUSINESS: The term includes, without limitation, the following establishments when operated for profit, whether direct or indirect:

- A. Adult Bookstores
- B. Adult Motion Picture Theaters
- C. Adult Mini-Motion Picture Theaters
- D. Adult Retail Use Establishments
- E. Adult Drive-In Movie Theaters
- F. Any premises to which the public, patrons, or members, are invited

or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments, or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron, or a member.

G. An adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

302.4. ADULT DRIVE-IN MOVIE THEATER: An outdoor movie theater attended primarily by patrons in their automobiles, used for presenting material, in any form or media (*i.e.*, live shows, film, television, etc.) distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

302.5. ADULT ENTERTAINMENT:

- A. An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- B. A live performance, display or dance of any type which has, as a significant or substantial portion of the performance, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling, or any other personal services offered customers.

302.6. ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity of less than 50 persons which has a principal business purpose of exhibiting, presenting, or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

302.7. ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of 50 or more persons which has a principal business purpose of exhibiting, presenting, or selling material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

302.8. ALLEY: A public street which affords only a secondary means of access to abutting property and is not intended for general traffic.

302.9. ALTERATIONS: As applied to a building or structure means a physical 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. A zoning permit may or may not be required.

302.10. AMENDMENT: Any change in the language of this Ordinance including a change in use in any district which includes either a revision to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the Township Board of Supervisors.

302.11 ANTENNA: Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provisions of all types of wireless telecommunications service. An antenna shall not include WiFi antennas which are designed for personal or private use, private residence mounted satellite dishes or television antennae, or amateur radio equipment, including, but not limited to, ham or citizen band radio antennae.

302.12. APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development or the installation of wireless communications facilities, including his heirs, successors, and assigns.

302.13. AUTOMOBILE SERVICE STATION: A retail place of business, engaged primarily in the sale of motor fuels or supplying goods and services generally required in the operation and maintenance of motor vehicles and fulfilling of motorist's needs, including one (1) or more of the following: The sale of petroleum products; sale and service of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the supplying of other incidental automotive customer services and products; and the performing of automotive maintenance and repair, including state inspection, are activities associated with this use. A service station may also include the operation of a convenience store, as defined herein.

302.14. BASEMENT: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

302.15. BED AND BREAKFAST: a dwelling unit, or portion thereof, in which short-term lodging rooms, with or without the service of a morning meal only, are provided for compensation and where the operator lives on the premises, or in adjacent premises.

302.16. BOARD OF TOWNSHIP SUPERVISORS: The governing body of Bloomfield Township, sometimes referred to as "Board" or "Township Supervisors" or "Supervisors."

302.17. BOARDING HOUSE OR ROOMING HOUSE: A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

302.18. BUILDING: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, goods, or property.

302.19. BUILDING HEIGHT: The vertical distance measured from the average elevation of the 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 the mean height between eaves and ridge for gable, hip and gambrel roofs.

302.20. BUILDING LINE: A line fixed normally parallel to the lot line and beyond which a building cannot extend under the terms of this Ordinance. It is equivalent to the setback or yard line.

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

302.22. BULK REGULATIONS: The combination of controls which may establish the maximum size of a building and its location on the lot. Components of bulk regulations include size and height of building; location of exterior walls with respect to lot lines; building coverage, yard requirements; and amount of lot area provided per dwelling unit. Their purpose is to assure sufficient light, air, and open space, and to prevent an overcrowding of the land.

302.23. CABLE FACILITY: Buildings or other structures, and equipment used by the owner or operator of a cable television system to provide services.

302.24. CABLE SYSTEM: As used in this Ordinance, the term shall have the meaning given to it in Section 602(6) of the Cable Communications Policy Act of 1984, 47 U.S.C. § 522(7), as amended from time-to-time.

302.25. CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those in need of medical, dental or surgical attention but who are not provided with room or board or kept overnight on the premises.

302.26. CLUB: A building or portion thereof or premises owned or operated for a social, literary, political, educational, and/or recreational purpose primarily for the exclusive use of members and their guests.

302.27. COLLOCATION: The mounting of one or more wireless communications facilities, including antennae, or small wireless facilities, on a pre-existing structure or modifying a structure for the purpose of mounting or installing a wireless communications facility or small wireless facility on that structure

302.28. COMMON AREA: Any space designed for joint use of residents of a residential development, including a mobile home park, a travel trailer park, or a campground. such area is intended for recreation and open space use and shall not include areas devoted to vehicular circulation.

302.29. COMMUNICATIONS TOWER: A structure used in point-to-point communication services, including radio, wire, cellular or television broadcasting or information exchange.

302.30. COMMUNICATIONS SERVICE PROVIDER: Any of the following:

- A. A cable operator as defined in Section 602(4) of the Cable Communications Policy Act of 1984, 47 U.S.C. § 522(5), as may be amended from time-to-time.
- B. A provider of information services as defined in Section 3(20) of the Communications Act of 1934, 47 U.S.C. § 153(24).
- C. A telecommunications carrier as defined in Section 3(44) of the Communications Act of 1934, 47 U.S.C. § 153(51).
- D. A wireless provider.

302.31. COMPREHENSIVE PLAN: A plan or any portion thereof, adopted by the Planning Commission and/or the Board of Supervisors showing the general location and extent of present and proposed land uses and physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. The plan establishes the goals, objectives, and policies of a community.

302.32. CONDITIONAL USE: A use permitted by this Ordinance to occur on a property, provided approval in the manner prescribed by this Ordinance is first received from the Board of Supervisors.

302.33. CONVERSION UNIT: The remodeling of a single-family dwelling into one or more additional dwelling units.

302.34. DENSITY: A unit of measure; the number of dwelling units per acre of land. Where a density figure is given the allowable number of dwelling units permitted based on this figure is determined by multiplying the density by the acreage under consideration (gross or net, whichever is applicable).

A. Gross Density: The number of dwelling units per acre of the total land to be developed.

B. Net Density: The number of dwelling units per acre of land where the acreage involved includes only the land devoted to residential uses and common or publicly available park and recreation areas and does not include the area devoted to public or private streets.

302.35. DUMP: A lot or parcel or land, or part thereof, used primarily for the non-permitted, uncontrolled, illegal disposal, dumping, burial and/or burning of garbage, sewage, refuse and/or junk.

302.36. DWELLING: A building, or portion thereof, used for residential occupancy, including single family and multi-family dwellings, but not including hotels, apartment hotels, rooming and boarding houses, mobile homes, modular homes, or travel trailers.

302.37. DWELLING UNIT: One (1) or more rooms in a dwelling which are used as living quarters for occupancy by one (1) family, and which unit contains permanently installed bathroom and kitchen facilities reserved for the occupants of such rooms.

302.38. DWELLING, ATTACHED: A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls. This includes townhouses.

302.39. DWELLING, DETACHED: A dwelling which is surrounded on all sides by yards on the same lot.

302.40. DWELLING, MULTI-FAMILY: A dwelling or building containing three (3) or more dwelling units, including condominiums and cooperatives, with varying arrangements of entrances and party walls.

302.41. DWELLING, SEASONAL (COTTAGE): A single family detached dwelling intended for resort purposes and occupied on a seasonal or short-term basis.

302.42. DWELLING, SEMI-ATTACHED: A dwelling which is joined to another dwelling at only one (1) side by a party wall and which is otherwise surrounded by yards on the same lot.

302.43. DWELLING, SINGLE FAMILY: A dwelling which is joined to another dwelling at only one (1) side by party wall and which is otherwise surrounded by yards on the same lot.

302.44. DWELLING, TWO FAMILY: A dwelling or building containing two (2) dwelling units which may be attached side by side, located one (1) above the other, or arranged in some other manner.

302.45. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance and operation by public utilities, municipal governments or authorities of underground surface, or overhead gas, electrical, storm sewer or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wire cables, fire alarm boxes, traffic signals, hydrants, poles and other similar equipment and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities, municipal governments or authorities for the public health or general welfare.

302.46. FAMILY: An individual; two (2) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit, mobile or modular home; plus, in all cases where applicable the usual domestic servants.

302.47. FLOOD, FRINGE: That portion of the floodplain, excluding the floodway, where development may be allowed under certain restrictions.

302.48. FLOOD, REGIONAL: Large floods which have previously occurred or, which may be expected to occur on a particular stream because of its physical characteristics. A regional flood generally has an average frequency of reoccurrence once in one hundred (100) years.

302.49. FLOODPLAIN: That land, including the flood fringe and the floodway, subject to inundation by a regional flood.

302.50. FLOODWAY: That portion of the floodplain, including the channel, which is reasonably required to discharge the bulk of a regional flood's water.

302.51. FLOOR AREA OF A RESIDENTIAL BUILDING: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use. All dimensions shall be measured between exterior faces of walls.

302.52. FLOOR AREA OF A NONRESIDENTIAL BUILDING: The sum of the gross horizontal area of the several floors of a nonresidential building excluding, where applicable, stair, elevator and maintenance shafts, and display windows. All dimensions shall be measured between exterior faces of walls.

302.53. GARAGE, PRIVATE: A detached accessory building or portion of a principal building used for the parking or storage of automobiles, travel trailers, boats, other vehicles and/or other miscellaneous material of the occupants of the premises.

302.54. GARBAGE: Solid waste resulting from animal, grain, fruit or vegetable matter used or intended for use as food.

302.55. GROUP CARE FACILITY - any residential facility which provides room, board, health care and/or other specialized services to two (2) or more unrelated individuals, including children handicapped and/or elderly. The individuals must be living together as a single housekeeping unit under twenty-four (24) hour qualified supervision. This residence may be operated by a governmental agent, a PA-certified agent, or a non-profit organization. Correctional institutions, jails and similar use shall not be included in this definition.

302.56. HEALTH CARE FACILITIES: Buildings or portions thereof from which health care is dispensed including, but not limited to, medical and dental offices and clinics, hospitals and nursing and convalescent homes.

302.57. HISTORIC BUILDING: A building located within the Township that is:

- A. Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register;
- B. Determined to be eligible for listing by the Keeper of the National Register of Historic Places in accordance with the National Historic Preservation Act;
- C. Marked as a historical site by the Pennsylvania Historical and Museum Commission; and/or
- D. Has its location within a Historic District as defined within this Ordinance.

302.58. HISTORIC DISTRICT- A group of buildings, properties, or sites that are:

- A. Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register;
- B. Determined to be eligible for listing by the Keeper of the National Register in accordance with the National Historic Preservation Act;
- C. Marked as historical sites by the Pennsylvania Historical and Museum Commission; and/or
- D. Has been designated as such by Pl. 282, No. 167, as amended.

302.59. HOME OCCUPATION: A secondary use of a dwelling unit for gainful employment, involving the manufacture, provision, or sale of goods and/or services. Accessory structures shall not be used for a home occupation.

302.60. HOME LOT OCCUPATION: The primary use of a building on a property (where there is also located a principal building used as a dwelling, mobile or modular home) for gainful employment involving the manufacture, provision, or sale of goods and/or services.

302.61. INSTITUTIONAL HOME: A residential facility licensed and/or operated by the State or local social service agency that provides a supervised environment to residents who require psychiatric or correction treatment to ease the transition between institutional and independent living.

302.62. JUNK: Any discarded material or articles including, but not limited to, scrap metal, abandoned vehicles and machinery, paper or glass. Junk material shall not include garbage kept in containers for periodic disposal which is regulated by the Pennsylvania Department of Environmental Protection.

302.63. JUNK YARD: Any land, property, structure, building, or combination of the same, on or in which junk is stored, processed, or sold and which is operated as a business.

302.64. KENNEL: A structure where four (4) or more domesticated animals more than six (6) months old are kept and fed and which may be operated with the object of earning income.

302.65. LANDFILL: A disposal site in which solid waste and earth, or other suitable cover materials are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

302.66. LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries from vehicles and accessible to such vehicles when existing and/or required off-street parking spaces are filled. All off-street loading spaces shall be located totally outside of any street, or alley right-of-way.

302.67. LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, and to be used, developed, or built upon, as a unit, as provided for in this Ordinance.

302.68. LOT, CORNER: A lot located at the intersection of two (2) or more streets.

302.69. LOT COVERAGE: The percentage of the total lot area covered by principal and accessory structures.

302.70. LOT, FRONTAGE: The front of a lot is the portion of the lot nearest the major abutting street. For the purpose of determining yard requirements on corner lots and through lots, all sides adjacent to streets may be considered frontage and yards shall be provided as indicated under "Yards" in this Article.

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

302.72. LOT, THROUGH: A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

302.73. 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.

302.74. MICRO-WIRELESS FACILITY: A small wireless facility that (1) does not exceed two (2) cubic feet in volume and (2) has an exterior antenna no longer than eleven (11) inches.

302.75. **MOBILE HOME:** A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two (2) 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.

302.76. **MOBILE OR MODULAR HOME, DOUBLE OR TRIPLE WIDE:** A mobile or modular home consisting respectively of two (2) or more sections combined horizontally or virtually at the side to form a single building while retaining its individual chassis for possible future transport.

302.77. **MOBILE OR MODULAR HOME, EXPANDABLE:** A mobile or modular home with one (1) or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

302.78. **MOBILE OR MODULAR HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile or modular home.

302.79. **MOBILE OR MODULAR HOME PARK:** A parcel or contiguous parcels of land which has been so designated that it contains two (2) or more mobile or modular home lots for the placement thereon of mobile or modular homes.

302.80. **MOBILE OR MODULAR HOME STAND:** That area of a mobile or modular home lot which has been reserved for the placement of a mobile or modular home.

302.81. **MODULAR HOME:** A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into one (1) structure, normally requiring prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements to be incorporated into the structure at the site.

302.82. **MUNICIPAL POLE:** A utility pole, owned, managed, or operated by or on behalf of the Township.

302.83. **NONCONFORMING STRUCTURE:** A structure or part of a structure does not comply with the applicable provisions in this Zoning Ordinance, which structure lawfully existed prior to the enactment of this Ordinance, or subsequent amendment.

302.84. **NONCONFORMING USE:** A use, whether of land or of structure, which does not comply with the applicable use provisions in this Zoning Ordinance, which use was lawfully in existence prior to the enactment of this Ordinance, or subsequent amendment.

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

302.86. **NURSING OR CONVALESCENT HOME:** A facility licensed to operate as such by the Commonwealth of Pennsylvania for the purpose of providing skilled or intermediate nursing care and related medical or other health services.

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

302.88. **PUBLIC HEARING:** A formal meeting held pursuant to public notice by the Township Supervisors, Planning Commission or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this act.

302.89. 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."

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

302.91. REFUSE: All materials which are discarded as useless.

302.92. RIGHT-OF-WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates curbs, lawn strips, sidewalks, lighting and drainage facilities.

302.93. SETBACK LINE: A line established by this Ordinance generally parallel with and measured from the street right-of-way; no structure may be located above ground between the street right-of-way and this line except as may be provided under the provisions of this Ordinance. This line is also referred to as a "building line."

302.94. SIGN: Any 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.

302.95. SMALL WIRELESS FACILITY: The equipment and network components, including antennas, transmitters, and receiver, used by a wireless provider that meets the following qualifications:

- A. Each antenna associated with the deployment is no more than three (3) cubic feet in volume.
- B. The volume of all other equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than twenty-eight (28) cubic feet.
- C. Any equipment used solely for the concealment of the small wireless facility shall not be included in the calculation of equipment volume under this paragraph

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

302.97. SPECIAL EXCEPTION: A development approval granted by the Zoning Hearing Board through procedures established in this Ordinance.

302.98. STORY: That part of a building between the surface of a floor and the ceiling immediately above.

302.99. STRUCTURE: Anything constructed or erected, which requires a fixed location on the ground or an attachment to something having a fixed location on the ground including, but not limited to, buildings, billboards, signs, carports, porches, swimming pools, fences, walls, and other building features, but not including sidewalks, drives, and patios.

302.100. SURFACE MINING: Surface mining shall include all activity which removes from the surface of the land some material, mineral resource, natural resource, or other element of economic value by means of mechanical excavation, including activities which may be necessary to separate desired material from undesirable material; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Surface mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale, and iron ore.

302.101. THOROUGHFARE, STREET OR ROAD: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Arterial Road: A general term denoting a highway primarily for through traffic. Arterial roads are always continuous and are of inter-municipal importance.
- B. Collector Road: Roads that are continuous and that serve primarily as connections between the arterial roads and local streets, and which terminate on either end at arterial or other collector roads.
- C. Cul-de-Sac: A local street usually of short length with one (1) end connecting to another street and the other end terminating in a vehicular turnaround.
- D. Dead-End Street: A street temporarily having only one (1) outlet for traffic and intended to be extended or continued in the future.
- E. Local Street: A street not having significant continuity and used primarily for providing access to abutting property.
- F. Marginal Access Street: A local or collector street parallel and adjacent to an arterial or collector road, providing access to abutting properties, and providing periodic access to the adjacent arterial or collector road.

302.102. TRAVEL TRAILER: A mobile vehicle with wheels designed for overnight living or camping purposes, capable of being towed by a motor vehicle.

302.103. TRAVEL TRAILER PARK: A parcel of land under single ownership which has been planned and improved for the placement of travel trailers for transient use consisting of two (2) or more travel trailer stands or lots.

302.104. USE BY SPECIAL EXCEPTION: See "Special Exception."

302.105. VARIANCE: Relief granted by the Zoning Hearing Board pursuant to Section 1806.3 of this Ordinance.

302.106. WIRELESS INFRASTRUCTURE PROVIDER, WIRELESS SERVICES PROVIDER, or WIRELESS PROVIDER: A person authorized by the Pennsylvania Public Utility Commission to provide telecommunications services in the Commonwealth of Pennsylvania that builds or installs wireless communications transmission equipment, wireless facilities, or wireless support structures and/or persons who provide wireless services.

302.107. YARD: The open space on a lot which is unoccupied and unobstructed from the lowest level to the sky except for the permitted obstructions listed in this Ordinance.

302.108. YARD, FRONT: A yard extending along the full length of a front lot line and back to the building setback line drawn parallel with such front lot line at a distance there from equal to the required front yard.

302.109. YARD, REAR: A yard extending along the full length of a rear lot line and back to the building setback line drawn parallel with such rear lot line at a distance there from equal to the required rear yard.

302.110. YARD, SIDE: A yard extending along the side lot line drawn parallel with such side lot line at a distance there from equal to the required side yard.

302.111. ZONING: A legal and administrative process whereby a municipality divides its territory into Districts and applies to each District a number of regulations to control the use of land, the height and bulk of buildings, and the area of ground built upon.

302.112. ZONING CLASSIFICATION: The controls imposed by this Ordinance that define the uses of land and buildings and the intensity of such uses that may occur within a zoning district, such controls to be applied uniformly throughout the district.

302.113. ZONING DISTRICT: A section of the Township for which uniform regulations governing the use, height, area and intensity of use of buildings and land and open spaces about buildings are herein established.

302.114. ZONING DISTRICT BOUNDARY: The perimeter line completely enclosing a zoning district.

302.115. ZONING HEARING BOARD: A board appointed by the Board of Township Supervisors of Bloomfield Township in order to provide for the administrative requirements as set forth in this Ordinance, also referred to as the Board.

302.116. ZONING MAP, OFFICIAL: The official plan of zoning districts in Bloomfield Township, a part of this Ordinance, precisely showing the boundaries and title of each district.

302.117. ZONING OFFICER: The individual authorized by the Township to be the administrator of the daily application of the provisions contained in these Zoning Standards. The Zoning Officer shall hold no elective office in Bloomfield Township, have a working knowledge of zoning and meet the qualifications established for the position by the municipality.

302.118. ZONING ORDINANCE: A body of legislation adopted by a municipality establishing districts throughout the municipality within each of which uniform land use regulations apply.

## **ARTICLE IV**

### **OFFICIAL ZONING MAP AND ESTABLISHMENT OF ZONING DISTRICTS**

#### **401. THE OFFICIAL ZONING MAP**

The districts established in Articles V through X are shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted as part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Supervisors and attested by the Township Secretary.

#### **402. INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules apply:

402.1. District boundaries indicated as approximately following the centerlines of streets, highways, alleys, or streams shall be construed to follow such centerlines.

402.2. District boundaries indicated as approximately following platted lot or property parcel lines shall be construed as following such lot and parcel lines.

402.3. District boundaries indicated as approximately following municipal limits shall be construed as following such municipal limits.

402.4. District boundaries indicated graphically as parallel to the centerlines of streets, highways, alleys, or streams shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such distances shall be determined by the use of the map scale as shown on the Official Zoning Map.

402.5. Where the Zoning Officer cannot definitely determine the location of a district boundary by the rules 402.1 through 402.4 as listed above, he shall refer the matter in the Zoning Hearing Board which shall be responsible for interpreting the district boundary.

#### **403. ESTABLISHMENT OF ZONING DISTRICTS**

In order to carry out the purposes of this Ordinance, Bloomfield Township is hereby divided into the following zoning districts:

403.1. A Agricultural District

403.2. RD Rural Development District

403.3. R Residential District

403.4. RO Resort Overlay District

403.5. V Village District

403.6. GC General Commercial District

403.7. I Industrial District

#### **404. COMPLIANCE WITH DISTRICT REGULATIONS**

404.1. The regulations for each district set forth in this Ordinance shall be minimum regulations and shall apply as hereinafter provided. No land shall be used or occupied, and no structure or part thereof shall be constructed, reconstructed, moved, structurally altered, demolished, or occupied except in conformity with the regulations specified for the district in which it is located, and except as regulated in applicable sections of this Ordinance.

404.2. No lot yard or yard existing at the time of the adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. Yards or lots created after the adoption of this Ordinance shall meet the minimum requirements of this Ordinance.

#### **405. GENERAL DISTRICT REGULATIONS**

405.1. Uses identified as a "Conditional Use" or "Use by Special Exception" in the specific zoning district shall be approved subject to the applicable standards and criteria identified in Article XIII of this Ordinance.

405.2. In all residential zoning districts, single family and two-family (duplex) dwelling shall be the only principal structure on a lot.

405.3. Where authorized by this Ordinance, two (2) or more multi-family dwellings may occupy the same lot; two (2) or more nonresidential buildings may occupy the same lot; and two (2) or more authorized nonresidential uses may occupy the same building, provided, in all cases, that all applicable requirements for each structure or use can be met on the lot.

405.4. In all zoning districts, all accessory structures shall be located on the same lot with the principal structure to which they are accessory.

405.5. Where a parcel contains more than one (1) zoning district, it shall be governed by those uses permitted in the zoning district which comprises the largest percentage of land area of the parcel. The parcel may be developed in a use permitted in the minority zoning district as a Use by Special Exception granted by the Zoning Hearing Board, after review by the Planning Commission.

405.6. Essential Services. The erection, construction, alteration or maintenance and operation by public utilities, municipal governments or authorities of underground surface or overhead gas, electrical, storm sewer or water transmission or distributions systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith as shall be reasonably necessary for the furnishing of adequate service by such public utilities, municipal governments or authorities for the public health or general welfare: all shall be permitted outright without qualification but not including major structures and buildings other than buildings as are primarily enclosures of the above essential service equipment.

405.7. Major Public Utility Structures. Public utility structures including but not limited to storage tank farms, electric substations and power generation plants, sewerage treatment plants and major cross country transmission lines shall be permitted as conditional uses.

405.8. Property owned, leased or operated by public agencies, the commonwealth of Pennsylvania, the United States, or Bloomfield Township or any other public or governmental body created by the Township shall be subject to the requirements of this ordinance as follows:

A. Where such public or governmental uses are specifically listed, they shall be regulated as indicated.

B. Where such governmental uses are specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature; otherwise, they shall not be permitted.

C. Property owned or leased by the Commonwealth of Pennsylvania, or the United States shall be exempt from the provisions of this ordinance only to the extent that said property may not be constitutionally regulated by the Township.

405.9. Lots of Record. Any lot or parcel of record in separate ownership existing at the effective date of this ordinance may be used for the erection and construction of a structure conforming to the use regulations of the district in which it is located even though its area and width are less than the minimum requirements of this ordinance.

405.10. On-Lot Sewerage Treatment Requirement. Where on-lot sewerage treatment is utilized the minimum lot size shall not be less than required by the regulations promulgated and enforced by the Pennsylvania Department of Environmental Protection (DEP) or its agent. In no case shall the minimum lot size or the density provisions of this ordinance take precedence over the regulations promulgated by the DEP where DEP regulations are stricter.

405.11. Computation of Permitted Dwelling Units. To compute the maximum number of permitted dwelling units for a property the area of the total property is divided by the lot area requirement in the applicable district. Fractional numbers shall not be used to increase the number of permitted dwelling units or uses.

405.12. Permitted Projections and Obstructions into Required Yards. Except for the specified projections and obstructions listed below, every part of a required yard shall be open and unobstructed to the sky. In the following listing, projections into yards are permitted and the yards into which projections are permitted are indicated by "F" for the yard adjacent to the main abutting street; "S" for the side yards including a street corner side yard; "R" for the rear yard. Where no number is given, the projection is unlimited.

A. Arbors or trellises attached to the principal structure; not more than three (3) feet.	F, S, R
B. Arbors or trellises, free standing.	F, S, R
C. Air conditioning units; not less than six (6) feet from any lot line.	F, S, R
D. Awnings or canopies for a window porch or door; not more than four (4) feet.	F, S, R
E. Balconies, open; not more than four (4) feet.	F, S, R
F. Chimneys; not more than two (2) feet.	F, S, R
G. Cornices, eaves belt courses, sills, one-story bay windows, and other similar architectural features; not more than three (3) feet.	F, S, R
H. Fences and walls; not more than four (4) feet in height.	F
I. Fences and walls; not more than six (6) feet in height.	S, R
J. Fire escapes open or enclosed; not more than six (6) feet.	R
K. Flag poles.	F, S, R
L. Garages; detached.	S, R
M. Lawn furniture such as benches, sundials, and birdbaths.	F, S, R

N. Open, off-street parking and loading spaces providing, however, that off-street parking and loading may not be permitted in a front yard for industrial and institutional uses unless approved under the conditional use procedure or, where conditional use procedures are not used for these uses, unless approved as a special exception.	F, S, R
O. Ornamental light standards; not over six (6) feet in height.	F, S, R
P. Playground and laundry drying equipment.	R
Q. Playhouses and outdoor fireplaces.	S, R
R. Porches, open with or without rood and not more than one-story in height; not more than eight (8) feet.	F, R
S. Signs and nameplates as regulated in this ordinance.	F, S, R
T. Steps, open.	F, S, R
U. Swimming pools and tennis courts.	R
V. Terraces and patios, open.	F, S, R
W. Tool houses and other similar structures for the storage of accessory supplies.	R

405.13. Prohibited Uses. As provided by the requirements of this ordinance, a building may be erected, altered, or used for any residence, trade, industry, or business that is in compliance with the applicable district regulations and not obnoxious or offensive by reason of odor, dust, smoke, gas noise, vibrations, glare or illumination or otherwise creates a nuisance or hazard to public health, safety and welfare. In addition to uses that may be prohibited by reason of the above, the following uses are specifically prohibited:

- A. The incineration of animal waste; open dumps.
- B. The tanning of rawhides or skins and fat rendering and fertilizer plants.
- C. The manufacture of gunpowder or other explosives, except as a by-product of other manufacturing operations.
- D. Paper and pulp manufacture.

Nothing in these requirements shall be considered to prohibit practices normal and reasonable to carrying on agricultural activities.

405.14. Uses Not Listed. Where an applicant proposes to develop a use which is not designated in this ordinance or which cannot reasonably be interpreted as being implied or included under a type or category of use listed in the ordinance, then such use shall not be permitted. The applicant, however, may request through the Zoning Officer a hearing before the Zoning Hearing Board wherein a full explanation of the applicant's development proposal shall be heard by the Board and an accurate record made thereof. As required in this ordinance, the Board shall render a written decision and/or findings on the matter of the applicant's request which shall be transmitted to the Zoning Officer, the Planning Commission, and the Board of Township Supervisors. Depending on this written decision the applicant's proposed use may be permitted. Amendments to this ordinance may be initiated as set forth in Section 813.

405.15. No single family detached dwelling, as distinguished from a seasonal dwelling, shall have a floor area of less than 720 square feet. Basements shall not be included in this accounting.

405.16. Nothing in this ordinance shall be considered to regulate the use of land for the recovery of subsurface oil and gas deposits providing all structures related to this activity shall be in compliance with the yard regulations established in this ordinance.

405.17. Mobile Home Requirements. Mobile homes where they are permitted in the zoning districts established in this article shall comply with the following site standards.

A. Stable Foundation. Each mobile home shall be securely fastened to a foundation structure which is constructed in a suitable manner to a minimum depth below the surface grade of thirty (30) inches. If pilaster supports are used, they shall be a minimum of eight (8) feet center to center located under each of the long facades of the mobile home.

B. Skirting. An enclosure of a compatible material and design shall be installed on all sides of the mobile home in a manner so as to provide continuous facades from the ground level upwards. Such enclosure shall provide sufficient ventilation to prevent deterioration.

C. Tie Downs. Each mobile home shall be tied down to guard against uplift, sliding or overturning. Tie downs shall be designed by the manufacturer or may be of suitable metal cable construction and shall be anchored in a secure way.

D. Electrical Wiring. All electrical wiring must be made of copper.

## ARTICLE V

### AGRICULTURAL DISTRICT (Zoning District A)

**501. PURPOSE.** The principal purpose of the A Agricultural District is to provide for agricultural and agriculturally-related uses. Large lot single family residential development is also envisioned in the rural areas of the Township where public sewer and/or water service is not available. Limited nonresidential development may be permitted. Compatible public and semi-public uses may be permitted as Conditional Uses or Uses by Special Exception.

**502. RESTRICTION ON NEW ROADS.** All lots or parcels subdivided after the effective date of this Ordinance which stand alone in one (1) separate, unconnected ownership and which are intended to be used by the applicant for any of the uses permitted in this District shall have the lot or parcel width as established herein abutting or fronting on an existing public road from which access is obtainable. No new public roads proposed by an applicant other than the State, County, or Township governments shall be constructed in this District.

#### **503. PRINCIPAL PERMITTED USES.**

503.1. Agricultural machinery sales and service and rentals.

503.2. Essential services.

503.3. Golf course.

503.4. Livestock sales and show.

503.5. Nursery/greenhouse.

503.6. Sale of produce grown on premises.

503.7. Single family dwelling (minimum lot - 10 acres).

503.8. Specialized animal care/raising (e.g., kennel, stable).

503.9. To be used as a storage unit / shipping container

A. Shall be a minimum of 150 feet from the nearest neighboring residences, business, residential subdivision and/or commercial zoning district

503.10. Biofuel production facilities.

503.11. Produce Stand/Salvage Grocery Stores

#### **504. ACCESSORY USES.**

504.1. Residential garage.

504.2. Residential storage shed up to one hundred and twenty (120) square feet.

504.3. Signs

504.4. Swimming pool.

504.5. Detached outside furnace.

504.6. All other uses and/or structures customarily incidental to the permitted use.

**505. CONDITIONAL USES.**

- 505.1. Animal hospital.
- 505.2. Communication tower.
- 505.3. Grain sale and storage.
- 505.4. Junk yard.
- 505.5. Landfill.
- 505.6. Mineral removal.
- 505.7. Planned Residential Development.
- 505.8. Private club.
- 505.9. Sawmill operation.
- 505.10. Strip mining.
- 505.11. Golf course.
- 505.12. Wind generated electrical tower.
- 505.13 Solar Generated Electric
- 505.14. Adult business.

**506. USES BY SPECIAL EXCEPTION**

- 506.1. Comparable uses not specifically listed.
- 506.2. Additional residences on the lot of record.
- 506.3. Home occupation.

## 507. BULK REGULATIONS

507.1. Lot Area: For each principal use there shall be a minimum parcel of ten (10) acres or larger, additional principal uses as permitted in this District may be located without regard to this minimum area providing. The sole intent of the reduction in width is to ensure access to property that is land locked.

A. No separate lot of record is established,

B. On-lot sewage permits are obtained from the appropriate authorities, and

C. Dwellings, mobile homes and modular homes and any other principal use buildings shall be located a minimum of one hundred feet (100') from the centerline of the nearest public road and a minimum of twenty feet (20') from any other principal use building.

D. Lot Area

Type of Use	No Public Water or Sewer
Single Family Detached	10 Acres
Multi-Family Dwellings	10 Acres
Single Family Semi-detached	10 Acres
Two Family Detached	10 Acres
All Other Permitted Uses, except public park and recreation uses	10 Acres

507.2. Front yard - Minimum of fifty feet (50') from the right-of-way line of the abutting road.

507.3. Side yards - Minimum of ten feet (10') from property line.

507.4. Width of lot measured at the public right-of-way - Minimum of fifty feet (50').

A. Width of lot has to be Two Hundred Fifty (250') Except in case of a landlocked property minimum width of access road & Public Right of Way will be a minimum of fifty feet (50').

507.5. Rear yard - thirty feet (30').

507.6. Maximum Building Height:

A. Fifty feet (50') for principal building.

B. Thirty-five feet (35') for accessory structure.

C. Silo or grain storage tower shall be exempt from regulations.

507.7. Maximum Lot Coverage - Thirty percent (30%)

**ARTICLE VI**  
**RURAL DEVELOPMENT DISTRICT**  
**(Zoning District RD)**

**601. PURPOSE.** The RD Rural Development District is intended to preserve natural features and resources while encouraging low density single family residential development suited to the natural conditions. Sewers are not likely in these areas in the future. In addition, this District provides for accessory uses, compatible public and semi-public uses and limited nonresidential uses as Conditional Uses and Uses by Special Exception.

**602. PRINCIPAL PERMITTED USES.**

602.1. Agriculture and related uses including but not limited to, farming dairying, pasturage, gardening animal and poultry husbandry, forestry, horticulture, floriculture, and nursery operations providing that:

A. Buildings and pens for livestock, poultry, etc., exclusive of grazing area, shall be a minimum of 150 feet from the nearest neighboring residences, business, residential subdivision and/or commercial zoning district

B. Pig pens and sheds shall be a minimum of 300 feet from the nearest neighboring residence, business, residential subdivision and/or commercial zoning district.

602.2. Single family and two family detached dwellings, mobile homes, modular homes, seasonal dwellings, including hunting cabins, boarding, and rooming houses shall have a minimum three (3) acre lot.

602.3. Essential services.

602.4. Golf course.

602.5. Public and semi-public buildings.

602.6. Public and private schools.

602.7. Temporary real estate office.

602.8. Public and private parks and recreational developments including but not limited to riding academy, horse stables, swimming pools, resort facilities, golf courses, archery and skeet ranges, and country clubs.

602.9. Keeping of kennels, providing that the outer limits of the fences area containing the animals shall be a minimum of 100 feet from the nearest neighboring residence or business, residential subdivision and/or commercial zoning district.

602.10. The selling at either retail or wholesale of agricultural produce.

602.11. Biofuel production facility.

**603. ACCESSORY USES**

603.1. Residential garage

603.2. Residential storage shed up to one hundred and twenty (120) square feet.

603.3. Signs.

603.4. Swimming pool.

603.5. All other uses and/or structures customarily incidental to a permitted use.

**604. CONDITIONAL USES**

- 604.1. Agricultural machinery sales and service and rentals
- 604.2. Health care facilities.
- 604.3. Lumber yard.
- 604.4. Mobile home park.
- 604.5. Planned Residential Development.
- 604.6. Public and semi-public buildings.
- 604.7. Public and private schools.
- 604.8. Retirement community.
- 604.9. Self-storage building.
- 604.10. Travel trailer park.
- 604.11. Cemeteries.
- 604.12. Retail stores, service shops, and artisan shops.
- 604.13. Solar Generated Electric
- 604.14. Adult business

**605. USES BY SPECIAL EXCEPTION**

- 605.1. Comparable uses not specifically listed.
- 605.2. Additional residences on the lot of record.
- 605.3. Home occupation.

**606. BULK REGULATIONS****606.1. Lot Area:**

<b>Type of Use</b>	<b>No Public Water or Sewer</b>	<b>Public Sewer Only</b>
Single Family Detached	3 Acres	3,000 sq. ft. per unit
Multi-Family Dwellings	3 Acres	3,000 sq. ft. per unit
Single Family Semi-detached	3 Acres	3,000 sq. ft. per unit
Two Family Detached	3 Acres	10,000 sq. ft. per building
All Other Permitted Uses, except public park and recreation uses	3 Acres	3,000 sq. ft. per building

606.2. Front Yard - Minimum of fifty feet (50') from the right-of-way line of the abutting road.

606.3. Side Yards - Minimum of ten feet (10').

606.4. Minimum lot width at the right-of-way line - thirty-three feet (33').

606.5. Rear Yard - Minimum of twenty feet (20').

606.6. Maximum Building Height:

A. Fifty feet (50') for principal building.

B. Thirty-five feet (35') for accessory structure.

C. Silos and grain storage towers shall be exempt from height restrictions.

606.7. Maximum Lot Coverage - Thirty-five percent (35%).

**ARTICLE VII**  
**RESIDENTIAL DISTRICT**  
**(Zoning District R)**

**701. PURPOSE**

The purpose of the R Residential District is to encourage residential development suited to the natural conditions of the area. A goal of this District is to encourage gradual development of properties with on-lot septic systems in a manner that will permit future connection to a public sewer system and to permit higher density residential development as a conditional use in locations where public utilities and transportation facilities are available or anticipated in the near future.

**702. PRINCIPAL PERMITTED USES**

- 702.1. Residential uses.
- 702.2. Churches.
- 702.3. Essential services.
- 702.4. Public and semi-public buildings.
- 702.5. Single family dwelling.
- 702.6. Two family dwelling (duplex).

**703. ACCESSORY USES**

- 703.1. Residential garage.
- 703.2. Residential storage shed up to one hundred and twenty (120) square feet.
- 703.3. Signs.
- 703.4. Swimming pool.
- 703.5. All other uses and/or structures customarily incidental to a permitted use.

**704. CONDITIONAL USES**

- 704.1. Bed and breakfast.
- 704.2. Cemetery.
- 704.3. Day care center.
- 704.4. Group care facility.
- 704.5. Mobile home park.
- 704.6. Multi-family dwellings (including townhouses, apartments, condominiums, etc.)
- 704.7. Planned Residential Development.
- 704.8. Travel trailer park.

**705. USES BY SPECIAL EXCEPTION**

- 705.1. Home occupation.
- 705.2. Comparable uses not specifically listed.

**706. BULK REGULATIONS****706.1. Lot Area**

<b>Type of Use</b>	<b>No Public Water or Sewer</b>	<b>Public Sewer Only</b>
Single Family Detached	43,560 sq. ft.34	3,000 sq. ft.
Multi-Family Dwellings	43,560 sq. ft.	3,000 sq. ft. per unit
Single Family Semi-detached	43,560 sq. ft.	3,000 sq. ft. per unit
Two Family Detached	43,560 sq. ft. per building	3,000 sq. ft. per building
All Other Permitted Uses, except public park and recreation uses	43,560 sq. ft.	10,000 sq. ft. per building

706.2. Front Yard - Minimum of fifty-five feet (55') from the centerline of the abutting road for all roads classified as arterial or collector facilities in the Township Comprehensive Plan, May 1978, and fifty feet (50') from the centerline of the abutting road for all roads classified as local facilities.

706.3. Side Yards - Minimum of fifteen feet (15').

706.4. Minimum Lot Width at the right-of-way line - thirty-three feet (33').

706.5. Rear Yard - Minimum of twenty feet (20').

706.6. Maximum Building Height:

A. Thirty-five feet (35') for principal building.

B. Fifteen feet (15') for accessory structure.

706.7. Maximum Lot Coverage - Fifty percent (50%).

**707. RESORT OVERLAY DISTRICT**

The residential areas surrounding Canadohta Lake have unique characteristics and properties. Most of the area allows exceptional commercial possibilities and weekly tourist rentals of cottages. Yet because of covenants in some deeds, not all areas are included. The purpose of this Resort Overlay District is to provide residential and non-residential opportunities to property owners in the vicinity of Canadohta Lake. It is not the intention of this district to provide year-round commercial services. This district establishes opportunities for property owners to develop existing parcels for non-residential uses if the identified standards can be addressed.

**707.1 Lot Area:**

<b>Type of Use</b>	<b>No Public Water or Sewer</b>	<b>Public Sewer Only</b>
Single Family Detached	Not permitted	3,000 sq. ft.
Multi-Family Dwellings	Not permitted	3,000 sq. ft. per unit
Single Family Semi-Detached	Not permitted	3,000 sq. ft.
Two Family Detached	Not permitted	3,000 sq. ft. per building
All Other Permitted Uses, except public park and recreation uses	20,000 sq. ft.	10,000 sq. ft. per building

**707.2 Front Yard** - Minimum of fifty-five feet (55') from the centerline of the abutting road for all roads classified as arterial or collector facilities in the Township Comprehensive Plan, May 1978, and fifty feet (45') from the centerline of the abutting road for all roads classified as local facilities.

**707.3. Side Yards** - Minimum of Eight feet (8').

**707.4. Minimum Lot Width at the right-of-way line** - thirty-three feet (33').

**707.5. Rear Yard** - Minimum of Fifteen feet (15').

**707.6. Maximum Building Height:**

A. Thirty-five feet (35') for principal building.

B. Fifteen feet (15') for accessory structure.

**707.7. Maximum Lot Coverage** - Fifty percent (50%).

**708. PRINCIPAL PERMITTED USES**

708.1. Commercial recreation.

708.2. Hotel / motel.

708.3. Weekly tourist cottage rentals limited to 3000 square feet of total floor area.

708.4. Personal service shop.

708.5. Restaurants.

708.6. Tavern.

708.7. Travel trailer park.

**709. ACCESSORY USES**

709.1. Commercial storage building for delivery vehicles on the same parcel.

709.2. Commercial storage building on the same parcel, not to exceed 25% of the principal use area.

709.3. Signs.

709.4. All other uses and/or structures customarily incidental to a permitted use.

**710. USES BY SPECIAL EXCEPTION**

710.1 Comparable uses not specifically listed.

**ARTICLE VIII**  
**VILLAGE DISTRICT**  
**(Zoning District V)**

**801. PURPOSE**

The purpose of the V Village District is to provide for a mix of residential and limited commercial and personal service uses which supplement the residential development, within areas serviced by collector or arterial roads.

**802. PRINCIPAL PERMITTED USES**

802.1. Duplex (two-family).

802.2. Essential services.

802.3. Home occupation.

802.4. Multi-family, up to four (4) dwelling units.

802.5. Mixed use structure with limited retail uses and residential uses on subsequent levels.

802.6. Personal service business.

802.7. Professional office.

802.8. Restaurant.

802.9. Single family dwelling.

**803. ACCESSORY USES**

803.1. Commercial storage building for delivery vehicle(s) on same parcel.

803.2. Commercial storage building on same parcel, not to exceed twenty-five percent (25%) of the principal use area.

803.3. Residential garage.

803.4. Residential storage shed up to one hundred and twenty (120) square feet.

803.5. Signs.

803.6. Swimming pool.

803.7. All other uses and/or structures customarily incidental to the permitted use.

**804. CONDITIONAL USES**

804.1. Automotive service station with or without supplemental retail service.

804.2. Church.

804.3. Multi-family structures (over 4 dwelling units).

**805. USES BY SPECIAL EXCEPTION**

805.1. None.

**806. BULK REGULATIONS****806.1. Lot Area:**

<b>Type of Use</b>	<b>No Public Water or Sewer</b>	<b>Public Sewer Only</b>
Single Family Detached	22,000 sq. ft. per unit	3,000 sq. ft. per unit
Two Family Detached	22,000 sq. ft.	3,000 sq. ft.
Single Family Semi-Detached	22,000 sq. ft.	3,000 sq. ft. per dwelling
Multi-Family Dwelling	22,000 sq. ft.	3,000 sq. ft. per dwelling
All Other Permitted Uses, except public park and recreation uses	20,000 sq. ft.	10,000 sq. ft. per building

806.2. Front Yard - Minimum of thirty feet (30') from the right-of-way line of the abutting road.

806.3. Side Yards - Minimum of eight feet (8').

806.4. Minimum Lot Width at road right-of-way - Thirty-three feet (33').

806.5. Rear Yard - Minimum of fifteen feet (15').

806.6. Maximum Building Height:

A. Thirty-five feet (35') for principal building.

B. Fifteen feet (15') for accessory structure.

806.7. Maximum Lot Coverage - Sixty-five percent (65%).

**ARTICLE IX**  
**GENERAL COMMERCIAL DISTRICT**  
**(Zoning District GC)**

**901. PURPOSE**

This district is intended to provide areas of year-round commercial opportunities to the entire Township community. The GC General Commercial District is structured to include existing concentrations of commercial development as well as providing for additional opportunities along State and local highways in the Township.

**902. PRINCIPAL PERMITTED USES**

- 902.1. Automobile sales and service.
- 902.2. Bank, financial institution.
- 902.3. Commercial recreation establishment.
- 902.4. Day care facility.
- 902.5. Essential services.
- 902.6. Funeral home.
- 902.7. Gasoline/fuel service station.
- 902.8. Health care facilities.
- 902.9. Hotel.
- 902.10. Laundromat/laundry service
- 902.11. Motel.
- 902.12. Nursing home.
- 902.13. Personal service business.
- 902.14. Professional office.
- 902.15. Restaurant, including fast food.
- 902.16. Retail sales.

**903. ACCESSORY USES**

- 903.1. Commercial storage building for delivery vehicle(s) on same parcel.
- 903.2. Commercial storage building on same parcel, not to exceed twenty-five percent (25%) of the principal use area.
- 903.3. Residential garage.
- 903.4. Residential storage shed up to one hundred and twenty (120) square feet.
- 903.5. Signs.
- 903.6. Swimming pool.
- 903.7. All other uses and/or structures customarily incidental to the permitted use.

**904. CONDITIONAL USES**

904.1. Institutional home.

904.2. Mixed use structure with retail uses on the first floor and residential uses on subsequent levels.

904.3. Retail use with more than one (1) principal structure on the same parcel.

904.4. Single family dwelling.

**905. USES BY SPECIAL EXCEPTION**

905.1. None.

**906. BULK REGULATIONS**

906.1. Lot Area:

Type of Use	No Public Water or Sewer	Public Sewer Only
Single Family Detached	22,000 sq. ft.	3,000 sq. ft.
All Other Permitted Uses, except public park and recreation uses	20,000 sq. ft.	10,000 sq. ft.

906.2. Front Yard - Minimum of fifty feet (50') from the right-of-way line of the abutting road.

906.3. Side Yards - Where two (2) buildings are constructed with a common wall(s) none is required. Where buildings are separated a minimum of ten feet (10') is required.

906.4. Minimum Lot Width at road right-of-way - Fifty feet (50').

906.5. Rear Yard - Minimum of twenty feet (20').

906.6. Maximum Building Height:

A. Thirty-five feet (35') for principal building.

B. Fifteen feet (15') for accessory structure.

906.7. Maximum Lot Coverage - Seventy percent (70%).

## **ARTICLE X**

### **I INDUSTRIAL DISTRICT (Zoning District I)**

#### **1001. PURPOSE**

The general intent of the I Industrial District is to provide for more intense uses of land within the Township in appropriate locations and on sites which have adequate area to accommodate the use, access to public utilities and can be reasonably buffered from adjoining residential areas.

#### **1002. PRINCIPAL PERMITTED USES**

- 1002.1. Construction supply sales and storage.
- 1002.2. Contractor supply yard.
- 1002.3. Essential services.
- 1002.4. Heavy equipment repair.
- 1002.5. Lumber yard.
- 1002.6. Manufacture or assembly of previously prepared material.
- 1002.7. Self-storage building.
- 1002.8. Warehouse establishment.
- 1002.9. Wholesale establishment.

#### **1003. ACCESSORY USES**

- 1003.1. Commercial storage building for delivery vehicle(s) on same parcel.
- 1003.2. Commercial storage building on same parcel, not to exceed twenty-five percent (25%) of the principal use area.
- 1003.3. Signs.
- 1003.4. All other uses and/or structures customarily incidental to the permitted use.

#### **1004. CONDITIONAL USES**

- 1004.1. Communication tower, wind energy systems.
- 1004.2. Junk, salvage, or automobile wrecking yard.

#### **1005. USES BY SPECIAL EXCEPTION**

- 1005.1. Single family dwelling.
- 1005.2. Truck terminal.
- 1005.3. Comparable uses not specifically listed.

## **1006. ROLE OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (PADEP)**

1006.1. Uses which involve significant emissions into the air, discharges to streams, disposal of solid wastes, and noise pollution shall be given no building permit and zoning clearance until the applicant demonstrates that he has complied with the regulations promulgated by Pa. DEP pertinent to the aforementioned environmental impacts.

## **1007. BULK REGULATIONS**

1007.1. Lot Area - No minimum requirement.

1007.2. Front Yard - Minimum of fifty-five feet (55') from the right-of-way of the abutting road.

1007.3. Side Yards - Minimum of twenty feet (20').

1007.4. Minimum Lot Width at the road right-of-way - One hundred feet (100').

1007.5. Rear Yard - None required.

1007.6. Additional Siting Requirements - Where the property lines of the uses permitted in this District abut a residential district, in no case shall a building used for nonresidential purposes be closer than fifty feet (50') from the common property line and there shall be a minimum of twenty feet (20') between the edge of any off-street parking and loading area or any vehicular access drive and the common property line. Furthermore, any off-street loading area, if located closer than fifty feet (50') from said common property line, shall be screened by a wall, fence, plantings and/or a terrain or landscape feature.

1007.7. Maximum Building Height:

A. Thirty-five feet (35') for principal building.

B. Fifteen feet (15') for accessory structure.

1007.8. Maximum Lot Coverage - Seventy-five percent (75%).

## **ARTICLE XI**

### **PLANNED RESIDENTIAL DEVELOPMENT**

#### **1101. PLANNED RESIDENTIAL DEVELOPMENT:**

1101.1. Purpose: The purpose of the Planned Residential Development (PRD) regulations is to permit residential development as the conditional use which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities, and community facilities of high quality, oriented to the specific development site and preservation of the natural scenic qualities of open areas.

1101.2. Application: A PRD may be permitted in A Agricultural, RD Rural Development and R Residential zoning districts in the area, subject to the standards, restrictions, qualifications, criteria, requirements, conditions, regulations and procedures enumerated in this Article, as set forth herein. Certain provisions of this Ordinance and the respective Subdivision Ordinance shall not be applied to PRD proposals accepted for review, except when specifically indicated by the provisions contained herein.

#### **1102. OWNERSHIP REQUIREMENTS:**

1102.1. The minimum land area for a PRD shall be ten (10) contiguous acres. Public easements or private roads shall not be construed as an interruption or division of a tract of land proposed for a PRD.

1102.2. Prior to the Pre-Application Conference, the developer of a PRD shall evidence a full ownership interest in the land, which for purposes of this ordinance shall be either legal title or an executed binding sales agreement evidencing equitable title in it.

1102.3. A PRD shall be in single legal, as well as equitable, ownership coincident with approval of the Final Development Plan.

#### **1103. AVAILABILITY OF PUBLIC SERVICES AND ACCESS:**

1103.1. Where the Township determines that public sewage and water facilities are available and are capable of being extended to the development site, the developer shall connect the PRD to such facilities.

1103.2. In the absence of a public sewage facilities, the developer shall provide within a PRD a sanitary sewage system acceptable to Bloomfield Township and which shall be subject to the standards, rules and regulations of the Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor thereto.

1103.3. Central water services shall be supplied to each building or structure to be erected in a PRD.

1103.4. The developer shall provide within a PRD a storm drainage system which shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water run-off within the PRD and shall be so constructed as to conform with applicable statutes, ordinances, and regulations of the Commonwealth of Pennsylvania and Bloomfield Township and to conform to the requirements of the Township's Subdivision and Land Development Ordinance.

1103.5. A PRD shall be related to the local regional highway systems. The developer must demonstrate to the satisfaction of the Planning Commission that traffic circulation problems will not be created and that the proposed road system is adequate in terms of traffic volume capacity and construction type to accommodate the projected PRD generated traffic.

**1104. ADMINISTRATION AND PROCEDURES:**

1104.1. The PRD provisions of this Ordinance shall be applied by the Planning Commission, which shall review all applications on the basis of specified standards, restrictions, qualifications, criteria, requirements, conditions, regulations and procedures. The Board of Supervisors shall conduct public hearings and have final authority to approve, modify or disapprove a PRD.

1104.2. A developer shall obtain required approvals for a PRD by following a four (4) step review process which shall consist of a Pre-Application Conference, a Preliminary Development Plan Review, Public Hearings, and a Final Development Plan Review.

A. Pre-Application Conference: Each applicant may confer with the Township Secretary to schedule a Pre-Application Conference. It shall be the responsibility of the Township Secretary to arrange a conference with the Planning Commission. The conference shall include members of the Planning Commission and designated members of the Board of Supervisors. The Solicitor, local utility service representatives, Township Engineer, Police Department, and others deemed appropriate may also be requested to attend such conference. Items to be addressed at the pre-application conference shall include but not be limited to the following:

1. Location of the proposed PRD site;
2. Points of access and road names;
3. Utilities and location of utility line extensions;
4. Topography of the proposed PRD site;
5. Conceptual stormwater management plan; and
6. Significant stands of trees, size and species.

B. Preliminary Development Plan (Application for Tentative Approval): Within one hundred and twenty (120) days following the Pre-Application Conference, fifteen (15) copies of a Preliminary Development Plan shall be presented in sufficient detail to provide the Planning Commission with a major substantive review of the proposed PRD, which Preliminary Development Plan shall constitute the Application for Tentative Approval. The following documentation shall be submitted in support of the Application:

1. Written Documents:

- a) A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
- b) A statement of planning objective to be achieved by the PRD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development.
- c) Quantitative data for the following: total number and type of dwelling units, parcel size, proposed lot coverage of buildings and structures, approximate gross and net residential densities, total amount of open space (including a separate figure for common open space and usable open space), economic feasibility studies or market analyses where reasonably necessary and other studies as may be designated by the Planning Commission.

2. Location Map: This map shall clearly show the location and area of the tract proposed for development with relation to all lands, buildings, and structures within five hundred feet (500') of its boundaries, the location and distance to existing related highways, streets or roads and the names of owners of properties adjacent to the tract.

3. Site Plan and Supporting Maps: A site plan at a scale no smaller than one inch equals fifty feet (1"=50') and any maps necessary in the opinion of the Planning Commission on a scale as required by it to show the major details of the proposed PRD, which site plan and maps shall also contain the following minimum information:

a) The existing site conditions including contours at a minimum intervals of five feet (5'), watercourses, flood plains, forest cover, soils, and natural features considered significant by the Planning Commission.

b) Proposed lot lines and subdivision plan, if any.

c) The location of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units and density per type. Preliminary elevations and/or architectural renderings of typical structures shall be provided. Such drawings shall be sufficient to relay the basic architectural intent of the proposed improvements.

d) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space not to be less than twenty percent (20%) of the total area of the PRD.

e) The existing and proposed vehicular circulation system of collector and local streets or roads, including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development).

f) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system and indicating proposed treatment of points of conflict.

g) The existing and proposed utilities systems, including sanitary sewers, storm sewers, water, electric, gas, cable T.V. and telephone lines.

h) Any additional information required by the Planning Commission as necessary for it to evaluate the character and impact of the proposed PRD.

4. Projected Scheduling of Stages: In the case of development plans which call for development over a period of years, a schedule showing such stages shall be provided. This schedule shall be reviewed annually with the Planning Commission by the developer on the anniversary of the tentative approval or as each stage of development is completed, whichever shall first occur.

#### C. Public Hearings and Approval:

1. Within sixty (60) days following receipt of a completed Application for Tentative Approval of a PRD, with required documentation, a public hearing pursuant to public notice on such Application shall be held by the Board of Supervisors. Said public hearing may be continued from time to time but shall be concluded no more than sixty (60) days after the date of the first public hearing.

2. The Board of Supervisors may offer mediation as an aid in completing proceedings authorized by this Article prior to final approval as outlined in Section 1808..

3. The Board within sixty (60) days following the conclusion of the public hearing shall by official written communication to the developer, either:

- a) Grant tentative approval of the Preliminary Development as submitted;
- b) Grant tentative approval of the Preliminary Development Plan subject to specified conditions not included in the Preliminary Development Plan as submitted; or

c) Deny tentative approval.

d) Failure to so act within such period of time shall be deemed to be a grant of tentative approval of the Preliminary Development Plan as submitted. In the event, however, that the tentative approval of the Preliminary Development Plan is granted subject to specified conditions, the developer may within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors notify such Board of his refusal to accept all such conditions, in which event tentative approval of the Preliminary Development Plan is deemed to be denied. In the event the developer does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, tentative approval of the Preliminary Development Plan, with all said conditions, shall stand as granted.

1) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:

a) In those respects, in which the development is or is not consistent with the comprehensive plan for the development of the Township.

b) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.

c) The purpose, location and amount of the common open space in the planned residential development, the reliability of the propose for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development; (d) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

e) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and

f) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

e) In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

D. Criteria for Tentative Approval: The Board of Supervisors may give tentative approval to a Preliminary Development Plan, if and only if, it is found to meet the following criteria:

1. The proposed Preliminary Development Plan complies with all standards, restrictions, qualifications, criteria, requirements, conditions, regulations, and procedures of this Ordinance, preserves the Community Development Objectives of this Ordinance, and complies with all relevant county and state regulations.
2. Where the proposed Preliminary Development Plan provides standards varying from those in this Ordinance and the Township Subdivision Ordinance otherwise applicable to the subject property, such departure is in the public interest and promotes the conservation of the environment, health, safety and general welfare of the public.
3. The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this Ordinance, and the amount and extent of improvements of the remaining land are appropriate with respect to the purpose, use and type of residential development proposed.
4. The physical design of the proposed Preliminary Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation, and visual enjoyment.
5. The total environment of the proposed Preliminary Development Plan, including lot layout and design, street configuration and preservation of natural amenities, is consistent with the neighborhood in which it is located.
6. The proposed Preliminary Development Plan will afford adequate protection of natural water courses, topsoil, trees, and other features of the natural environment and will prevent erosion, landslides, siltation, and flooding.
7. In the case of a Preliminary Development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interest of the public and of the residents of the PRD in the integrity of the Final Development Plan.
8. The grant or denial of tentative approval shall include findings of fact relating to the proposed Preliminary Development as submitted for approval and reasons for

such decisions shall be set forth with particularity, including but not limited to whether the proposed Preliminary Development Plan would or would not be in the public interest with respect to each of the above criteria.

E. Final Development Plan (Application for Final Approval): After the Preliminary Development Plan is tentatively approved by the Board of Supervisors, the developer shall thereafter submit fifteen (15) copies of the Final Development Plan, which shall consist of detail plans for any part or section of the land for which he desired final approval, which Final Development Plan constitute the Application for Final Approval. No building permit shall be issued until after final approval by the Board of Supervisors of the detailed plans for the part or section in which the proposed development is located. Final approval of any detailed plans shall lapse unless construction is started in that part or section within one (1) year after such approval.

1. In the event the Application for Final Approval has been filed, together with all drawings, specifications and other written communication of tentative approval, the Board of Supervisors shall, within forty-five (45) days of such filing, grant such Final Development Plan final approval.

2. Changes in the location and siting of building structures deemed minor by the Board of Supervisors may be authorized by it without additional public hearings, if required by engineering or other circumstances not foreseen at the time the Preliminary Development Plan was tentatively approved. However, gross, and net density established by the tentatively approved Preliminary Plan shall not change.

3. The Final Development Plan shall comply with the provisions of other existing ordinances related to development within the Township, County and State shall include:

a) All data required for final plan as specified in the Township's Subdivision and Land Development Ordinance.

b) Accurately dimensioned locations of all proposed buildings, structures, parking areas and common open space.

c) The number of families to be housed in each building or structure and intended use of each building or structure.

d) A statement indicating those units or buildings which will be retained by the developer, his heirs or assigns for use as rental properties.

e) The Landscape Development Plan, including the location and types of materials of sidewalks, trails, recreation facilities as permitted by this Ordinance.

1) A general landscape plan indicating the treatment and material used for active and passive open space.

2) The proposed landscaping treatment of the perimeter of the PRD.

f) Supplementary data to include any covenants, grant of easements or other restrictions to be imposed on the use of land, buildings and structures and provisions for the maintenance, ownership, and operation of common open space facilities.

g) An engineering report which shall include the following data wherever pertinent: Profiles, cross sections and specifications for proposed highway, street, or road improvements. Profiles and other explanatory data

concerning installation of water distribution systems, storm sewers and sanitary sewers. Feasibility of the sewage system in terms of capacity to serve the proposed development.

h) An Erosion and Sedimentation Control Plan which shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation, including but not limited to the following:

- 1) The topographic features of the site area;
  - 2) The types depth, slope and extent of the soils by area;
  - 3) The proposed alteration to the site area;
  - 4) The amount of runoff from the site area and the upstream watershed area;
  - 5) The staging of earthmoving activities;
  - 6) Temporary control measures and facilities of use during earthmoving.
  - 7) Permanent control measures and facilities for long-term protection.
  - 8) A maintenance program for the control facilities including disposal of materials removed from the control facilities or site area.
- i) Sub-surface conditions, including data on slope stability and past or possible future mining activity and operations for oil and gas.
- j) A minimum of three (3) sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, roads, parking areas and walkways and to existing woodlands.
- k) Evidence of compliance with the Environmental Performance Standards (Article VI).
- l) Location and type of temporary construction or sales office and equipment parking areas.
- m) Any additional information required by the Planning Commission as necessary for it to evaluate the character and impact of the proposed PRD.

4. Should the Final Development Plan as submitted contain variations from the Preliminary Development Plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall hold a public hearing for comment on the application as revised within forty-five (45) days from filing of the Application for Final Approval so advise the developer in writing of such refusal. In the event of such refusal, the developer may either:

- a) Refile his Application for Final Approval without the variations objected to, in which case the Board of Supervisors shall, within thirty (30) days of such refile, grant such Final Development Plan final approval; or
- b) File a written request with the Board of Supervisors for a public hearing on the refused Application for Final Approval, in which case the Board of Supervisors shall, within thirty (30) days following the conclusion of the public

hearing, render its determination on the refused Application for Final Approval.

c) In the event the developer shall fail to take either of the alternate actions set forth in (a) or (b) above within thirty (30) days from such written refusal, he or it shall be deemed to have abandoned the Final Development Plan.

5. The Final Development Plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be recorded forthwith by the developer in the office of the Recorder of Deeds of Crawford County before any development shall take place.

6. If the sequence of construction of various portions of the Development is to occur in stages, then the common open space and/or recreational facilities shall be developed, or an adequate development commitment made thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction as approved. Furthermore, at no time during the construction of the Development shall the number of constructed dwelling units per acre of developed land exceed the overall density per acre established by the approved Final Development Plan.

## **1105. STANDARDS AND REQUIREMENTS:**

1105.1. Density: Residential density shall not exceed six (6) permissible dwellings per any one (1) net buildable acre, as defined, although such dwelling may be clustered. The Board of Supervisors reserves the right to make a density level more restrictive in any part of the proposed PRD where it determines that:

- A. The average grade of any part of the land area, prior to development, is twenty-five percent (25%) or greater; or
- B. There is unsafe or inadequate vehicular access to the Development; or
- C. Traffic congestion of adjoining highways, streets or roads will be generated which is beyond the safe carrying capacity thereof as determined by accepted standards; or
- D. There is another unsafe condition created by any part of the developer's proposed density level.

### **1105.2. Lot and Building or Structure Requirements:**

- A. Lot Size: There shall be no minimum lot size, percentage of lot coverage or lot width. However, every one (1) family dwelling shall have access to a common street, road, court, walk or other area available for use. No other structure or group of structures shall be erected within twenty feet (20') of any other structure or group of structures.
- B. Buffer: There shall be a buffer yard of at least twenty-five feet (25') along the entire perimeter of each PRD tract, within which no construction or disturbance of existing vegetation shall be permitted except as specifically provided for.
- C. Length: There shall be no continuous building or structure of townhouses containing more than six (6) dwelling units.
- D. Location of Buildings or Structures: The proposed location and arrangement of buildings or structures shall be such that sunlight or air from the direction of adjacent buildings or structures within the development site area or from existing buildings or structures located adjacent to the proposed development, are not obstructed to the extent that such arrangement is possible.

### 1105.3. Common Space:

A. Area Limitation: Within a PRD the following percentages of the total gross land area shall be devoted to specified use as indicated herein;

1. A minimum of TWENTY percent (20%) of the net site area, exclusive of road rights-of-way, easements, and stormwater detention facilities, shall be set aside and preserved for common open space. Where significant or unique natural amenities exist on the site, the Board of Supervisors shall have the authority to enforce their preservation as part of the required common open space. These amenities may include, but are not limited to, natural features such as rock outcroppings, virgin timber, groves of trees, ravines, ponds, stream Beds and stream valleys.

2. A maximum of EIGHTY percent (80%) of the net site area may be devoted to residential use, which shall include building coverage, parking areas, private yards and courts which abut and serve residences or groups of residences and other usable space.

B. Protection of Common Space: Common space between structures, including that space being used as common open space or usable space, shall be protected by adequate covenants running with the land or by conveyances or dedications. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan and schedule for permanent care and maintenance of such space, recreational area, and communally owned facilities. No such instrument shall be acceptable until approved by the Board of Supervisors following review by the Township Solicitor as to legal form and effect. In cases where Bloomfield Township will not be accepting dedications of alleys, recreation area or common open space, the developer shall provide for an organization, or Homeowner's Association, for ownership and maintenance thereof.

C. Common Space Maintenance: In the event that the organization established to own and maintain common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all alleys, driveways and recreational facilities, in reasonable order and condition in accordance with the Final Development Plan, the Municipality may take remedial action to cause the common open space to be properly maintained, as provided by the Pennsylvania Municipalities Planning Code, as amended.

### 1105.4. Permitted Uses:

A. Land and buildings in a Planned Residential Development may be used for the following purposes:

1. Single Family dwellings.

2. Duplexes.

3. Townhouses.

4. Recreation facilities which are for the use of residents of the development, and which shall only include hiking, walking or bicycle trails, tennis, paddle tennis, basketball and volleyball courts, putting greens, swimming pool and related facilities; and such additional recreational uses as deemed appropriate by the Township.

B. All buildings and structures on the perimeter of the development must be well-screened in a manner approved by the Township.

C. Each PRD shall be planned as an entity which includes an acceptable unitary site plan, mixture of housing types and land uses, usable common open space, site related vehicular and pedestrian circulation systems and preservation of significant natural features.

**1105.5. Parking:** Parking shall be provided as follows:

A. There shall be a minimum of one twenty-two foot (22') wide garage attached to each dwelling unit. Such space shall be situated under cover.

B. There shall be a minimum of one (1) nine by eighteen-foot (9' x 18') off-street parking space, excluding driveway for every two (2) dwelling units in the PRD for visitor parking. Placed within one hundred feet (100') of the dwelling units generating the need for such parking.

C. Visitor parking areas shall be designed to minimize excessive numbers of vehicles in any one (1) area. Continuous rows of more than six (6) vehicles shall be interrupted with a landscaped island.

**1105.6. Circulation:**

A. Vehicular access within the PRD shall be designed to permit smooth traffic flow with the minimum hazard to vehicular or pedestrian traffic at intersections.

B. A pedestrian circulation or walkway system shall be established where stipulated by the Township and that system shall be reasonably segregated from vehicular traffic.

C. Streets and roads in a PRD should be designed and built to Township specifications and dedicated to public use but may be retained under private ownership. Any such dedication is not binding on the Township unless and until it is accepted by the enactment of an ordinance to that effect.

D. Small businesses related to the overall welfare to the residents of the PRD.

**1106. SURETY AND IMPROVEMENTS:**

1106.1. The Board of Supervisors shall request an approved performance bond, irrevocable letter of credit, or such other acceptable security as determined by the Board of Supervisors following review by the Township Solicitor, to be furnished and filed with the Township Secretary. An escrow agreement and account approved by the Board of Supervisors as to form and content shall be required in the amount of one hundred and ten percent (110%) of the estimated construction costs and engineering for each stage of development. All estimates of cost to be approved by the Township Engineer. Such escrow amount shall accompany the request for final approval of the Final Development Plan to insure completion of all public and private site improvements, streets, roads, parking areas, sewers, utilities, recreation facilities, stormwater management facilities, landscaping, plantings, and screening.

1106.2. Before any grading or building permit may be issued in regard to the PRD, all agreements, contracts, deed restrictions, other instruments and sureties shall be in a form acceptable to the Municipality.

**1107. FEES:**

1107.1. At the time of application for Tentative Approval and/or Final Approval of a PRD or a phase or section thereof, a fee established by the Board of Supervisors for review shall be payable to the Municipality.

1107.2. In addition, all applicable building permit fees adopted by the Municipality from time to time shall apply and be paid. The developer shall also place into escrow sufficient funds as determined at the time of Final Approval Application, to provide for necessary Township contracted services including, but not limited to, engineering, legal costs, advertising, and stenographic services.

## **ARTICLE XII**

### **SUPPLEMENTAL REGULATIONS**

#### **1201. GENERAL**

The purpose of supplemental district regulations is to set specific conditions for various uses, classifications of uses, or areas of community development where problems are frequently encountered. These regulations further qualify and supplement the district regulations established in this Ordinance.

#### **1202. COMPUTATION OF PERMITTED DWELLING UNITS**

To compute the maximum number of permitted dwelling units for a property, the area of the total property is divided by the lot area requirement in the applicable district. Fractional numbers shall not be used to increase the number of permitted dwelling units or uses.

#### **1203. ACCOMMODATION OF ROOMERS**

The accommodation of not more than two (2) nontransient roomers in a single-family dwelling shall be permitted in all districts providing one (1) off-street parking space is provided for each roomer lodged on the premises.

#### **1204. PERMITTED PROJECTIONS AND OBSTRUCTIONS INTO REQUIRED YARDS**

See Section 405.12

#### **1205. TEMPORARY STRUCTURES**

Temporary structures, including mobile homes and construction trailers may be permitted in any district during the period construction work is covered under a valid zoning permit issued by the Zoning Officer. Such temporary structures may be used as offices and construction headquarters but shall not be used for living quarters.

1205.1. Except for special or emergency periods of no more than thirty (30) consecutive days parked or stored camping and recreational equipment including travel trailers shall not be occupied or used for living quarters outside of private or public campground sites approved by the Pennsylvania Department of Environmental Protection, and after the effective date of this Ordinance, permitted under the provisions of this Ordinance as established in Article XIV; providing, however, a longer period may be permitted under the special exception process if the applicant can establish that he has adequate facilities on the property, including sufficient on-lot sewage capacities, to accommodate the additional residents based on the various regulations established to promote the general health, safety and welfare of the Township.

#### **1206. MOBILE OR MODULAR HOMES**

Mobile or modular homes shall comply with the following site standards:

1206.1. Stable Foundation: Each mobile or modular home shall be securely fastened to a foundation structure(s) which is constructed in a suitable manner to minimum depth below the surface grade of thirty inches (30"). If pilaster supports are used, they shall be a minimum of eight feet (8') center to center located under each of the long facades of the mobile or modular home.

1206.2. Skirting: An enclosure of compatible material and design shall be installed on all sides of the mobile or modular in a manner so as to provide continuous facades from the ground level upwards. Such enclosure shall provide sufficient ventilation to prevent deterioration.

1206.3. Tie Downs: Each mobile home shall be tied down to guard against uplift, sliding or overturning. Tie downs shall be designed by the manufacturer or may be of suitable metal cable construction and shall be anchored in a secure way.

### **1207. BUILDING SETBACK MODIFICATION**

Where one (1) or more existing structures are located on adjacent lots and on the same side of the road within one hundred and fifty feet (150') in either direction of a proposed structure, the setback of the proposed structure may conform with the average of the setbacks of these applicable existing structures if such "average setback" is less than that required in the District. Where an addition is proposed to an existing structure which has a setback less than that required in the District, the setback required for the proposed addition need not be more than the existing setback.

### **1208. ACCESS TO LOTS**

No dwelling shall hereafter be erected or altered unless there is direct access to it through an open space on the same lot. Such open space shall be at least twelve feet (12') wide and shall extend from the dwelling to a public street or highway or to a private street constructed and maintained that vehicles of all kinds may readily pass over it in all seasons of the year.

### **1209. ON-LOT SEWAGE TREATMENT REQUIREMENT**

Where on-lot sewage treatment is utilized, the minimum lot size shall not be less than required by the regulations promulgated and enforced by the Pennsylvania Department of Environmental Protection (Pa DEP) or its agent.

### **1210. DUMPING, DEPOSITING AND/OR STORAGE OF SOLID WASTE**

Open dumping or depositing of solid waste on the surface of the ground, into the ground, or into the waters of the Township (establishing or perpetuating a landfill) without having obtained a permit as required under the regulations established in this Ordinance shall not be permitted in any zoning district; providing, however, this requirement shall not prohibit:

1210.1. The use of solid wastes in normal farming operations or in the processing or manufacture of other products in a manner that will not create a public nuisance or adversely affect the public health.

1210.2. The storage of solid waste which prevents the attraction, harborage or breeding of insects or rodents and limits conditions harmful to public health or which create safety hazards, odors, unsightliness, and public nuisances.

### **1211. NONCONFORMING LOTS OF RECORD**

Lots of Record: Any lot or parcel of record in separate ownership existing at the effective date of this Ordinance may be used for the erection and construction of a structure conforming to the use regulations of the district in which it is located even though its area and width are less than the minimum requirements of this Ordinance.

## **1212. HOME LOT OCCUPATION**

The following standards shall be applicable to all home lot occupation uses. The applicant shall demonstrate in the application process that they will meet the following standards:

1212.1. The applicant's property shall have a minimum area of one (1) acre.

1212.2. There shall be no more than eight (8) persons engaged in the home lot occupation at any one time in addition to family members resident on the premises.

1212.3. Normally there shall be no more than eight (8) vehicular trips to and from the premises generated by the use at the busiest hour of the normal operating day.

1212.4. There shall be a minimum of one hundred feet (100') between the location of any structure used for gainful employment activity and the nearest habitable building, excluding buildings on the applicant's property, and a minimum of fifty feet (50') between the location of any structures used for gainful employment activity and the nearest side or rear property line.

1212.5. There shall be a minimum front yard setback of fifty feet (50').

1212.6. Outdoor work, storage, and service areas, where they are installed, shall be screened from all views at the public road and from adjacent residences off the premises where this is judged necessary in order to soften detrimental visual characteristics. The screen shall be established by plant materials, fencing, walls, or terrain features (or a combination of these) such that the screening is effective simultaneous with the occupancy of the use.

1212.7. There shall be sufficient off-street parking spaces to accommodate the family members as required in Article XIV plus one (1) space for each person working on the premises at any one time who is not a member of the family plus two (2) additional spaces for customers. Parking spaces shall be as defined in Article XIV. Off-street parking spaces for employees not members of the family and for customers shall not be located in the front yard as defined in this Ordinance.

1212.8. The normal workday hours at the activity shall be between 7:00 a.m. and 8:00 p.m.

1212.9. The activity shall be permitted one (1) sign and it shall be a maximum of nine (9) square feet in area.

## **1213. PROPERTY OWNED, LEASED OR OPERATED BY PUBLIC AGENCIES**

Property owned, leased, or operated by the Commonwealth of Pennsylvania, the United States or Bloomfield Township or any other public or governmental body created by the Township shall be subject to the requirements of this Ordinance as follows:

1213.1. Where such public or governmental uses are specifically listed, they shall be regulated as indicated.

1213.2. Where such public or governmental uses are not specifically listed, they shall be permitted only in districts permitting private uses of a similar or substantially similar nature, other they shall not be permitted.

1213.3. Property owned or leased by the Commonwealth of Pennsylvania, or the United States shall be exempt from the provisions of this Ordinance only to the extent that said property may not be constitutionally required by the Township.

#### **1214. PRIVATE SWIMMING POOLS**

A private swimming pool shall be permitted as an accessory use in all districts providing the swimming pool is:

1214.1. Located a minimum of ten feet (10') from any property line of the property on which it is located, including any paved areas or accessory structures which are part of the swimming pool development, and

1214.2. Walled or fenced to prevent uncontrolled access by persons, particularly children, from adjacent areas; said fence or wall shall not be less than four feet (4') in height and maintained in good condition with a gate and lock; this requirement shall be considered as complied with where the pool deck is constructed in such a manner as to be a minimum of four feet (4') above ground level.

#### **1215. STORAGE OF VEHICLES, MACHINERY AND OTHER ITEMS OF GENERAL STORAGE**

Automotive vehicles, including trailer and travel trailers, of any kind or type without current license plates and inspection stickers and farm implements and other machinery which are clearly abandoned, deteriorated and which are defined as refuse and which are established as constituting a threat to public health and safety shall not be parked or stored in the open air on a property such that they are visible and/or stored in the open air on a property such that they are visible and/or accessible by the public. No portions of a property or buildings including open porches attached to buildings, shall be used for the storage of garbage, old appliances, rubbish, or miscellaneous refuse where such storage is open to the public view and access and where it is established that said storage constitutes a threat to public health and safety. Outdoor storage of such abandoned vehicles, machinery, and items of general storage where it is established that this material is refuse and where it is established that such storage is a threat to the public health and safety shall be considered a public nuisance; the Township, under State Laws and the provisions of this Ordinance and other applicable Township ordinances, may abate such nuisances.

#### **1216. BUFFERYARDS AND SCREENING**

1216.1. Intended Purpose: The purpose of including guidelines for buffering and screening is to ensure that differing and competing land uses do not have a negative impact on one another in Bloomfield Township. Buffer yards not only reinforce the naturalness of the Township, but also provide a small transition zone which filters and protects both of the adjoining land uses. In addition, screening is a creative technique that can be used to soften the look and impact of commercial areas and stretches of development that are already subject to sign clutter and intensive commercial nodes.

1216.2. Bufferyards: The following bufferyard standards shall be addressed in all zoning districts:

A. Unless otherwise provided, where a nonresidential use or a multi-family use adjoins a single-family residential use or zoning district, a bufferyard of not less than twenty-five feet (25') in width shall be provided on the site of the nonresidential or multi-family use immediately adjacent to and parallel to the residential use.

B. Residential subdivisions over ten (10) lots located adjacent to active agricultural land shall provide a bufferyard of not less than twenty-five feet (25') in width on the site of the residential use. The purpose of this is to reduce conflict between agricultural and residential uses.

C. Any development of a parcel on which a watercourse is located shall provide a bufferyard of not less than twenty-five feet (25') in width from the edge of the bank of the watercourse.

D. If a side yard is provided, the bufferyard may coincide with the side yard.

E. Bufferyards shall be maintained and kept free of all debris and rubbish.

F. No structure, manufacturing or processing activity, or storage of materials shall be permitted in bufferyards. However, access roads, service drives, and utility easements not more than thirty-five feet (35') in width are permitted to cross a bufferyard provided that the centerline of the road, drive, or easement crosses the bufferyard at an angle not less than sixty degrees (60°).

G. No parking shall be permitted in bufferyards.

H. Prior to the issuance of a zoning permit, site plans for bufferyards shall be submitted for review and approval to the Zoning Officer. Said plans shall show the arrangements of all of the bufferyards and the placement, species, and size of all plant materials to be placed in such bufferyard. Any existing trees or vegetation which are to be preserved should be identified relative to their location. Said plan must be reviewed by the Planning Commission and approved by the Zoning Officer before a zoning permit may be issued.

I. Any existing trees which are not damaged and are not located within the required bufferyard, but are a minimum of eight inches (8") in diameter shall count toward the required number of trees to be planted outside the bufferyard.

1216.3. Screening Requirements: Bufferyards shall be developed with the following minimum landscaping requirements:

A. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year.

B. The screen plantings shall be so placed that at maturity they will not be closer than three feet (3') from any ultimate right-of-way or property line;

C. A clear sight triangle shall be maintained at all street intersections and at all points where vehicular accessways intersect public streets;

D. The screen planting shall be broken only at points of vehicular or pedestrian access;

E. Trees that shall not be used in screened planting of bufferyards are:

1. Poplars - all varieties.

2. Willows - all varieties.

3. White or silver maple.

4. Aspen - all varieties.

5. Common Black Locust.

## 1217. COMMUNICATION TOWERS

The following regulations shall apply to all transmission facilities proposed for placement in the Agricultural and / or Industrial Districts. See Section 1307.9.

**1218. ADULT BUSINESSES**

1218.1. Adult businesses shall be located in an agricultural area, yet shall not be located within one thousand linear feet (1000') of any property which is zoned residential.

1218.2. Adult businesses shall not be located within five hundred linear feet (500') of the property boundary line of the following uses:

- A. Public or private school (existing).
- B. Day care center.
- C. Hospital
- D. Group care facility.
- E. Nursery school.
- F. Public park or playground.
- G. Church or other place of worship.
- H. Establishment to serve or sell alcoholic beverages.

1218.3. No adult business shall be located within one thousand linear feet (1000') of any other existing or proposed adult business.

1218.4. Any adult business that exhibits in the premises film, video cassette, or other method of image production that depicts nudity or sexual conduct shall comply with the following:

- A. At least one (1) employee shall be on duty at all times that any patron is on the premises.
- B. Where viewing rooms are located on the premises, an unobstructed view of access to all such rooms shall be available to the employee on duty.
- C. No viewing room shall be occupied by more than one (1) person at any time.
- D. No connections or openings to adjoining viewing rooms shall be permitted.
- E. A minimum of one foot (1') candle of illumination measured at floor level shall be provided in every area where patrons are permitted access.
- F. Where live performances are given, separate stage and viewing areas shall be provided with separate access to each and no connecting access between the areas.
- G. Alcoholic beverages shall not be sold on the premises of an adult business.
- H. An annual Occupancy Permit issued by the Bloomfield Township Zoning Officer shall be secured prior to the operation of any adult business.

## **ARTICLE XIII**

### **CONDITIONAL USES AND USES BY SPECIAL EXCEPTION**

#### **1301. PURPOSE**

Conditional Uses and Uses by Special Exception are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration and potential impact of the proposed use shall be conducted by the Planning Commission by comparing the use to established development standards and design guidelines. This review shall determine whether the proposed Conditional Use or Use by Special Exception addresses the specific standards identified in this Article and whether it should be permitted, by weighing the public need for, and the benefit to be derived from the use against the impact which it may cause.

#### **1302. PROCEDURE FOR CONDITIONAL USE APPROVAL**

1302.1. Approval of Conditional Use: The Board of Township Supervisors shall hear and decide requests for Conditional Uses pursuant to review and recommendation by the Planning Commission; however, they shall not approve a Conditional Use application unless and until:

A. A written application for Conditional Use approval is submitted to the Zoning Officer no less than ten (10) working days prior to the regular meeting of the Planning Commission. The application shall indicate the Section of this Ordinance under which Conditional Use approval is sought and shall state the grounds upon which it is requested. The application shall include the following:

1. A current property survey indicating all existing and proposed structures and all proposed construction, addition, or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.
2. Required fees as established by resolution of the Board of Township Supervisors from time to time.
3. A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.
4. A list of the names and addresses of all property owners within three hundred feet (300') of the entire perimeter of the property for which Conditional Use approval is requested taken from the most recent records of the Crawford County Tax Assessors Office. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred feet (300') of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

5. A Traffic Impact Analysis prepared by a registered traffic engineer for the following proposed Conditional Uses:

- a) Any proposed use which will generate at least fifty (50) "P.M." peak hour trips, as may be identified in the most recent edition of the ITE (International Traffic Engineers) Trip Generation Manual.
- b) Any proposed use in the GC General Commercial or I Industrial which involves the construction of a new building or remodeling for a change of use of an existing building having gross floor area of ten thousand (10,000) square feet or more.

1302.2. A written recommendation is received from the Township Planning Commission or thirty (30) days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.

1302.3. A public hearing is conducted by the Board of Township Supervisors pursuant to public notice.

1302.4. The Township Supervisors shall hear and decide requests for Conditional Uses within sixty (60) days from the date of receipt of a complete and properly filed application.

1302.5. In considering an application for Conditional Use approval, the Board of Township Supervisors may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which Conditional Use approval is granted, shall be deemed a violation of this Ordinance and shall be subject to the enforcement provisions of Article XIX of this Ordinance.

If land development approval is required for the Conditional Use, the application for Conditional Use approval and the application for approval of a land development required by the Township Subdivision and Land Development Ordinance may be processed concurrently provided all application requirements of both Ordinances for a Conditional Use and a land development plan are met.

### **1303. EXPIRATION OF CONDITIONAL USE APPROVAL**

Conditional use approval shall expire automatically, without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for Conditional Use approval is submitted within twelve (12) months of said approval, unless the Board of Township Supervisors, in its sole discretion, extends Conditional Use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve-month extension.

### **1304. PROCEDURE FOR USE BY SPECIAL EXCEPTION APPROVAL**

1304.1. Approval of Uses by Special Exception: The Zoning Hearing Board shall hear and decide requests for Uses by Special Exception after review and recommendation by the Planning Commission. The Zoning Hearing Board shall not approve an application for a Use by Special Exception unless and until:

A. 1. A written application for approval of a Use by Special Exception is submitted to the Zoning Officer. The application shall indicate the Section of this Ordinance under which approval of the Use by Special Exception is sought and shall state the grounds upon which it is requested. The application shall include the following:

a) A current property survey indicating all existing and proposed structures and all proposed construction, additions or alterations on the site in sufficient detail to determine the feasibility of the proposed development and compliance with all applicable requirements of this Ordinance.

b) A written statement showing compliance with the applicable express standards and criteria of this Article for the proposed use.

c) A list of the names and address of all property owners within three hundred feet (300') of the entire perimeter of the property for which approval of the Use by Special Exception is requested taken from the most recent records of the Crawford County Tax Assessors Office. At least fourteen (14) days prior to the hearing, the Board shall mail a copy of the notice by certified mail to each property owner within three hundred feet (300') of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

d) A Traffic Impact Analysis prepared by a registered traffic engineer for the following proposed Uses by Special Exception:

1) Any proposed use in the GC and I Districts which involves the construction of any new building having a gross floor area of ten thousand (10,000) square feet.

e) The required application fee.

B. A written recommendation is received from the Township Planning Commission or thirty (30) days has passed from the date of the Planning Commission meeting at which the application is first considered as complete and properly filed for approval.

C. A public hearing pursuant to public notice is conducted by the Zoning Hearing Board within sixty (60) days of submission of a complete and properly filed application. Said hearing shall be conducted in accordance with the procedures specified in Article XVIII of this Ordinance.

D. In considering an application for approval of a Use by Special Exception, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Article. A violation of such conditions and safeguards, when made a part of the terms and conditions under which approval of a Use by Special Exception is granted, shall be deemed a violation of this Ordinance and subject to the enforcement provisions of Article XIX of this Ordinance.

If land development approval is required for the Use by Special Exception, the application for approval of the Use by Special Exception and application for approval of a land development

required by the Township Subdivision and Land Development Ordinance may be processed concurrently provided all application requirements of both Ordinances for a Use by Special Exception and a land development plan are met.

1304.2. Expiration of Approval of a Use by Special Exception: Approval of a Use by Special Exception shall expire automatically without written notice to the applicant, if no application for a land development plan, a grading permit, a building permit or an occupancy permit to undertake the construction or authorize the occupancy described in the application for approval of the Use by Special Exception is submitted within twelve (12) months of said approval, unless the Zoning Hearing Board, in its sole discretion, extends approval of the Use by Special Exception upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve-month extension.

### **1305. GENERAL STANDARDS**

In addition to specific requirements for Conditional Uses and Uses by Special Exception as specified in this Article, the Township shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall approve said use after finding adequate evidence showing that such use:

1305.1. Will be in accordance with the community development objectives set forth in Article II;

1305.2. Will comply with all applicable requirements of this Ordinance regulating signs, parking and loading, screening, and landscaping.

1305.3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance and function with the existing or intended character of the general area in which the use is located;

1305.4. Will not be hazardous or disturbing to existing or future neighboring uses;

1305.5. Will be served adequately by public facilities and services such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewers, and schools; and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide additional or supplementary public facilities and services should their need be demonstrated in relation to the proposed use;

1305.6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

1305.7. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, vibrations, smoke, dust, fumes, glare or odors;

1305.8. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance and significance.

1305.9. Approved Conditional Use Expansion: Where an existing use of premises, or of a building, or of premises and building in combination is permitted under this Ordinance as a Conditional Use, such use shall in no way be considered nonconforming and it may be expanded, without special review, in conformance to the bulk regulations and other applicable regulations in this Ordinance.

**1306. EXPIRATION OF CONDITIONAL USES PERMIT**

A conditional use permit shall be considered to authorize only one (1) particular use as approved by the Board of Township Supervisors and said permit shall automatically expire if, for any reason, the conditional use shall cease for two (2) years or longer. To reinstate a conditional use a new application shall be filed and approved under the terms of this Ordinance.

**1307. SUPPLEMENTAL STANDARDS**

In addition to the general standards and criteria for all Conditional Uses and Uses by Special Exception listed above, an application for a Conditional Use or Use by Special Exception identified in any zoning district, shall comply with the applicable standards and criteria specified below, for that use.

1307.1. Additional Residences on a Lot of Record: One (1) additional, free-standing dwelling unit may be sited on a lot or parcel of record where there already exists a single or two (2) family dwelling providing the dwelling unit is in conformance with the residential accommodations permitted in the applicable district and providing the application is reviewed by the Zoning Hearing Board and approved as a special exception. In addition to the standards established in Article XIX, the following standards and requirements shall govern the decision of the Board.

- A. The lot may be in any district and shall have a minimum area of sixty thousand (60,000) square feet.
- B. The yard requirements, and other applicable regulations established in this Ordinance shall be complied with as well as the regulations established by the Pennsylvania Department of Environmental Protection.
- C. The dwelling unit shall not be sited on a separate lot of record but shall exist as an additional residential structure on the original lot and be assessed for tax purposes as part of the original lot.
- D. The dwelling unit shall be occupied by a person(s) related by blood, marriage or adoption to the family owning the lot and it shall be demonstrated to the Board's satisfaction that a family related hardship would be alleviated by the construction of this additional structure.
- E. It shall be recognized at the time of the granting of this special exception by the Board that when the family conditions which created the hardship are at an end there shall be, on the basis of this fact alone, no right for the Township to require the removal of this structure. Accordingly the dwelling unit should be planned and constructed as if it were to be permanent installation.

1307.2. Adult Businesses: (See also section 1218)

A. Adult businesses shall not be located within one thousand (1,000) linear feet of any property which is zoned residential.

B. Adult businesses shall not be located within five hundred feet (500') of the property boundary line of the following uses:

1. Public or private school (existing)
2. Day care center
3. Hospital
4. Group care facility
5. Nursery school
6. Public park or playground
7. Church (place of worship)
8. Establishment licensed to serve or sell alcoholic beverages

C. No adult business shall be located within one thousand (1,000) linear feet of any other existing or proposed adult business.

D. Any adult business which exhibits on the premises, film, video cassette or other method of image production which depicts nudity or sexual conduct shall comply with the following:

1. At least one (1) employee shall be on duty at all times that any patron is on the premises.
2. Where viewing rooms are located on the premises, an unobstructed view of access to all such rooms shall be available to the employee on duty.
3. No viewing room shall be occupied by more than one (1) person at any time.
4. No connections or openings to adjoining viewing rooms shall be permitted.
5. A minimum of one (1) foot candle of illumination measured at floor level, shall be provided in every area where patrons are permitted access.
6. Where live performances are given, separate stage and viewing areas shall be provided with separate access to each and no connecting access between the areas.
7. Alcoholic beverages shall not be sold on the premises of an adult business.
8. An annual Occupancy Permit issued by the Zoning Officer shall be secured prior to the operation of any adult business.

1307.3. Agricultural Machinery Sales and Service:

A. Such use shall not be located within one hundred feet (100') of any residential property line or zoning classification.

B. All machinery service activity shall be conducted indoors.

C. An outdoor storage shall be screened from adjacent residential uses and public rights-of-way.

D. Off-street parking shall be provided as required for "repair shops of all kinds" in Section 1405 of this Ordinance.

**1307.4. Animal Hospital:**

- A. The minimum lot area required for an animal hospital shall be twenty thousand (20,000) square feet. The minimum lot area required for an animal hospital with an outdoor kennel or outdoor runs shall be two (2) acres.
- B. All outdoor kennels or runs shall be constructed for easy cleaning and shall be adequately secured by a fence with self-latching gate.
- C. Outdoor kennels shall be located at least two hundred feet (200') from any property line adjoining residential use or zoning classification and at least fifty feet (50') from any other property line.
- D. Kennels associated with animal hospitals shall be licensed by the Commonwealth and shall continue to maintain a valid license throughout their operation. Any suspension of the license shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1902 of this Ordinance.

**1307.5. Automobile Service Station**

- A. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- B. All car washing areas shall discharge into public sanitary sewers.
- C. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.
- D. All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public right-of-way.
- E. Where supplemental retail service is proposed, off-street parking shall be provided as required for retail in addition to service station standards.
- F. Supplemental retail service space shall not exceed two thousand (2,000) square feet.
- G. Gasoline pumps shall be located at least thirty feet (30') from the edge of the right-of-way of a public street.
- H. All fuel, oil and similar substances shall be stored at least twenty-five feet (25') from any property line.
- I. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (Pa DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the Pa DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1902 of this Ordinance.
- J. All property lines adjoining residential use or zoning classification shall be screened.

**1307.6. Bed and Breakfast:**

- A. All floors above grade shall have direct access to ground level.
- B. One (1) off-street parking space shall be provided for each room available for rent (in addition to those required for the dwelling unit).
- C. A sewage permit shall be issued by the Township Sewage Enforcement Officer (SEO) indicating use as a bed and breakfast.

### 1307.7. Cemetery

- A. A minimum site of ten (10) acres shall be required.
- B. A drainage plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
- C. A groundwater study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application.
- D. Plans for ingress/egress to the site shall be referred to the Township Police Department for comments regarding public safety.
- E. All property lines adjoining residential use or zoning classification shall be screened.
- F. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements for places of public assembly specified in Section 1405.
- G. All maintenance equipment shall be properly stored in an enclosed building when not in use.
- H. Burial sites or burial structures shall not be located within one hundred feet (100') of any property line adjoining residential use or zoning classification.

### 1307.8. Church, School, Public and Semi-Public Buildings:

- A. The minimum lot area required for a school shall be five (5) acres. The minimum lot area required for all other uses shall be one (1) acre.
- B. If a residential facility (such as a convent or monastery) is proposed as part of a church, no more than ten (10) persons shall be housed.
- C. A dwelling (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of this Ordinance for single family dwellings in the Zoning District can be met in addition to the minimum lot area, lot width and yard requirements applicable to the church.
- D. If the school includes dormitories, the dormitories shall be screened along any property line adjoining single family use or zoning classification.
- E. Ingress and egress to and from police and fire stations shall be located so as to maximize sight distance along adjacent public streets and enhance safety for vehicles exiting the property.
- F. Fire stations, police stations and municipal maintenance facilities shall be located on the property so that vehicles and equipment can be maneuvered on the property without interrupting traffic flow or blocking public streets.
- G. All schools shall be designed to provide convenient access for emergency vehicles and access to all sides of the building by fire-fighting equipment.
- H. All outside storage shall be screened from public view from streets and adjoining properties by a six-foot (6') hedge or opaque fence.
- I. The proposed use shall have direct access to a public street with sufficient capacity to accommodate the traffic generated by the proposed use.

1307.9. Communications Towers: The following regulations shall apply to all transmission facilities proposed for placement in the I Industrial District.

A. Lot Size: The lot size dimensions (depth and width) shall be dictated by the fall radius of the tower. The minimum dimensions shall be the radius of the height of the tower in each direction. (Example - 200' high tower would be required to have a 400' diameter parcel).

B. The communications company is required to demonstrate, using technological evidence, that the antenna must go where it is proposed, in order to satisfy its function in the company's grid system.

C. If the communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-quarter (1/4) mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. This would include smokestacks, water towers, tall buildings, antenna support structures of other communications companies, other communications towers (fire, police, etc.), and other tall structures. Bloomfield Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure. One or more of the following reasons for not selecting such structures must apply:

1. The proposed antenna and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
2. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
3. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
4. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communication Commission governing human exposure to electromagnetic radiation.

D. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved. In addition, no antenna shall exceed two hundred feet (200') in height.

E. All communications towers must be stealth towers, where possible. A stealth tower is a Communications Tower which is not recognizable as a conventional Communications Tower (e.g. a metal lattice structure), but instead is disguised or concealed in such a fashion as to conform to its surroundings. Examples of such stealth towers include a tower which looks like a tree or a clock tower, or one which is concealed in a church steeple or concrete silo. All towers shall be of a monopole design unless the Planning Commission deems that an alternate design is necessary or preferred due to topography or to better blend with existing structures, for safety reasons, or if necessary to allow for co-location. Towers are required to attempt to be camouflaged to simulate a natural feature, such as a tree, or other camouflaged design, such as a flagpole, thereby reducing the aesthetic impact to the surrounding area.

1. The Planning Commission may at its discretion, require visual impact demonstrations including mock-ups and/or photo montages; screening and painting plans; network maps, alternate site analysis; lists of other nearby telecommunications facilities; or facility design alternatives for the proposed tower.

2. The Zoning Officer is authorized to employ on behalf of the Township, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of said review and/or independent analysis.

F. The Township Supervisors may waive the stealth tower requirement where the applicant can demonstrate that the requirement is not necessary to protect the health, safety and welfare, considering items such as impact on surrounding and abutting property values; height; screening; number of uses per tower, including public uses; location; and actual setbacks.

G. Setbacks from base of antenna support structure: If a new antenna support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure or any guy wire anchors and any property line shall be the largest of the following:

1. One hundred percent (100%) of antenna height.
2. The minimum setback in the underlying zoning district.
3. Fifty feet (50') minimum.

H. Fencing: A fence shall be required around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a minimum of eight feet (8') in height with three strands of barbed wire at the top with a locked gate.

1. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
2. All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to twelve (12) feet above ground shall be designed in a manner to preclude unauthorized climbing.

I. Landscaping: The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general soften the appearance of the cell site. Bloomfield Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required.

1. An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three feet [3'] on center maximum) or a row of evergreen trees (planted ten feet [10'] on center maximum). The evergreen screen shall be a minimum height of six feet (6') at planting, and shall grow to a minimum of fifteen feet (15') at maturity.

2. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

J. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other communications companies, and local police, fire, ambulance services and municipal authority and road departments. In addition, a linear two (2) mile separation shall be maintained between communications towers, measured from the base of the support structure.

K. The communications company must demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communication antennas. The applicant shall submit certification from a Pennsylvania-registered professional engineer that a proposed communications tower will be designed and constructed in accordance with current structural standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Township's Building Code.

L. Antenna support structure under two hundred feet (200') in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures near airports, shall meet all Pennsylvania Department of Transportation, Bureau of Aviation and Federal Aviation Administration regulations. No antenna support structure may be artificially lighted except as provided for and required by the Pennsylvania Department of Transportation, Bureau of Aviation and FAA.

a. No advertising message nor identification, signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.

M. A land development plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, access to public rights-of-way, and all other items required in the Bloomfield Township Subdivision and Land Development Ordinance. The site plan shall not be required if the antenna is to be mounted on an existing structure.

a. Construction of the tower, accessory buildings, landscaping requirements must be completed within one year of the issuance of the permit.

N. If a communications tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower unless a written exemption is granted by the Zoning Administrator. In the event that unused communication equipment is not removed by the owner, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.

O. In granting the use, the Supervisors may attach reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, location, fencing, screening, increased setbacks and the right to use said facilities for public purposes.

P. All approvals will be only for specific facilities set forth in the application. No additions or alterations thereto will be permitted without a new application.

Q. Prohibited Uses of Communication Towers:

- a. No tower or accessory structure shall be erected in any public or private drainage easement.
- b. No temporary mobile sites are permitted except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the Township Zoning Officer. Use of temporary mobile cell sites for testing purposes shall be limited to twenty-four (24) hours; use of temporary mobile cell sites for equipment failure or in the case of the emergency situation shall be limited to a term of thirty (30) days. These terms may be extended by the Zoning Officer.
- c. Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance are prohibited.

1307.10. Comparable Uses Not Specifically Listed:

A. Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses or uses by special exception in the Zoning District in which the property is located shall be allowed, if the Zoning Hearing Board determines that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the Zoning District. In making such determination, the Board shall consider the following characteristics of the proposed use:

1. The number of employees;
2. The floor area of the building or gross area of the lot devoted to the proposed use;
3. The type of products, materials and equipment and/or processes involved in the proposed use;
4. The magnitude of walk-in trade; and
5. The traffic and environmental impacts and the ability of the proposed use to comply with the all applicable standards of this Ordinance.

B. The proposed use shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.

C. The proposed use shall comply with any applicable express standards and criteria specified in this Article for the most nearly comparable use by special exception or conditional use listed in the Zoning District in which the comparable use is proposed.

D. If the proposed use is determined by the Zoning Hearing Board to be most nearly comparable to a permitted use or use by special exception, the Zoning Hearing Board shall review the proposed use as a use by special exception and shall act on the proposed development plan after review and recommendation by the Planning Commission.

E. If the proposed use is determined by the Zoning Hearing Board to be most nearly comparable to a conditional use, the Zoning Hearing Board shall forward the application to the Board of Supervisors to conduct a public hearing and act on the development plan after review and recommendation by the Planning Commission.

F. The proposed use shall be consistent with the Purpose Statement for the Zoning District in which it is proposed and shall be consistent with the Community Development Objectives of this Ordinance.

**1307.11. Day Care Center:**

- A. The facility shall be registered with or licensed by the Commonwealth, if applicable.
- B. Outdoor play areas shall be provided which shall have a minimum area of sixty-five (65) square feet per child and which shall be secured by a fence with self-latching gate.
- C. Outdoor play areas which adjoin residential lots shall be screened.
- D. The general safety of the property proposed for a day care center shall meet the needs of small children.
- E. Off-street parking shall be provided in accordance with the requirements of Article XIV of this Ordinance.

**1307.12. Grain Sales and Storage**

- A. Such use shall not be located within two hundred feet (200') of any residential dwelling.
- B. Such use shall not be located within one hundred feet (100') of any residential use or zoning classification.
- C. Silo or grain storage tower shall be exempt from height regulations.
- D. Off-street parking shall be provided as required for "agricultural produce sales" in Section 1405 of this Ordinance.
- E. All outdoor storage of materials shall be screened from adjacent residential uses and zoning district classifications.

**1307.13. Group Home; Institutional Home:**

- A. The minimum area and bulk regulations for a Group Home or Institutional Home shall be the same as those required for a principal use in the district in which the facility is located.
- B. No Group Home or Institutional Home shall be located within one thousand feet (1,000') of another existing or proposed Group Home or Institutional Home.
- C. Adequate provisions shall be made for access for emergency medical and fire-fighting vehicles.
- D. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
- E. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a fence with self-latching gate.
- F. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January in each year.

**1307.14. Health Care Facilities:**

- A. The minimum lot area required for a hospital shall be five (5) acres. The minimum lot area required for a clinic or nursing home shall be one (1) acre.
- B. The property shall be served by public water and public sewers.
- C. All hospitals and nursing homes shall be licensed by the Commonwealth.
- D. Water pressure and volume shall be adequate for fire protection.

E. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles.

F. The parking and circulation plan shall be referred to the Township and volunteer fire company for comments regarding traffic safety and emergency access.

G. Nursing homes shall have a bed capacity of at least twenty (20) beds, but no more than two hundred (200) beds.

H. All property lines adjoining residential use or zoning classification shall be screened.

I. A private use helipad for air ambulances shall be permitted as part of a hospital, provided all of the following criteria are met:

J. Helipads shall be located at least two hundred and fifty feet (250') from any property line or public street.

1. Helipads accessory to a hospital shall be limited to use by emergency vehicles and health system personnel.

2. Evidence of compliance with all applicable regulations of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation Bureau of Aviation shall be submitted.

3. The helicopter landing pad shall be clearly marked with the insignia commonly recognized to indicate a private use helipad.

4. The helicopter landing pad shall be paved, level and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.

5. An application for a helipad on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.

6. Lighting shall be shielded away from adjacent properties and street.

K. Disposal of medical waste shall be in accordance with all applicable permits and handling requirements of the Pennsylvania Department of Environmental Protection (Pa DEP) and the U.S. Environmental Protection Agency (EPA).

1307.15. Home Occupation: In addition to the general criteria established in Section 1203 of 1212 of this Ordinance, home occupations may be permitted as special exceptions providing they comply with the requirements set forth in this Section. The purpose of home occupation provisions is to permit the conduct of a business for primary or supplemental income purposes. Home occupations shall be limited to those uses which may be conducted on a residential property without altering its basic residential character.

A. There is no sign on the property larger than five (5) square feet in area advertising the home occupation activity and no displays that will substantially alter the visual dominance of residential use for the property.

B. The sale of any commodities not produced or fabricated on the premises shall not constitute, either by volume or by amount of dollars, more than two-thirds (2/3) of total sales.

C. There are not more than a total of four (4) persons, including members of the family occupying the residence, engaged in such use, occupation, or profession.

D. There is not electrical disturbance that would create visual or audible interference in radio or television receivers off the premises.

E. There are no more than eight (8) vehicular trips generated by the use to and from the premises at the busiest hour of the normal operating day.

F. There are sufficient off-street parking spaces to accommodate one (1) space for each person engaged in such use, occupation, or profession plus two (2) additional spaces; off-street parking requirements, except for members of the family occupying the residence, shall be met in an area other than the required front yard.

G. Outdoor work, service, and storage areas, if any, shall be screened from the view of public roads and from adjacent residences.

H. There shall be no noise, odor, dust, fumes, glare or flashing lights, which normally are considered objectionable, perceptible without instruments more than twenty-five feet (25') from the boundaries of the lot.

I. Where a new building or structure is proposed for construction on a premises for purposes of use in a home occupation activity, the new building or structure:

1. Shall comply with the requirements listed above.
2. Shall be subordinate to the dwelling on the premises.
3. Shall be compatible with the residential character of the premises, and
4. Shall be utilized for a home occupation activity in no more than twenty-five percent (25%) of its total floor area.

1307.16. Junk Yards: Junk yards are permitted as a conditional use in the A and I Districts providing they meet the general criteria established in this Article, providing they comply with all other Township ordinances and providing they comply with the following requirements. When the provisions applicable to the junk yard use in this Ordinance are more restrictive than the requirements established in the Township's Junk Yard Ordinance the requirements of the Zoning Ordinance shall be observed.

A. The operations area of the junk yard shall be a minimum of fifty feet (50') from every property line bounding the parcel of land on which the junk yard is located. For purposes of this Ordinance the operations area shall be the area in which activities normal to a junk yard use are carried on exclusive of buffer areas.

B. Views into the junk yard operations from surrounding properties shall be completely obscured throughout all seasons of the year by either fencing, walls, landscape plantings, terrain or topographic features, or a combination of these techniques.

C. Sufficient off-street parking spaces shall be provided to accommodate a minimum of five (5) vehicles and the necessary aisle and maneuvering area to service these spaces.

1307.17. Landfill:

A. The minimum site required shall be one hundred (100) acres.

B. The site shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance.

C. The driveway or haul road entering the site from a public street shall be paved for a distance of five hundred feet (500') from the public street.

D. A tire washing station shall be located on the site to service trucks exiting the facility.

E. Prior to beginning operations, the operator shall post a bond in favor of the Township and in a form acceptable to the Township Solicitor in the amount of one hundred thousand dollars (\$100,000.00) for each mile of Township road or portion thereof proposed to be

traversed by vehicles traveling to the site. The term of the bond shall begin on the date that the Zoning Certificate is issued. The bond shall be returned to the operator upon completion of all operations and any backfilling or reconstruction of a damaged roadway due to weight in excess of the posted weight limits for the road.

F. Any failure to complete the reconstruction required by this Ordinance shall result in forfeiture of the required bond. Those portions of the Township roads which have been damaged shall be determined by inspection of the Township Engineer and shall be reconstructed to current Township specifications for street construction.

G. Landfill operations shall not be conducted within two hundred feet (200') of any property lines adjoining residential use or zoning district classification.

H. All property lines adjoining residential use or zoning district classification shall be screened.

I. Fencing at least six feet (6') in height shall be provided around any work area for security and to control windblown refuse.

J. The applicant shall show compliance with all applicable Federal and State laws regulating landfills.

K. The applicant shall obtain the required permits from the Pennsylvania Department of Environmental Protection (Pa DEP) and/or the U.S. Environmental Protection Agency (EPA) prior to initiating any operation.

L. The required Federal or State permits shall be maintained throughout the duration of all operations.

M. Any suspension or revocation of the required State or Federal permits shall constitute a violation of this Ordinance and shall result in the suspension or revocation of the Zoning Certificate or enforcement of the penalty provisions of this Ordinance or both.

N. In January of each year, the operator shall apply to the Zoning Officer for renewal of the Zoning Certificate and shall present evidence of continuing compliance with all conditions of approval and the required State or Federal permits.

#### 1307.18. Lumber Yard, Sawmill:

A. Access to the site shall be from a public road.

B. All structures shall be screened from adjacent residential uses or zoning classifications.

C. All structures shall be set back a minimum of two hundred feet (200') from any residential building.

D. All outdoor storage shall be screened from adjacent residential properties.

#### 1307.19. Mineral Removal:

A. Removal of minerals encountered during the routine grading of a site for the purposes of an approved land development or for the construction of public improvements shall be excluded from these regulations and the requirement to obtain approval of a conditional use application, provided evidence is presented to the Township that all applicable requirements of the Pennsylvania Department of Environmental Protection (Pa DEP) are met.

B. There shall be no removal of minerals or vegetative cover within one hundred feet (100') of the bank of any stream or natural watercourse identified on maps prepared by the United States Geologic Survey (USGA).

C. Mineral removal shall be prohibited in watersheds or rivers, or streams now or hereafter designated by the Pennsylvania Fish Commission as a Wilderness Trout Stream, by the Pennsylvania Department of Environmental Protection (Pa DEP) as part of the Scenic Rivers System or designated under the Federal Wild and Scenic Rivers Act.

D. No mineral removal shall be conducted within three hundred feet (300') of any public building, school, church, community or institutional building, commercial building, public park or private recreational area.

E. No mineral removal shall be conducted within one hundred feet (100') of the outside right-of-way line of any public street, except where access roads or haulage roads join the right-of-way line and where the appropriate State or Federal agency having jurisdiction over the conduct of mineral removal operations shall permit it in accordance with the law.

F. No mineral removal shall be conducted which will adversely affect any publicly owned park or paces included in the National Register of Historic Sites, unless approved by the governmental agency with jurisdiction over the park or historic site.

G. No mineral removal shall be conducted within one hundred feet (100') of a cemetery.

H. No mineral removal shall be conducted within three hundred feet (300') of an occupied dwelling, unless the consent of the owner has been obtained in advance of the filing of the application for zoning approval.

I. The applicant shall present expert testimony to demonstrate that the proposed mineral removal operation will not adversely affect any of the following:

1. Lawful existing or permitted use of adjacent properties.
2. The quality or adequacy of any public or private water supply source.
3. Any flood prone or landslide-prone areas within the Township.

J. The applicant shall present expert testimony to demonstrate that the use of explosives, if proposed, shall not cause injury to any adjacent structures or shall not substantially diminish underground water resources.

K. If blasting is to be undertaken, a seismograph shall be placed on the site of the operation during all times when blasting is performed which shall be monitored by an independent engineering consultant whose credentials are acceptable to the Township and whose fee is paid by the applicant.

L. The applicant shall provide reclamation plans for the site that demonstrate that the condition of the land after the operation is completed will allow economically and ecologically productive uses of the type permitted in the District in which the site is located. Acceptance of the reclamation plan shall not constitute approval of any aspect of any future development plan.

M. The applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The applicant shall show evidence of compliance with designated weight limits on State, County and Township roads and shall design the hauling routes for the mineral removal operation to minimize the impact on local streets within the Township.

N. The operator shall post a bond in favor of the Township and in a form acceptable to the Township prior to beginning operations to guarantee restoration of Township streets which may be damaged during the mineral removal operations.

O. Portions of the site where mineral removal operations are conducted may be required to be fenced or screened, as necessary, to provide security and protect adjacent properties.

P. The applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and Federal permits, including proof of insurability, before initiating any work and shall maintain the required permits throughout the duration of all operation. Any suspension or revocation of the required State or Federal permits shall constitute a violation of zoning approval and/or enforcement of the penalty provisions of this Ordinance.

Q. Approval of the conditional use shall expire if work authorized in the application for the conditional use is not commenced within six (6) months of the date of approval of the conditional use application by the Board of Supervisors, unless the applicant submits a written request for an extension prior to the expiration of the six (6) months after the date of approval.

R. Once work is initiated under an approved application for conditional use, zoning approval shall be valid for a period of one (1) year from the date of conditional use approval by the Board of Supervisors. An application for renewal of zoning approval shall be submitted prior to the expiration of zoning approval and shall be approved by the Zoning Officer upon demonstration by the applicant that all conditions of approval of the conditional use and the required Federal and State permits remain in full force and effect and that the applicant is diligently pursuing the completion of the mineral removal operation.

S. During the mineral removal operation, the Township Engineer may inspect the site at the request of the Board of Supervisors to determine continuing compliance with these standards and criteria and any conditions of approval. The cost of inspection by the Township Engineer shall be borne by the operator.

#### 1307.20. Mixed Use Structure:

A. Dwelling units shall not be located on street floor of any commercial building.

B. Dwelling units shall have a minimum habitable floor area of eight hundred (800) square feet.

C. Dwelling units in basements or accessory garages shall not be permitted.

D. Each dwelling unit shall have a separate entrance which does not require passing through any area devoted to office or retail use.

E. Two (2) off-street parking spaces shall be provided for each dwelling unit. Shared parking for residential and commercial uses shall not be permitted.

**1307.21. Mobile Home Park:**

- A. The application shall comply with all applicable requirements of the Township Subdivision and Land Development Ordinance governing mobile home parks.
- B. The minimum site required for a mobile home park shall be five (5) acres.
- C. The site shall be served by public sewers or a community treatment plant for the development.
- D. The minimum mobile home lot shall be six thousand (6,000) square feet.
- E. The minimum yard requirements for each mobile home lot shall be twenty-five feet (25') for front yards, twenty feet (20') for rear yards and ten feet (10') for side yards. Such yards shall be measured from the perimeter of the mobile home slab.
- F. Every mobile home slab shall have access to a public or private street in accordance with the requirements of the Township Subdivision and Land Development Ordinance.
- G. Each mobile home lot shall provide two (2) off-street parking spaces.

**1307.22. Multi-Family Dwelling:**

- A. Required parking shall be located to the rear of the structure (or, it may be placed underneath such structure).
- B. All structures shall be screened from adjacent single family residential uses.
- C. No outdoor storage shall be permitted unless in an enclosed structure or completely (100%) screened from adjacent properties.

**1307.23. Planned Residential Development:** Planned Residential Development shall be subject to all express standards and criteria contained in Article XI of this Ordinance.

**1307.24. Private Club:**

- A. Any establishment which includes a restaurant or tavern shall be subject to the off-street parking requirements of Article XIV for the portion of the building devoted to the restaurant or tavern use, in addition to the parking required for the private club.
- B. Any rental of the facility to non-members shall require on-site management and/or security personnel during the event.
- C. All off-street parking which adjoins residential zoning classification shall be screened by a six foot (6') dense, compact evergreen hedge.

**1307.25. Retail Use with More than One (1) Principal Structure:**

- A. The site shall be designed to minimize points of access to public roads.
- B. Retail uses shall be limited to those permitted in the GC-General Commercial District.
- C. The minimum distance between structures shall be twenty-five feet (25').
- D. All structures shall be screened from adjacent residential uses or zoning classification.

1307.26. Retirement Community:

- A. The minimum site required for a Retirement Community shall be twenty (20) acres.
- B. The site proposed for a Retirement Community, as defined herein, shall have frontage on and direct vehicular access to a public street.
- C. A Retirement Community may include one (1) or more of the following dwelling types:
  - a) Single-family dwellings.
  - b) Two-family dwellings.
  - c) Townhouse building containing no more than five (5) dwelling units per building.
  - d) Garden apartment buildings containing no more than fifty (50) dwelling units per building.
- D. In addition to the foregoing dwelling type, a Retirement Community shall include the following supporting uses:
  - 1. Common leisure and/or recreational areas.
  - 2. Common dining area.
- E. In addition, a Retirement Community may include one (1) or more of the following supporting uses, subject to approval by the Township:
  - 1. Postal station for use of the residents and staff only;
  - 2. Banking facility for use of the residents and staff only;
  - 3. Pharmacy and/or medial offices for use of the residents only;
  - 4. Personal services for the use of the residents only, including beauty shop, barber shop, common laundry facilities, dry cleaning, valet;
  - 5. Ice cream parlor and/or florist/gift shop for the use of residents and their invited guests only;
  - 6. Personal care boarding home, provided the use meets all the conditional use criteria contained in this Ordinance.
  - 7. Nursing home licensed by the Commonwealth;
  - 8. Elderly Day care center licensed by the Commonwealth;
  - 9. Taxi, van or similar transportation services for the residents.
- F. The maximum dwelling unit density permitted in a Retirement Community shall be twelve (12) dwelling units per acre.
- G. No principal structure shall be less than fifty feet (50') from any property line.
- H. All property lines adjoining residential use shall be screened.
- I. There shall be a minimum of one (1) parking space for each dwelling unit plus one (1) parking space for each employee on peak shift. In the event that a nursing home or personal care boarding home is proposed, parking shall be provided in accordance with the requirements of this Ordinance for those uses. Additional parking for the supporting uses intended for the residents and their invited guests shall not be required.

1307.27. Salvage, Automotive Wrecking Yard:

- A. The minimum site required shall be twenty (20) acres.
- B. The premises shall be maintained so as to not constitute a nuisance or menace to public health and safety.
- C. No garbage, hazardous materials or hazardous waste as defined by Federal statute, or other organic waste shall be stored on the premises.
- D. The handling and disposal of motor oil, battery acid and other substances regulated by Federal statute and the Pennsylvania Department of Environmental Protection (Pa DEP) shall be in accordance with all permits and requirements of that agency. any suspension, revocation or violation of the Pa DEP permits shall be a violation of this Ordinance and shall be subject to the enforcement provisions of Section 1902 of this Ordinance.
- E. The manner of storage of junk or other materials or equipment on the site shall facilitate access for firefighting, shall prevent hazards from fire or explosion and shall prevent the accumulation of stagnant water.
- F. No junk shall be stored or accumulated, and no structure shall be located within one hundred feet (100') of any dwelling or within forty feet (40') of any property line or public street.
- G. The premises shall be enclosed by a metal chain link fence not less than eight feet (8') in height supported on steel posts with a self-latching gate. The fence shall be located on the inside of the buffer area required by Subsection 1307.27 I below.
- H. The fence shall be supplemented with screening material which creates a visual carrier that is at least eighty percent (80%) opaque.
- I. All property lines adjoining residential use or zoning classification shall be screened in addition to the fencing required.
- J. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent public streets.
- K. The operator shall obtain a license from the Township prior to initiating operations which shall be renewable annually upon payment of the required license fee established from time to time by Resolution of the Board of Supervisors and subject to inspection by the Zoning Officer to determine continuing compliance with these standards.

**1307.28. Self-Storage Buildings:**

- A. The minimum site area required shall be two (2) acres.
- B. Vehicular access to the site shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector street on which the site has frontage.
- C. All interior driveways shall be paved with an asphalt or similar surface sufficient for the loads the driveways are expected to bear.
- D. Parking shall be provided in accordance with the following:
  - 1. Two (2) spaces for manager's quarters, if any;
  - 2. One (1) space for each twenty-five (25) storage units which spaces shall be located near the manager's quarters or office to be used by prospective customers;
  - 3. One (1) space for each ten (10) storage units equally distributed throughout the storage area to be used by the customers.
- E. The perimeter of the site shall be fenced with a minimum eight foot (8') high chain link fence with self-latching gate. If an outside storage area is proposed, the fence around the outside storage area shall be supplemented with screening material which creates a visual barrier that is at least eighty percent (80%) opaque.
- F. Maximum building height shall be twenty feet (20').
- G. The maximum length of any storage building shall be two hundred feet (200').
- H. The minimum distance between storage buildings shall be twenty feet (20').
- I. Maximum lot coverage by all buildings shall be forty percent (40%).
- J. Office space may be provided which shall not exceed five percent (5%) of the total area devoted to storage.
- K. Storage units shall not be equipped with water or sanitary sewer service.
- L. No business activity other than rental of storage units shall be conducted on the premises.
- M. Operations shall be regulated so that nuisances such as visual blight, glare, noise, blowing debris or dust shall not be created.
- N. Exterior finishes of the storage units shall be compatible with the character of development on adjoining properties.
- O. No sign shall be placed on the buildings or on their rooftops.
- P. Both the landlord and the tenants shall be responsible for prevention of the storage of hazardous materials or substances in the storage buildings.

**1307.29. Single Family Dwelling:**

- A. Maximum lot coverage shall be fifty percent (50%).
- B. Off-street parking shall be provided as required by this Ordinance.
- C. Minimum separation between other structures, including on adjacent parcels, shall be twenty feet (20').

1307.30. Strip Mining: Strip mining may be permitted as conditional uses in the applicable districts of this Ordinance providing, they meet the general criteria established in this Ordinance and the following more specific requirements; and providing they comply with all applicable regulations established by the Bureau of Land Protection and Reclamation, Pennsylvania Department of Environmental Protection under the Surface Mining Conservation and Reclamation Act of May 31, 1945, as amended:

A. Quarrying operations shall not be closer than three hundred feet (300') from existing residences nor closer than two hundred feet (200') from the boundary of any zone where such operations are not permitted; nor shall quarrying operations be conducted closer than one hundred feet (100') from the boundary of an adjoining property line or from the right-of-way line of an existing or platted road.

B. Existing trees, shrubs, and groundcover along public road frontage shall be preserved, maintained, and supplemented for the depth of the roadside setback (100 feet) as established in item (a) above. Weeds and any other unsightly or noxious vegetation, shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance to the sand and gravel operations from adjacent public roads and nearby residential, commercial, and industrial uses. Buffer or screening plantings may be required to insure an appropriate appearance of the quarry site in the community.

C. During quarrying operations when excavations will have a depth of twenty feet (20') or more and will create slopes of more than fifty percent (50%) and where, for a period of operation thirty (30) days or longer, the quarrying is located within three hundred feet (300') of occupied residential structures or a public road, a fence shall be erected at least twenty feet (20') outside the edge of the excavation, which fence shall be at least three feet (3') high and shall effectively control access to the area in which such excavation is located.

D. Upon completion of operations the land shall be left in a safe condition. All cut slopes shall be at a gradient no greater than fifty percent (50%) and shall be graded in substantial conformity to the surrounding natural topography. Sufficient drainage shall be provided so as to prevent water pockets from forming. The final grading shall be such that all stormwater drainage leaves the property at the original, natural drainage points and that the area drainage to any one (1) natural drainage point is not materially increased. All excavated areas shall be backfilled with topsoil to a minimum depth of six inches (6"); upon replacement of topsoil, trees, shrubs, legumes, grasses or other groundcover shall be planted to avoid erosion as far as is practical.

E. In addition to the information required on the plan to be submitted with the conditional use application as set forth in Article XIII the following items shall be shown:

F. Existing topography including the location of drainage systems;

G. An outline of the area to be excavated;

H. The sequence of operations and the schedule of finishing or rehabilitation measures to be performed including plans and proposals for reuse, if any.

### 1307.31. Travel Trailer Park and Campground Developments

A. Conditional Use Permit Required: It shall be unlawful for an applicant to establish, construct, or extend a travel trailer park or a campground (these two installations shall be referred to collectively in this Article as Developments), unless such applicant obtains a valid permit issued by the Pennsylvania Department of Environmental Protection (PaDEP) and in addition has had the proposed Development approved as a conditional use under the provisions of this Ordinance. The regulations herein apply to both Developments, travel trailer parks and campgrounds, except as otherwise noted; in a number of instances certain requirements are applicable only to one (1) or both of these Developments.

B. Referral to Crawford County Planning Commission: These Developments are classified as land development based on the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended, and shall be reviewed by the Crawford County Planning Commission. Two (2) copies of the application for approval for these Developments shall be submitted to the Township Zoning Officer. The application shall contain the information as required in Article XV of this Ordinance, as well as adequate plans, details and narrative to cover all the requirements listed in this Article. One (1) complete application shall be submitted to the Crawford County Planning Commission which shall have thirty (30) days to forward its review to the Township. The Township shall not make its final decision on the approval of these Developments until the thirty (30) day review period provided the County Planning Commission has elapsed.

C. Minimum Area Requirement: The minimum gross area of the site shall be five (5) contiguous acres of land for the permitted Development in the A Agricultural District. In all other districts which permit one or both of these Developments, the minimum gross area of the site shall be two (2) contiguous acres.

D. Required Facilities: Each dependent travel trailer unit and each campground "set-up" area shall be located no more than two hundred feet (200') from a common service building containing water, toilet and bath facilities. The Developments shall make adequate provision for refuse handling and removal and for the storage and supply of fuel where applicable. The Development owner shall be responsible for maintaining the site in a clean and sanitary condition. An adequate system of stormwater drainage shall be shown on Development plans and shall be part of the required facilities.

#### E. Site Requirements

1. The locations of travel trailer stands or campground "set-up" areas shall be carefully related to the topography and shall be organized into a well conceived site plan, preserving as much as possible of the natural site.

2. Travel trailer lots and campground "set-up" areas shall have a minimum of one thousand five hundred (1,500) square feet. Lots and areas shall be directly accessible to the internal street system. There shall be provided on all lots and "set-up" areas one (1) off-street parking space which shall contain a minimum of two hundred (200) square feet with a least dimension of ten feet (10'). Driveways, parking spaces and patios shall be constructed with a permanent, stable, dust-free surface adequate for use during all seasons.

3. There shall be a minimum of one and one-half (1 1/2) parking spaces for each travel trailer stand and campground "set-up" area.

4. Stands shall be constructed of an appropriate material, properly graded, placed, compacted and drained so as to be durable and provide an adequate foundation for the support of the anticipated loads. A gradient on the stands shall occur in only one (1) direction perpendicular to an edge, and shall be a maximum of four percent (4%).

5. There shall be a minimum distance of twenty feet (20') between each travel trailer unit, including accessory structures attached thereto, and any portion of any other structure in the Development. There shall be a minimum distance of fifteen feet (15') travel trailer unit and the boundary of the nearest abutting internal street or common area. There shall be a minimum distance of fifty feet (50') between each travel trailer unit and the Development's boundary lines.

6. Walks shall be planned and constructed so as to provide safe and convenient access throughout the Development connecting individual stands or "set-up" areas to common areas, to all facilities, and to each other. Connecting walks shall be at least three feet (3') wide and walks on individual lots shall be a minimum of one and one-half feet (1 1/2') wide. Walks shall provide an all-weather walking surface, and be reasonably free from mud, dust, and standing water.

7. A common area shall be provided to serve the residents of the Development. A minimum of ten percent (10%) of the gross acreage shall be established and developed as a common area.

#### F. Access and Internal Road System

1. The minimum width of the portion of the site used for vehicular access shall be sixty feet (60').

2. The Development's internal street system shall be privately owned and maintained and shall be designed for safe and convenient access to all lots and common facilities. Streets shall provide a sound, all-weather, driving surface, be reasonably smooth and free from mud, dust and standing water. Street paved surfaces shall be a minimum width of fourteen feet (14') for one-way streets and eighteen feet (18') for two-way streets; where on-street parking is permitted, eight feet (8') of road surface shall be added to each side of the street on which on-street parking is permitted. Road surface widths as required herein do not include the road cross-section devoted to stormwater drainage, which shall be accommodated satisfactorily.

G. Visual Relation to Surrounding Area: Either partial or full screening may be required at the boundaries of the Development depending the nature of the site and its relation to the uses in the surrounding area. If open fencing such as chain link fence is used, it should be installed within plantings so as not to be easily visible from inside or outside of the Development. Such screening may consist of walls, fences, plantings or terrain features, or any combination of these devices. Attractive side of all screening must face the neighbor yard.

H. Signs: One free-standing identification sign shall be permitted. The free-standing sign shall have an area no greater than thirty-five (35) square feet and a height no greater than fourteen feet (14'), and shall be positioned on the property no closer than five feet (5') from the exterior property line of the Development.

I. Uses Other Than Residential: Service uses such as laundry and dry cleaning rooms and vending machines handling commonly needed supplies, however, shall be permitted as well as management offices. In addition, a small grocery store handling commonly needed supplies for park residents/campers only shall be permitted.

1307.32. Truck Terminal Including Sales and Service:

- A. The minimum site required shall be one (1) acre.
- B. The site shall have frontage on and direct vehicular access to a public street.
- C. No vehicle or other merchandise displayed outdoors shall be less than five feet (5') from any property line. No vehicle or equipment shall be parked on adjacent property or in any public street right-of-way.
- D. No vehicle shall be displayed or offered for sale which does not have all of the mechanical and body components necessary for its safe and lawful operation.

1307.33. Small Wireless Facilities

The installation of small wireless facilities shall be a permitted use in all Zoning Districts of the Township.

A. The Township shall permit wireless providers, with the permission of the owners of the structure and subsequent to the issuance of a proper Zoning Permit, to:

- 1. Collocate small wireless facilities within its right-of-way;
- 2. Replace an existing utility pole to install small wireless facilities within its right-of-way.
- 3. Install a new utility pole with attached small wireless facilities within its right-of-way.

B. A wireless provider who wishes to install a small wireless facility shall apply to the Township's Zoning Officer for a Zoning Permit. The Township will develop and distribute a Small Wireless Facility Application for Zoning Permits. General permit applications shall not be permitted for small wireless facilities installation.

C. Zoning Permits shall not be required for the following actions:

- 1. Routine repair or maintenance work on existing small wireless facilities.
- 2. The replacement of existing small wireless facilities with substantially similar or smaller wireless facilities.
- 3. The installation of micro-wireless facilities that are placed on cables between existing utility poles.

D. The Board of Supervisors shall establish a Small Wireless Facility Application fee by duly-adopted Resolution. The fee shall not exceed five hundred dollars (\$500) for an application seeking approval for no more than five collocated small wireless facilities. The fee for each additional collocated small wireless facilities shall not exceed \$100. The fee for an application seeking approval of a new or replacement utility pole shall not exceed one thousand dollars (\$1,000). The aforementioned fees are subject to fee adjustments as permitted under the Small Wireless Facilities Deployment Act.

E. The Township is obligated to inform a small wireless facilities applicant if their Small Wireless Facility Application is incomplete within ten (10) business days of receipt of a Small Wireless Facility Application. The notice must specifically identify the missing information provided

on the initial Small Wireless Facility Application. In the event that applicant corrects the errors in the Small Wireless Facility Application, the time period for rendering a decision on the Small Wireless Facility Application will reset.

F. An applicant seeking to collocate multiple small wireless facilities within the Township may be permitted to file a consolidated Small Wireless Facility Application for collocation of multiple small wireless facilities in accordance with the following:

1. The consolidated Small Wireless Facility Application shall not exceed twenty (20) small wireless facilities.
2. The denial of one or more small wireless facilities in a consolidated Small Wireless Facility Application shall not delay processing of any other small wireless facilities in the same consolidated Small Wireless Facility Application.
3. A single applicant may not submit more than one (1) consolidated or twenty (20) individual Small Wireless Facility Applications within a thirty (30) day period.

G. The Township shall make a decision on the Small Wireless Facility Application within:

1. Sixty (60) days for an application to collocate a small wireless facility on an existing utility pole.
2. Ninety (90) days for an application to replace a utility pole or install a new utility pole for small wireless facilities installation.
3. In the event that the Township receives more than one (1) consolidated Small Wireless Facility Application or more than twenty (20) Small Wireless Facility Applications for small wireless facilities within a single forty-five (45) period, the time periods above shall be extended to seventy-five (75) days and one hundred and five (105) days.

H. The Township shall be permitted to deny a Small Wireless Facility Application or a consolidated Small Wireless Facility Application for small wireless facilities only if any of the following apply:

1. The small wireless facility materially interferes with the safe operation of traffic control equipment, sight lines, or clear zones for transportation or pedestrians, fails to comply with the Americans with Disabilities Act of 1990, as amended, or fails to comply with similar federal or Pennsylvania standards regarding pedestrian access of movement.
2. The small wireless facility fails to comply with this Ordinance and other applicable codes.
3. The small wireless facility fails to comply with the requirements under the Small Wireless Facilities Deployment Act, as amended.
4. The applicant fails to submit a report by a qualified engineering expert which shows that the small wireless facility will comply with applicable FCC regulations.

I. In the event that the Township denies a Small Wireless Facility Application, the Township must provide the applicant a notice of denial, including the basis for denial, within five (5) business days of the decision.

J. In the event that the Township denies a Small Wireless Facility Application, the applicant may attempt to cure the deficiency and re-submit the Small Wireless Facility Application within thirty (30) days of the date of denial. Upon receiving the re-submitted application, the Township shall be given thirty (30) additional days to accept the re-submitted Small Wireless Facility Application or deny the same.

K. Approval of an application authorizes the applicant to:

L. Collocate on an existing utility pole, modify or replace a utility pole or install a new utility pole with small wireless facilities attached as identified in the initial application.

M. Subject to the permit requirements and the applicant's right to terminate at any time, operate and maintain small wireless facilities and any associated equipment on a utility pole covered by the permit for a period of not less than five years, which shall be renewed for two additional five-year periods if the applicant is in compliance with the criteria set forth in this act or applicable codes consistent with this act and the applicant has obtained all necessary consent from the utility pole owner.

N. Zoning Permits for the installation of small wireless facilities shall be valid for a one (1) year period, subject to extension or renewal at the Township's sole discretion.

O. Each new small wireless facilities installed in the Township's right-of-way shall be installed on an existing utility pole or a new utility pole subject to the following:

1. The installation of a small wireless facility on an existing utility pole shall not extend more than five (5) feet above the existing utility pole.
2. If collocation on an existing utility pole cannot be achieved, a small wireless facility may be installed on a new or replacement utility pole. The maximum permitted height on the utility pole and installed small wireless facility shall not be taller than Fifty Feet (50 ft.) above ground level.
3. A wireless provider may request a height limit waiver or variance in its permit application, with said request requiring the approval of the Zoning Hearing Board.

P. As a condition of permitting an applicant to locate a small wireless facility in a Historic District or on a Historic Building, the Township may require reasonable, technically feasible, nondiscriminatory, and technologically neutral design or concealment measures. The measures will be identified on a case-by-case basis depending on the Small Wireless Facility Application as well as the nature of the Historic District or Historic Building. These measures shall not have the effect of prohibiting the applicant's technology or be considered as a part of the small wireless facility for the purpose of size restrictions of small wireless facilities.

Q. Pursuant to 53 P.S. § 11704.3(h), the Board of Supervisors may, by resolution, create design guidelines to minimize the aesthetic impact of small wireless facilities so long as the design guidelines are technically feasible, do not have the effect of prohibiting the wireless provider's technology, and do not unreasonably discriminate among wireless providers of functionally equivalent services.

R. Communications Services. The approval of the installation, placement, maintenance or operation of a small wireless facility under this section shall not authorize the provision of any communications services without compliance with all applicable laws or the installation, placement, maintenance or operation of any communications facilities other than wireless facilities and associated utility poles in the right-of-way.

S. Wireless providers shall comply with reasonable and nondiscriminatory requirements that prohibit communication service providers from placing or installing structures in the right-of-way in an Underground District if the Township:

1. Requires all cable facilities and utility facilities, other than municipal poles and attachments, to be placed underground by a date certain that is three (3) months prior to the submission of the Small Wireless Facility Application;
2. Does not prohibit the replacement of municipal poles in the Underground District; and
3. Permits wireless providers to seek a waiver of the underground requirements for the installation of a new utility pole to support small wireless facilities. Upon the submission of a request for a waiver of the Zoning Ordinance requirements for an Underground District, the Zoning Hearing Board will hold a public hearing and make a determination on said request.

T. The Township shall establish fees, by Resolution of the Board of Supervisors, for the use of its rights-of-way for the installation of small wireless facilities. Said fee shall not exceed Two Hundred and Seventy Dollars (\$270) unless the Township establishes the following:

1. The Township's fee is a reasonable approximation of the costs to manage the right-of-way.
2. The Township's fee set by Resolution is reasonable.
3. The Township's fee is not discriminatory.

U. The Township shall not enter into an exclusive arrangement with any person for use of the right-of-way for: (1) collocation; or (2) the installation, operation, modification or replacement of utility poles with small wireless facilities attached.

V. The Township may reserve space on an existing municipal pole for future public safety or transportation uses in a documented and approved plan as adopted at the time an application is filed. A reservation of space shall not preclude collocation, the replacement of an existing utility pole or the installation of a new utility pole. If the replacement of a municipal pole is necessary to accommodate collocation and the reserved future use, the wireless provider shall pay for the replacement municipal pole and the municipal pole shall accommodate the future use.

W. Right of Access to Right-of-Way.

1. Under the provisions of this act, in accordance with applicable codes, and with the permission of the owner of the structure, a wireless provider shall have the right to perform the following within the right-of-way: (i) Collocate; and (ii) Replace an existing utility pole or install a new utility pole with attached small wireless facilities.
2. All small wireless facilities will be installed so as not to hinder travel, hinder public safety, or obstruct the legal use of the right-of-way by the Township and/or other authorized users.

X. General Requirements for Uses of Rights-of-Way. Wireless providers shall use the rights-of-way in accordance with the requirements of 53 P.S. § 11704.4(9), including, but not limited to, the 2017 National Electrical Safety Code and the Workers' Compensation Act.

Y. A wireless provider shall repair any and all damage to the right-of-way or any other land that is disturbed or damaged directly by the activities of the wireless provider and/or their contractors during the installation of small wireless facilities.

Z. The Township shall allow collocation on municipal poles using the process required under this Zoning Ordinance unless the small wireless facility would cause structural and safety deficiencies to the municipal pole. In the case that structural or safety deficiencies are present on a municipal pole, the Township and the applicant will work together to provide make-ready work or modifications or replacements that are needed to accommodate the small wireless facility.

AA. In the event that the Township and the applicant are required to provide make-ready work, modifications, or replacement of municipal poles in accordance with Section 1307.32(S), the Township shall provide a good faith estimate for any make-ready work necessary to support the collocation and the fees will be paid for solely by the applicant. The make-ready work on the municipal pole shall be completed within sixty (60) days of the acceptance of the good-faith estimate by the applicant.

BB. In the event a wireless provider fails to repair any damages caused by the wireless provider during small wireless facilities installation after thirty (30) days' written notification by the Township, the Township may repair the damages and charge the wireless provider the reasonable documented cost of repairs plus a penalty not to exceed Five Hundred Dollars (\$500.00).

CC. Failure to pay the penalty outlined above in Section 1307.32(U) may result in the Township suspending the offending wireless provider from receiving further Zoning Permits for small wireless facilities' installation.

DD. In the event that a wireless provider is not in compliance with any of the provisions of the Small Wireless Facilities Deployment Act or this Section, the Township shall provide a Notice of Non-Compliance and give the wireless provider thirty (30) days to cure all noncompliance.

1. If a wireless provider fails to comply by bringing its facilities into compliance after thirty (30) days, the Zoning Officer may revoke the Zoning Permit and the wireless provider has sixty (60) days to remove their facilities from the Township after the date of revocation.
2. In the event that a wireless provider allows a Zoning Permit to expire, without extension or non-renewal, the wireless provider shall be accorded ninety (90) days to remove their facilities from the Township from the date of the Zoning Permit's expiration.

EE. In the event that the Township's Zoning Officer revokes a Zoning Permit for a small wireless facility, the wireless provider shall remove the small wireless facility and any associated equipment, including, but not limited to, the utility pole and any support structures.

FF. Wireless providers shall fully indemnify and hold the Township, its officers, employees, and agents harmless against any claims, lawsuits, judgments, costs, liens, expenses, fees, or any other damages caused by the wireless provider while installing, repairing, or maintaining small wireless facilities or utility poles within the Township's right-of-way.

GG. The Township may not institute a moratorium on filing, receiving, processing applications, or issuing permits for the collocation or installation of small wireless facilities within the Township.

HH. In the event of a conflict between this Zoning Ordinance and the Small Wireless Facilities Deployment Act, at 53 P.S. §11704.1 *et seq.*, as amended, the provisions of the Small Wireless Facilities Deployment Act will apply.

## **ARTICLE XIV**

### **OFF-STREET PARKING AND LOADING REGULATIONS**

#### **1401. GENERAL REQUIREMENTS**

1401.1. No structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Ordinance.

1401.2. The provisions of this Article, except where there is a change of use, shall not apply to any existing structure. Where a change of use occurs after the effective date of this Ordinance and involves no building additions or enlargement, off-street parking for the new use shall be provided based upon the requirements of this Ordinance.

1401.3. Whenever a structure constructed after the effective date of this Ordinance is changed or enlarged to create a need for an increase in the number of parking and loading spaces, additional parking and loading spaces shall be provided on the basis of the area of the enlargement or change. If a structure was erected prior to the effective date of this Ordinance, new or additional off-street parking and loading spaces shall be provided based only on the additional building area added.

#### **1402. SIZE AND NUMBER OF PARKING AND LOADING SPACES**

An off-street parking space shall be a minimum of nine feet (9') in width and twenty feet (20') in length. A loading space shall be a minimum of fourteen feet (14') in width and be adequate in length to accommodate the largest vehicle expected to service the establishment which may be a length up to sixty feet (60'). These dimensions are exclusive of required driveway and aisle (approach) space. Loading spaces in particular shall be positioned so as to provide a convenient vehicular approach.

#### **1403. PAVING, DRAINAGE AND MAINTENANCE**

The required number of parking and loading spaces together with driveways and aisles shall be planned in a manner which insures safe and convenient vehicular movement into and throughout the parking and loading area. The parking and loading area shall be improved with a durable, dust-free surface such as gravel, concrete, or bituminous concrete. Stormwater drainage shall be handled so that water previously not concentrated in defined channels is not collected and directed in new channels onto adjacent property. The parking and loading area shall be maintained in good condition without hazardous holes and shall be free of dust, trash and other debris.

#### **1404. LOCATION OF PARKING SPACES**

Parking spaces for all detached and semi-detached residences shall be located on the same lot as the uses which they are intended to serve. Parking spaces for apartments, single family attached residences and similar residential uses may be located on the same lot or a different lot but not more than two hundred feet (200') from the principal use. Parking spaces for commercial, industrial or institutional uses may be located no more than three hundred feet (300') from the principal use they serve.

#### **1405. PARKING SPACE REQUIREMENTS**

For purposes of this Ordinance, the following minimum parking space requirements shall apply. Parking space requirements for other permitted or conditional uses not listed herein shall be determined by the Zoning Hearing Board based on a comparative evaluation of the requirements listed below. Where fractional numbers result from off-street parking requirement calculations, the required number of spaces shall be increased or decreased to the nearest whole number. In the listing below, unit means dwelling unit, floor area shall be construed to mean the sum of the several

floors of a structure including the basement, measurements shall be from the outside faces of the exterior walls.

### Residential

Type of Use	Minimum Required Parking Spaces
Single family, detached dwelling	Two per unit
Two family detached dwelling (two units)	Three per building
Mobile and modular home	Two per unit
Seasonal dwelling	Two per unit
Single family, semi-detached dwelling	Two per unit
Multi-family dwelling (apartments)	One and one-half per unit
Boarding and rooming houses	One per sleeping room
Group homes	One for each supervising staff and one for every four persons that can be served in the home

### Commercial

Type of Use	Minimum Required Parking Spaces
Automobile service station	One for each gasoline pump and two for each service bay
Agricultural produce sales from farm or production center	Five spaces
Bowling alleys	Five for each alley
Fast food establishments	Two for each 100 square feet of floor area
Golf driving range	Two for each driving tee
Golf courses	Two for each hole
Laundromat	One for each machine on the premises
Motel and hotel	One for each rental unit and one for each two employees
Office buildings including banks, governmental offices, and professional services buildings	One for each 200 square feet of floor area
Repair shops of all types	Three for each full and part-time employees

**Commercial (con't)**

Restaurants, taverns and nightclubs	One for each 100 square feet of floor area
Retail stores and service shops	One for each 200 square feet of floor area
Shopping center	Two square feet of gross parking area shall be provided for each one space foot of commercial floor space
All other commercial uses	One for each 300 square feet of floor area
Churches, theaters and other places of assembly	One for each three seats
Clubs, lodges, philanthropic and charitable institutions and funeral parlors	One for each 200 square feet of floor area
Convalescent and nursing homes	One for each three beds
Day nurseries and day care centers	One and one-half for each employee
Elementary, junior and senior high schools, private schools	One for each teacher and staff member plus one for each six seats in the auditorium
Health care facilities and veterinary clinics	Four for each profession health care staff
All other public and semi-public buildings	One for each 300 square feet of floor area

**Industrial**

Type of Use	Minimum Required Parking Spaces
Manufacturing; warehouse and wholesale uses; printing establishments; upholstering shops; artisans' shops and similar uses	One for every two employees plus one for each motor vehicle used in the business
Truck terminals	One for every two employees and one for each motor vehicle maintained on premises

## ARTICLE XV

### SIGNS

Signs may be erected as accessory uses only when in compliance with the following regulations:

#### 1501. GENERAL REQUIREMENTS

1501.1. All signs shall be constructed of durable materials and maintained in good condition. The Zoning Officer may require the owner of a sign to repair it if in the Officer's opinion it has become dilapidated. If, after sixty (60) days from the date of written notice to repair has been sent, the sign is not repaired, the Zoning Officer may order it removed within a period of sixty (60) additional days.

1501.2. No sign shall exceed the height limitations in the zoning district in which it is located, unless otherwise specified, and no sign shall be permitted to be placed upon the roof of any structure or to project above the cornice or ridge line of any structure, except as provided in this Article.

1501.3. All signs over fifty (50) square feet in area shall be constructed of noncombustible material.

1501.4. No animated signs, no signs illuminated by a flashing, pulsating or intermittent source or no signs lighted in such manner as to create glare conditions on adjacent properties or any adjacent highway shall be permitted.

1501.5. Permits shall be required for all new permanent signs having a gross area of more than eight (8) square feet.

1501.6. No sign shall have more than two (2) sides and areas of signs indicated in this Ordinance shall be the maximum for one side.

1501.7. No sign established before the effective date of this Ordinance shall be structurally altered or moved unless in conformance with the provisions of this Section.

1501.8. Outdoor advertising signs shall not be larger than one hundred (100) square feet, shall be at least one thousand linear feet (1,000') from each other and shall not be located on lots of less than one fourth (1/4) of an acre (10,890 square feet). Outdoor advertising signs shall not be placed so as to be a traffic hazard or nuisance, and lighted advertising signs shall not reflect on any adjoining residential property.

#### 1502. SIGNS IN A AGRICULTURAL, RD RURAL DEVELOPMENT AND R RESIDENTIAL ZONING DISTRICTS

1502.1. Permitted types of signs:

A. Home occupations - maximum two (2) square feet, building mounted.

B. Identification of property limited to name and address of occupant, or, in the case of an apartment building or groups, the name of the building or groups and address and telephone number of the management agency.

C. Signs advertising agricultural products for sale at a roadside stand.

D. Signs identifying public or semi-public institutions, and activities carried on by them.

E. Development signs, giving directions to areas under development and indicating the name, address and telephone number of the developing agency, the name of the development and the number of lots available only, such signs to be removed within thirty (30) days after sale of the last lot in the development.

F. Artisans' signs indicating name, address, telephone number and type of service performed by contractor, to be removed not more than thirty (30) days after structure on which artisan is employed is completed.

1502.2. Size of signs - No sign in any residential district shall exceed the maximum area standards expressed in this Section.

1502.3. Location of signs:

A. Only one (1) sign of each type shall be allowed on any property except where a property abuts two (2) or more public streets, two (2) signs of each type shall be permitted, no more than one (1) each on each of two (2) frontages.

B. Signs may be attached flush to the face of a structure, may be hung from a structure, or be free-standing. The top of a sign may not be more than fifteen (15) feet above the ground. Signs shall not extend into the street right-of-way and shall not obstruct sight distances at points of access to the property.

1502.4. Illumination - No sign in a residential zoning district shall be illuminated except signs identifying public or semi-public institutions, provided such lighting is from a hidden source or from within the sign.

1502.5. Temporary Signs, Residential Districts

A. One (1) temporary sign advertising the sale, rental or development of property is permitted provided it is not illuminated, a minimum of five feet (5') from the road right-of-way, and no larger than twelve (12) square feet. Such signs shall be promptly removed when the sale, lease or development of the property has been completed. No sign permit is required.

B. Temporary off-site directional signs intended for the purpose of directing traffic to activities such as the showing of a model home, home for sale, or grand opening shall be permitted provided such signs do not exceed ten (10) square feet; are not located so as to cause an obstruction or distraction to passing motorists. Such signs for multi-year developments shall require an annual permit to be obtained from the Zoning Officer.

C. A temporary sign advertising seasonal sale of agricultural products produced on the premises limited to one (1) sign on any property, to be removed when sales are terminated each season. The size shall not exceed twelve (12) square feet in area.

D. A temporary sign identifying designers or contractors employed on the property, such sign not to exceed six (6) square feet in size, limited to one (1) sign per designer/contractor. Such sign shall be promptly removed upon completion. No sign permit is required.

E. No other temporary sign shall be permitted.

### **1503. SIGNS IN GC GENERAL COMMERCIAL AND I INDUSTRIAL ZONING DISTRICTS**

1503.1. Permitted types of signs:

A. Any sign permitted in the Residential Zoning Districts.

B. Signs identifying businesses or industry on the same property as the business or industry advertised.

C. Signs applied directly to show windows shall not be included in computing sign areas and shall be limited only by the window dimensions.

#### 1503.2. Size of signs:

A. Projecting signs, at right angles to the wall surface to which attached, shall not exceed in area fifty (50) square feet in the CG General Commercial District. They may not extend more than six (6) feet out from the wall surface and shall be mounted to allow at least eight (8) feet of clearance below if over a pedestrian way, and at least fourteen and a half (14 1/2) feet if over a vehicular way.

B. Signs applied flat to a wall surface shall not exceed in area the sum of one (1) times the principal road frontage of a property containing the sign and shall not project above or beyond the wall surface at any point.

C. Free-standing signs on single-use sites shall not exceed in area one hundred and fifty (150) square feet on each of two (2) sides in the GC and I Districts, and in height, twenty-five feet (25') to the highest point above grade. Where signs are supported on an open work structure the sign area shall not include the area of the supporting members.

D. In any shopping center in the GC General Commercial Zoning District one (1) collective free-standing sign structure may be erected at the main entrance to a height not to exceed twenty-five (25) feet and an area not to exceed two hundred (200) square feet, displaying the name of the center and stores contained therein.

1503.3. Location of signs - Only one (1) sign of each type shall be allowed on any property except that where a property abuts two (2) or more public streets, either one additional building mounted or free-standing sign may be erected.

#### 1503.4. Illumination:

A. Signs in the commercial and industrial district may be lighted provided that no reflected glare occurs on adjacent roads or properties.

B. No sign shall be lighted that faces or partially faces an adjacent residentially used property less than three hundred (300) feet away from the sign.

#### 1503.5. Temporary Signs - Commercial Districts

A. One (1) temporary sign advertising the sale, rental or development of property is permitted provided it is not illuminated, a minimum of five feet (5') from the road right-of-way and no larger than thirty-two (32) square feet. Such signs shall be promptly removed when the sale, lease or development of the property has been completed. No sign permit is required.

B. Streamers, pennants and banners shall be permitted as temporary signs in conjunction with special events such as grand openings. Such signs shall in no case be displayed for more than thirty (30) days. Notification to the Zoning Officer is required. No sign permit shall be required.

### 1504. REVIEW AND APPROVAL

Persons desiring to erect a sign or signs shall apply to the Zoning Officer and submit a plan of their proposal indicating the location of the sign on the property, showing dimensions to property lines, the dimensions of the sign, including height above ground, and construction details indicating materials to be used. size of lettering, illumination source, electrical service where available, and details of the method of attachment to the building or the ground. The Zoning Officer shall issue a sign permit if all applicable standards of this Ordinance are adhered to.

## **ARTICLE XVI**

### **NONCONFORMITIES**

#### **1601. INTENT**

Within the districts established by this Ordinance or amendments that may be later adopted, there exist lots, structures, uses of land, uses of structures, and characteristics of use which were lawful before this Ordinance was adopted or amended, but which are or would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments to this Ordinance. These uses of structure and/or land may exist, and may be sold, leased, or otherwise legally transferred and the new owner may continue such lawful nonconforming uses. It is the intent of this Ordinance to permit these nonconformities to continue until they might be removed and, under certain conditions as set forth in this Article, to permit these structures and uses of land to expand to a limited degree.

#### **1602. AVOIDANCE OF HARDSHIP WHERE CONSTRUCTION OR USE HAS BEGUN**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of the adoption of this Ordinance, or the adoption of an amendment to this Ordinance, and upon which actual building construction has been carried on diligently.

#### **1603. SINGLE, SEPARATE, NONCONFORMING LOTS OF RECORD**

In any district, any lot or parcel of record existing at the effective date of this Ordinance, which lot or parcel is held in separate ownership and not part of a continuous ownership with other adjacent lots or parcels, may be used for the erection of a structure conforming to the use regulations of the district in which it is to be located, even though area and lot width requirements, or both, are less than the minimum required in this Ordinance. A variance from other yard requirements shall be obtained from the Zoning Hearing Board, where necessary.

#### **1604. MULTIPLE AND CONTIGUOUS NONCONFORMING LOTS OF RECORD**

If two (2) or more lots or parcels or a combination of lots and portions of lots or parcel are contiguous and in single ownership and are of record on the effective date of this Ordinance, or amendments thereto, and if all or part of the lots or parcels with no buildings thereon do not meet the requirements established for lot width and area, the lands involved shall be considered to be a single undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

**1605. NONCONFORMING USES OF LAND**

Where, at the time of adoption of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance the uses may be continued and shall be subject to the following additional provisions:

1605.1. A nonconforming use of land may be enlarged or extended to occupy an area which is greater by fifty percent (50%) than the area occupied at the effective date of adoption of this Ordinance or an amendment thereto, providing such enlargement or extension is permitted as a special exception by the Zoning Hearing Board.

1605.2. In the event a nonconforming use of land ceases or is abandoned, for whatever reason, for a period of more than eighteen (18) months, any subsequent use of the land shall conform to the regulations specified by this Ordinance for this district in which such land is located.

**1606. NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION**

Where at the time of adoption of this Ordinance a lawful use of structure or of structures and premises in combination exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued and shall be subject to the following additional provisions;

1606.1. A nonconforming use of part of a building may be extended throughout the building if no exterior structural changes are made and no additional floor area is added to the building.

1606.2. A nonconforming use of a whole building may be enlarged or extended to occupy additional building area up to fifty percent (50%) greater than the area occupied at the effective date of adoption of this Ordinance or an amendment thereto, providing such enlargement or extension is permitted after a hearing by the Zoning Hearing Board, and a determination that the request is a natural expansion of the use.

1606.3. A nonconforming use may be changed to another nonconforming use after a hearing by the Zoning Hearing Board. In considering such an action, the Zoning Hearing Board shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.

1606.4. Where a nonconforming use is superseded by a permitted use, the permitted use shall thereafter conform to the district regulations and the nonconforming use may not thereafter be resumed.

1606.5. A nonconforming use which has been damaged or destroyed by fire, windstorm, explosion or similar cause, which was no fault of the owner, may be rebuilt on the same foundation providing, however, the rebuilding is initiated no later than one (1) year after the event of the destruction.

1606.6. In the event a nonconforming use of building or building and premises in combination ceases or is abandoned, for whatever reason, for a period of time or more than eighteen (18) months, such nonconforming use, building or building and premises in combination, shall not be reconstructed and any future use shall be in conformity to the district regulations.

**1607. REPAIRS AND MAINTENANCE**

On any nonconforming structures and premises work may be done on ordinary repairs, maintenance of all walls and support elements, replacement of heating systems, wiring, or plumbing, providing that the cubic content of the nonconformity shall not be increased except as provided herein. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official charged with protecting the public health and safety.

## **ARTICLE XVII**

### **AMENDMENTS**

#### **1701. INITIATION**

An amendment, supplement, change or repeal of this Ordinance may be initiated by:

1701.1. A resolution or request by the Board of Township Supervisors;

1701.2. An official proposal by the Planning Commission; or

1701.3. A petition presented to the Planning Commission by a property owner.

#### **1702. PROCEDURE**

1702.1. Upon receipt of a petition for an amendment to this Ordinance or its map, the Planning Commission shall review the proposal and submit recommendations, with specific reasons in support of either adopting the proposal, rejecting it or adopting it with conditions to the Board of Township Supervisors within sixty (60) days of the meeting at which it officially received the petition.

1702.2. The Planning Commission may hold a public hearing, pursuant to public notice, if it feels the proposal is of such a controversial nature or is so widespread in its jurisdiction that additional testimony should be gathered.

1702.3. The Board of Township Supervisors shall review the Planning Commission's recommendations and shall call a public hearing, properly noticed, after which the Board of Township Supervisors shall vote approval or disapproval of the proposed amendment within ninety (90) days of the conclusion of the hearing. At least thirty (30) days prior to the hearing the Supervisors shall submit the amendment proposal to the Crawford County Planning Commission for comment, stating the date of the public hearing.

1702.4. When the Board of Township Supervisors proposes an amendment, it shall allow the Planning Commission at least thirty (30) days to review the proposal and submit recommendations before holding a public hearing.

1702.5. If a proposal amendment is revised before final approval to include property not previously affected or to further alter the text, the Board of Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the change.

1702.6. Appeal from a decision of the Board of Township Supervisors on an amendment proposal shall be to the Crawford County Court of Common Pleas.

1702.7. Public Hearing Requirements:

A. Public notice shall be published in a newspaper of general local circulation once (1) in each of two (2) consecutive weeks, the first notice appearing not more than thirty (30) days nor less than seven (7) days before the hearing.

B. In addition, where a change of zoning district boundaries is sought, the property or group of properties affected shall be posted in at least one (1) conspicuous points, deemed sufficient by the Township, at least seven (7) days prior to the hearing, indicating the date, time and place of the hearing and the nature of the amendment sought. A notice shall simultaneously be posted at a conspicuous location at the Township Building.

C. Owners of property within three hundred feet (300') of the boundary of a property or properties for which a change in the zoning district boundaries is sought shall be informed by mail at their addresses of record by letter sent at least fifteen (15) days prior to the hearing, indicating the date, time and place of the hearing and describing the proposed change.

1702.8. If the Board of Township Supervisors received a clearly adverse report from the Township or County Planning Commission or, prior to taking a vote for adoption of a zone district boundary change, is presented with a petition signed in opposition by owners representing at least one half (1/2) of the owners within three hundred feet (300') of such property, the Board of Township Supervisors shall adopt the amendments only by a unanimous vote.

1702.9. The municipality may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the municipality and mediating party shall meet the stipulation and follow the procedures set forth in Section 1808, of this Ordinance.

1702.10. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the Crawford County Planning Commission.

1702.11. Rehearing: If a petition for amendment, supplement, change or repeal of this Ordinance is denied by the Board of Supervisors, another petition for similar change shall not be filed within a period of one (1) year from the date of denial, except upon the initiation of the Board of Township Supervisors upon the recommendation of the Planning Commission based upon a change in circumstances.

### **1703. PROCEDURE FOR LANDOWNER CURATIVE AMENDMENTS**

1703.1. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Township Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 1702. The Township Supervisors shall commence a hearing thereon within sixty (60) days of the request. The curative amendment and challenge shall be referred to the Planning Commission as provided in Section 1702, and notice of the hearing thereon shall be given as provided for.

1703.2. The hearing shall be conducted in accordance with Section 1702, and all references therein to the Zoning Hearing Board shall, for purposes of this Section be references to the Township Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

1703.3. If the Board of Township Supervisors determines that a validity challenge has merit, they may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Township Supervisors shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:

- A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
- B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;
- C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
- D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

#### **1704. PROCEDURE FOR MUNICIPAL CURATIVE AMENDMENTS**

If the Township determines that its zoning ordinance, or any portion thereof, is substantially invalid, it shall take the following actions:

1704.1. The Township shall declare by formal action, its zoning ordinance, or portions thereof, substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days following such declaration and proposal, the governing body of the municipality shall:

- A. By resolution make specific findings setting forth the declared invalidity of the zoning ordinance which may include:

1704.2. References to specific uses which are either not permitted or not permitted in sufficient quantity;

1704.3. Reference to a class or use or uses which require revision; or

1704.4. Reference to the entire ordinance which requires revisions.

- A. Begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.

1704.5. Within one hundred and eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate or reaffirm the validity of its Zoning Ordinance.

1704.6. Upon the initiation of the procedures, as set forth in Section 1702, the Township Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Section 1803 nor shall the Zoning Hearing Board be required to give a report request under Section 1703 and/or 1704, subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Section 1702. Upon completion of the procedures as set forth in Sections 1703 and 1704, no rights to a cure pursuant to the provisions of Section 1703 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Section.

1704.7. The Township, having utilized the procedures as set forth in Section 1704, may not again utilize said procedure for a thirty-six (36) month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of its Zoning Ordinance, provided, however, if after the date of declaration and proposal, there is a substantially new duty or obligation imposed upon the Township by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Township may utilize the provisions of this Section to prepare a curative amendment to its ordinance to fulfill said duty or obligation.

## **ARTICLE XVIII ADMINISTRATION**

### **1801. ZONING OFFICER**

A Zoning Officer shall be appointed by the Board of Township Supervisors. The Zoning Officer shall have a working knowledge of Zoning, shall administer this Ordinance and shall not hold any elective office in the Township.

### **1802. DUTIES OF THE ZONING OFFICER**

The Zoning Officer shall have the following duties:

1802.1. Receive applications for zoning permits including sign permits and issue same; he 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 this Ordinance;

1802.2. The Zoning Officer may:

- A. Identify and register all nonconforming uses and structures existing in the Township at the effective date of this Ordinance;
- B. Issue certificates of occupancy;
- C. Maintain a permanent file of all applications for zoning permits, certificates of occupancy and all other actions as he is required to perform under this Ordinance;
- D. Inspect premises as may be necessary;
- E. Order the action necessary to correct any violation of this Ordinance where violations are found to exist;
- F. Order discontinuance of illegal uses of land, buildings, or structures, removal of illegal structures, discontinuance of any illegal work; and
- G. Utilize proceeding before district magistrates to enforce the provisions of this Ordinance.

### **1803. DUTIES OF THE PLANNING COMMISSION**

The Bloomfield Township Planning Commission shall have the following duties:

1803.1. Review all proposed amendments to this Ordinance and make recommendations to the Board of Township Supervisors thereon;

1803.2. From time to time as needs arise, propose to the Board of Township Supervisors amendments to this Ordinance;

1803.3. Review all proposed applications for a conditional use or use by special exception, and make recommendations to the Board of Township Supervisors thereon.

#### **1804. ZONING HEARING BOARD**

1804.1. The membership of the Board shall, upon the determination of the Board of Supervisors, consist of either three (3) or five (5) residents of the Township appointed by resolution by the Board of Supervisors. The terms of office of a three (3) member Board shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The terms of office of a five (5) member Board shall be five (5) years and shall be so fixed that the term of office of one (1) member of a five (5) member Board shall expire each year. If a three (3) member Board is changed to a five (5) member Board, the members of the existing three (3) member Board shall continue in office until their term of office would expire under prior law. The Board of Supervisors shall appoint two (2) additional members of the Board with terms scheduled to expire in accordance with the provisions of this Section. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Township.

1804.2. The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Board. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Section 1805, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in the Pennsylvania Municipalities Planning Code and as otherwise provided by law. Alternates shall hold no other office in the Township, including membership on the Planning Commission and Zoning Officer.

#### **1805. ORGANIZATION OF ZONING HEARING BOARD**

1805.1. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided for in Section 1807.

1805.2. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chair of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternatives.

1805.3. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinance of the Township and the laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors, as requested by the Supervisors.

**1806. FUNCTIONS OF ZONING HEARING BOARD**

1806.1. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement or determination made by the Zoning Officer in the administration of the Ordinance.

1806.2. The Board shall hear challenges to the validity of the Zoning Ordinance and/or map and any parts thereof; except it may not hear challenges pertaining to the process of enactment or adoption of the Ordinance and map. At the conclusion of the hearing the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.

1806.3. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance, strictly applied, inflict unnecessary hardship upon the applicant; public notice shall be given for such hearings. The Board may issue a variance to any requirements of this Ordinance wherein strict enforcement would result in practical difficulty or unnecessary hardship which would deprive the applicant of a reasonable use of his land or building. A variance may be granted provided the following findings are made by the Board:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size and shape, or exceptional topographic or other physical conditions peculiar to the property and that the unnecessary hardship is due to these conditions generally created by the provisions of the Zoning Ordinance;
- B. That because of such physical circumstances there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance;
- C. That such unnecessary hardship has not been created by the applicant;
- D. That the variance, if authorized, will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use of adjacent property nor be detrimental to the public welfare; or
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1806.4. Furthermore in considering requests for variances, the following principles shall apply:

- A. Nonconforming uses of neighboring lands, or certain types of structures in the same district and permitted or nonconforming uses of land or structures in other districts shall not be considered grounds for the issuance of variances.
- B. The Board shall not permit variances which allow a use not permissible under the terms of this Ordinance in the district involved unless the Board finds that the applicant cannot make a reasonable use of his land.
- C. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be considered a violation of this Ordinance and punishable under Section 2004

1806.5. The Board shall approve Uses by Special Exception for any of the uses identified as such under the terms of this Ordinance. Application for a use by special exception may be subject to additional, more specific standards and criteria as established in other section of this Ordinance.

1806.6. Where the Board has jurisdiction over matters pursuant to the above subsections, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any other municipal ordinance or requirement pertaining to the same development. In any such case, the Board shall have no power to pass upon nonzoning issues but shall take evidence and make a record thereon as provided in this Ordinance. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to court.

### **1807. ZONING HEARING BOARD PROCEDURES**

The hearing procedure of the Zoning Hearing Board shall be governed by the provisions of the Pennsylvania Municipalities Planning Code (Act 247) of 1968, as amended, and such rules, not inconsistent therewith, as the Board may adopt. The Board shall conduct the hearings and make decisions in accordance with the following requirements.

1807.1. Any appeal for a variance from the strict requirements of the Zoning Ordinance or an appeal from an order, determination or interpretation of the Zoning Officer shall be taken by filing a notice of appeal with the Zoning Officer, who shall transmit immediately said notice of appeal to the Zoning Hearing Board. The Zoning Officer shall transmit to the Board all of the documentary material constituting the record upon which the action for appeal was taken.

1807.2. The appellant shall, at the time of filing his appeal, pay the Zoning Officer a fee as determined by the Township Supervisors to defray or help defray the cost of the appeal, including advertising.

1807.3. Each appeal shall be tried on its merits at a public hearing. Public notice of such appeal shall be given. The Board also shall give notice to the applicant, the Zoning Officer and such other persons as the Township Supervisors may designate by Ordinance. Notices shall be given at such time and in such manner as shall be prescribed by Ordinance, or, in the absence of Ordinance provisions, by rules of the Board. The Board may adjourn any hearing for the purpose of giving further notice.

1807.4. The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.

1807.5. The Chairman of the Board shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers.

1807.6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

1807.7. The Board shall keep a stenographic record of the proceedings and a transcript of the proceedings, and copies of graphic or written material received in evidence shall be made available to any party at cost.

1807.8. The Board shall hold the required hearing within sixty (60) days from the date of the applicant's request for the hearing. The Board shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore.

1807.9. Where the Board fails to hold the required hearing within the time limit required and/or where the Board fails to render a decision within the time period required, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

1807.10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed not later than one (1) day following the date of the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

1807.11. No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development has been approved by an appropriate municipal official, agency, or body if such procedure is designed to secure the reversal or to limit the approval in any manner unless such person alleges and proves that they had no notice, knowledge, or reason to believe that such approval had been given.

## **1808. MEDIATION OPTION**

1808.1. Parties to proceedings authorized in this Article and Article X-A, "Appeals to Court," of the Pennsylvania Municipalities Planning Code, Act 247, as amended, may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article and Article X-A once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principals of substantive law.

1808.2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- A. Funding mediation.
- B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- C. Completing mediation, including time limits for such completion.
- D. Suspending time limits otherwise authorized in this act, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
- E. Identifying all parties and affording them the opportunity to participate.
- F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the other sections of this act.

1808.3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

**1809. RELATIONSHIPS: ZONING OFFICER, ZONING HEARING BOARD, AND BOARD OF TOWNSHIP SUPERVISORS**

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Officer and that such questions shall be presented to the Zoning Hearing Board only on appeal from the determination of the Zoning Officer, and that recourse from the decisions of the Zoning Hearing Board shall be in the courts as provided by law. It is further the intent of this Ordinance that the duties of the Township Supervisors shall not include hearing and deciding questions of interpretation and enforcement that may arise.

## **ARTICLE XIX**

### **REQUIRED PERMITS & ENFORCEMENT**

#### **1901. REQUIRED PERMITS**

##### **1901.1. Zoning Permit Required:**

A. No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed; and no building or structure may be used or occupied, or the use changed until a Zoning Permit has been obtained from the Zoning Officer.

B. In the instances where a Building Permit is required and applied for, such application shall be considered to include both the Building Permit and the Zoning Permit. In those instances where no Building Permit is required, an application for a Certificate of Occupancy for a new or changed use of land or structure shall be considered to include both the Zoning Permit and the Certificate of Occupancy.

1901.2. Building Permit Required: No building or structure shall be erected, added to or structurally altered until a Building Permit has been issued by the Zoning Officer. No Building Permit shall be issued for any building where said construction, addition or use thereof would be in violation of any of the provisions of this Ordinance, except after written order from the Zoning Hearing Board. Any Building Permit issued in conflict with the provisions of this Ordinance shall be null and void.

1901.3. Application Requirements for Permits: When an application is made for a Zoning and/or Building Permit, the application shall be made in writing by the owner, tenant, occupant under contract, or authorized agent, on a form supplied by the Township and shall be filed with the Zoning Officer. The application shall include the following information:

- A. A statement as to the proposed use of the building, structure or land.
- B. A plan drawn to scale, in duplicate, showing the actual dimensions and shape of the lot or parcel with the location, dimensions and height of proposed buildings, structures or uses and any existing buildings in relation to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
- C. The location, dimensions and arrangements of all open spaces and yards, including methods to be employed for screening and landscaping.
- D. The location, size, capacity and arrangement of all areas to be used for vehicular access, off-street parking, off-street loading and unloading and provision to be made for lighting such areas.
- E. The dimensions, location and methods of illumination for SIGNS, if applicable.
- F. The location and dimensions of sidewalks and all other areas devoted to pedestrian use.
- G. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm drainage.
- H. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the number of dwelling units and the proposed gross density.
- I. A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion and other safety hazards.

J. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.

K. Any other data deemed necessary by the Zoning Officer to determine compliance with the applicable provisions of this Ordinance.

1901.4. Approval of Permit(s): Within fifteen (15) days after receipt of an application for a Zoning and/or Building Permit, the Zoning Officer shall either approve or disapprove the application. One (1) copy of the plans shall be returned to the applicant under signature by the Zoning Officer, noting approval or disapproval. The second copy, similarly marked, shall be retained by the Zoning Officer for his/her files.

1901.5. Expiration of Permit(s):

A. If the work described in the application has not begun within twelve (12) months from the date of issuance, the permit shall expire. The Zoning Officer shall issue a written notice to the applicant, revoking such permit.

B. If the work described in the application has not been substantially completed within twenty-four (24) months of the date of issuance, the permit shall expire. The Zoning Officer shall issue a written notice to the applicant, revoking such permit and noting that further work, as described in the revoked application, shall not proceed unless and until a new permit has been obtained or an extension granted.

1901.6. Permits Not Required: A Zoning or Building Permit shall not be required for the following activities:

- A. Painting or masonry re-pointing;
- B. Replacement of shingles or siding;
- C. Re-paving existing driveways, patios or courts;
- D. Replacement of windows or doors, with no structural changes;
- E. Interior alterations when no structural changes are proposed, and the use of the building is not changed;
- F. Erection of an antenna or satellite dish;
- G. Buildings with one hundred twenty (120) square feet, or less.

1901.7. Certificate of Occupancy Required: It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or lot, or part thereof, except in conformance with the following:

A. A Certificate of Occupancy shall be required prior to the use or occupancy of the following:

- 1. New use;
- 2. Expansion of existing use;
- 3. Change of use;
- 4. Change of owner;
- 5. Change of tenant or occupant where the lease is for twelve (12) months or longer.

B. Said Certificate of Occupancy shall state that the proposed use of the building, structure or land conforms to the requirements of this Ordinance.

C. A Certificate of Occupancy shall be applied for at the time of application for a Zoning and/or Building Permit and shall be acted upon within five (5) working days after inspection by the Zoning Officer of the work completed under a Zoning and/or Building Permit.

D. A Certificate of Occupancy for a new use or changed use, where no Building Permit is required, shall be part of the application for a Zoning Permit.

E. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and shall be subject to enforcement remedies as provided in this Article.

F. The Zoning Officer shall maintain a record of Certificates of Occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building or lot affected.

#### 1901.8. Temporary Permits:

A. A temporary Certificate of Occupancy may be issued by the Zoning Officer for those uses identified in Section 1205 of this Ordinance.

B. A temporary Certificate of Occupancy may be issued by the Zoning Officer for a period not to exceed six (6) months.

C. A temporary Certificate of Occupancy shall be renewed, if necessary, every six (6) months.

1901.9. Fees: The Township may establish a schedule of fees for all permits, certificates, appeals, amendments and other matters pertaining to the administration and enforcement of this Ordinance. No action will be taken by the Township until all applicable fees, charges and expenses have been paid.

### 1902. ENFORCEMENT

1902.1. Violation: Failure to comply with any provisions of this Ordinance; failure to secure a Zoning or Building Permit prior to the erection, construction, extension, structural alteration or addition to building or structure; or failure to secure a Certificate of Occupancy for the use or change of use or occupancy of buildings, structures or land, shall be a violation of this Ordinance.

1902.2. Enforcement Responsibility: Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state, fully, the cause and basis of the violation thereof and shall be filed with the Zoning Officer. The Zoning Officer shall investigate the matter and take the appropriate action thereon, as provided for in this Ordinance.

#### 1902.3. Enforcement Notice:

A. If the Zoning Officer shall find that any provision of this Ordinance is being violated, he/she shall notify the owner of record of the property upon which such alleged violation is occurring, in writing, by certified mail, indicating the nature of the violation and the action necessary to correct it.

B. The notice of violation shall contain the following information:

1. The name of the owner of record and any other person against whom the Township intends to take action;
2. The location of the property in violation;
3. The specific violation, with a description of the requirements which have not been met, citing, in each instance, the applicable provisions of this Ordinance;

4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code;
6. That failure to comply with the notice in the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible penalties resulting.

C. The Zoning Officer shall keep records of all applications, either approved or disapproved, one (1) copy of each permit issued, and all notices and reports issued.

#### 1902.4. Enforcement Remedies

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

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

C. All judgments, costs and reasonable attorneys fees collected for the violation of this Ordinance shall be paid over to the Township.

D. The Court of Common Pleas, upon petition, may grant an order of stay, upon case law, tolling the per diem fine pending a final adjudication of the violation and judgment.

E. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township, the right to commence any action for enforcement pursuant to this Section.

1902.5. Causes of Action: In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of the provisions of this Ordinance, the Township Board of Supervisors, or their designee, 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 premise, any act, conduct, business or use constituting a violation.

## **ARTICLE XX**

### **MISCELLANEOUS PROVISIONS**

#### **2001. VALIDITY**

Should any section or provision of this Ordinance be declared a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the parts of or sections remaining shall remain in effect as though the part or section declared unconstitutional had never been a part thereof.

#### **2002. INTERPRETATION, PURPOSE AND CONFLICT**

The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the Township of Bloomfield. This Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a greater restriction upon the use of building or premises, or upon the height of a building or requires larger open spaces than are imposed by other such rules, regulations or ordinances the provisions of this Ordinance shall prevail.

#### **2003. REMEDIES**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land use in violation of this Ordinance or prior laws, the Township Board of Supervisors, or an officer of the Township, with the approval of the Board of Supervisors, in addition to other remedies, may institute in the name of the Township any appropriate action or proceedings to prevent, restrain, correct or abate such violation, structure or land, or to prevent, in or about such premises any act, conduct, or use constituting a violation.

#### **2004. PENALTIES**

2004.1. Any person, partnership or corporation who, or which, has violated or permitted the violation of the provisions of this Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays, nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance, to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township.

2004.2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine, pending a final adjudication of the violation and judgment.

2004.3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than the Township, the right to commence any action for enforcement pursuant to this Section.

**ARTICLE XXI**  
**EFFECTIVE DATE**

**2101. EFFECTIVE DATE**

This Ordinance shall take effect and be in full force, as amended, which is five (5) days after the final passage.

**2102. ZONING MAP**

The Zoning Map of the Township of Bloomfield is incorporated herein and shall be amended with each change.

ENACTED AND ORDAINED THIS 14<sup>th</sup> day, November, 2022 by the Board of Supervisors of the Township of Bloomfield.

ATTEST:

BLOOMFIELD TOWNSHIP

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

I hereby certify that the above is a true copy of the Bloomfield Township Ordinance No. \_\_\_\_\_ adopted by the Board of Supervisors of Bloomfield Township on \_\_\_\_\_, 2022, and advertised in the \_\_\_\_\_ on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Secretary

## ZONING ORDINANCE OF BLOOMFIELD TOWNSHIP

## ORDINANCE NO.

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