

# **ZONING ORDINANCE**

**For**

## **MOUNT PLEASANT TOWNSHIP**

**Columbia County, Pennsylvania**

**With revisions compiled as of April 1, 2002**

Prepared By

**MOUNT PLEASANT TOWNSHIP BOARD OF SUPERVISORS  
MOUNT PLEASANT TOWNSHIP PLANNING COMMISSION  
MOUNT PLEASANT TOWNSHIP ZONING HEARING BOARD  
ZONING OFFICER**

With the Assistance of

**JERRY S. WALLS, AICP  
Planning Consultant**

**ZONING ORDINANCE**  
**for**  
**MOUNT PLEASANT TOWNSHIP**  
**Columbia County, PA**

**Enacted November 2, 1987**

**Revised November 6, 1989**

**and July 16, 1990**

**and September 21, 1993**

**and March 13, 1995**

**and November 6, 1995**

**and February 3, 1997**

**and April 1, 2002**

**Prepared By**

**Mount Pleasant Township Board of Supervisors,  
Mount Pleasant Planning Commission, and  
Mount Pleasant Township Zoning Hearing Board**

**with the assistance of**

**Jerry S. Walls, AICP**

Planning Consultant

## **ACKNOWLEDGEMENT**

The Mount Pleasant Township Board of Supervisors gratefully acknowledge the countless hours of dedicated service by the following unpaid volunteer citizens who

serve as the

### **Township Planning Commission**

**Gary Sitler, Chairman**

**Fred Kressler, Vice-Chairman**

**Coralee Kindt, Secretary**

**Tammy (Boz) Robbins**

**Roger Carr**

**Martin Boudman**

### **Zoning Hearing Board**

**Layne Kindt, Chairman**

**Terry Walters, Vice Chairman**

**Susan Outt, Secretary**

**Ken Auchter**

**Terry Hess**

### **Zoning Officer**

**Edward T. Sanders**

and those earlier members who contributed earnest effort in an attempt to work out fair and reasonable public policy embodied in this Ordinance. The interest and constructive ideas of individual citizens and property owners who attended many of the meetings are sincerely appreciated. In addition, the experience and case-specific knowledge of the Zoning Officer was very helpful. Thank you.

### **Township Board of Supervisors**

**Albert Wagner, Chairman**

**John R. Gordner, Vice Chairman**

**Tod Fenstermacher, Supervisor**

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# ARTICLE 1

## SHORT TITLE AND PURPOSES

### **100 SHORT TITLE**

This Ordinance shall be known and cited as the “Mount Pleasant Township Zoning Ordinance”.

### **101 GENERAL INTENT**

The intent of this Ordinance is to establish comprehensive controls for the development of land in Mount Pleasant Township based on the goals and objectives prepared for the area and it was enacted in order to promote and protect the health, safety, comfort, convenience and the general welfare of the residents of Mount Pleasant Township.

### **102 PURPOSE**

This Ordinance is made in accordance with an overall program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures. The provisions and regulation in this Zoning Ordinance are designed to protect and promote the safety, health, morals and general welfare of the inhabitants of Mount Pleasant Township; to encourage the most appropriate use of land throughout the Township; to preserve and stabilize the value of property; to prevent overcrowding of land; to prevent traffic congestion; to secure safety from fire, flooding, panic and other dangers; to conserve and protect natural resources including groundwater quality and quantity; to protect access to solar energy, natural light and air; to facilitate provision of transportation, water, sewerage, schools, parks and other public services; to preserve and promote the natural beauty of Mount Pleasant Township; to preserve and protect the rural character and environmental integrity of Mount Pleasant Township.

### **103 SCOPE**

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to or relocated and every use within a building or use accessory thereto in Mount Pleasant Township shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of a building or land not in conformity with the regulations herein described shall be regarded as nonconforming but may be continued, extended or changed, subject to the special regulations herein provided with respect to nonconforming buildings and uses.

### **104 FINDINGS**

After review in 2001-2002 the Township Planning Commission and the Board of Supervisors finds that Mount Pleasant Township is experiencing growth but remains rural in nature with scattered single family residential, limited developments of single family detached residential, a few multi-family townhouses and apartments, with the primary use of land being agricultural or agribusiness. More specifically, the Board of Supervisors finds:

- A. The Mount Pleasant Township comprises 16.8 square miles and is situated north of the Town



of Bloomsburg, bounded on the west by Little Fishing Creek and on the south by Fishing Creek and Interstate 80. Both of these streams and several of their tributaries are of high quality, serving as habitat for cold water fish species.

- B. That the population of Mount Pleasant Township was 1276 according to the 1980 Census, and 1,459 in the 2000 Census, resulting in a change of population density from 76 individuals per square mile to 87.
- C. That there are 42 miles of Township road and 20.91 miles of State road, none of which has a cartway in excess of 25 feet. There are 16 miles of macadam road; 14 miles of tar and chip road and 12 miles of dirt road in Township ownership.
- D. That as of January 2002 there is no industrial manufacturing in the Township; one commercial/industrial warehousing and storage facility, one commercial service company fabricating/installing insulation, two archery pro shops, housing contractors home businesses, and several agribusiness sales/service operations in conjunction with active farms. Resource extraction in the area is growing with a sand and gravel quarry under development. Home offices have increased due to computer and telecommunications technology development.
- E. That the major streams to the west, south and southeast create an effective topographic barrier for urban development which is reinforced by the I-80 limited access Right-of-Way. State highways in Mount Pleasant and Township roads are secondary in nature and function with rural traffic volumes.
- F. That there are no public sewage collection and treatment systems and no public water supply and distribution systems serving the Township.
- G. That the expected growth of Mount Pleasant Township will be continued rural residential on scattered sites, moderate density residential developments of townhouses and garden apartments, agribusinesses and occasional light and service industrial.
- H. That "Home Occupations" have increased dramatically in the last 3-5 years with the following businesses active in the Township as of January 2002:

Small engine repair shops	Appliance repair shops
Beauty shops	Home health care
Custom-made clothing	Antique refinishing and sales
sewing and sales	Craft making and sales
Satellite antennae installation	Horse boarding, riding and training
Computer and business services	Contractor home business offices and workshops
Home professional offices	Archery Pro shops
- I. That the historic character of the Township includes a stand of virgin Hemlock timber, covered wooden bridges and colonial era homes. Stone houses and barns reflect exceptional masonry skills of the German, English and Scot settlers in the area. Place names and specific mills bear the traces of woolen, fabric and grist mills developed and operated as family industries from the early 1800's to the mid 1900's.
- J. Based on the 2000 Census Mount Pleasant Township was 2.2% of Columbia County's population of 64,151.
- K. In 2000 47.8% of the Township population was female with 27.6% age 19 or under and 9.7% age 65 or older. These figures indicate that the Township population is going through an aging cycle. Blacks, Spanish origin and other minorities accounted for less than 1% of the Township population.
- L. The Township 2000 count revealed 2.68 persons per household compared to 2.42 persons for

Columbia County as a whole. There were 426 families and 544 separate households in the Township in 2000. This trend mirrors the state and national patterns for household size and family size.

## **105 GOALS AND OBJECTIVES**

In view of the findings noted above, the Board of Supervisors declares and reaffirms the following to be the goals and objectives of this Ordinance:

- A. To maintain the peaceful rural character and unique scenic environment of the Township.
  - B. To encourage the continuation of agricultural activities within the Township.
  - C. To encourage land developments to locate within the Township in areas where they are best suited.
  - D. To utilize environmentally sensitive areas (including steep slopes, floodplains and areas with soils which are unsuitable for proper septic tank effluent renovation) in ways which will not create nor increase problems for the Township and its residents.
  - E. To maintain suitable residential environments and a variety of housing types and styles for Township residents.
  - F. To encourage development in such a manner as to assure adequate, safe transportation and highway access can be provided.
  - G. To provide adequate drainage control facilities in all new developments and, where possible, to upgrade existing stormwater runoff controls.
  - H. To provide for adequate, accessible public facilities, services and utilities for all Township residents.
  - I. To promote commercial and industrial activity only in areas the Township designated for such uses.
  - J. To encourage coordinated local and regional planning efforts and expenditures in order to promote orderly growth in Columbia County.
  - K. To retain open space, in conjunction with farmers and developers, for continued agricultural utilization.
  - L. To discourage non-farm encroachments into farming-dominant areas in order to minimize incompatible land uses and avoid conflicts.
  - M. To retain open space for protection of the groundwater quality, as well as the streams adjacent to the Township and the Town of Bloomsburg 's public water supply.
  - N. To retain open space for recreational uses such as camping, hunting and hiking, and for protection of wildlife habitat.
  - O. To retain open space and active farming areas to preserve lifestyle choices through natural environmental character.
  - P. To retain open space for aesthetic considerations, including public viewsheds for Township residents, visitors to Columbia County and Pennsylvania tourists.
  - Q. To establish and maintain development controls in order to prevent overcrowding of the Township relative to its heritage and rural character.
  - R. To establish and maintain development control based on site-specific topographic , soils and geologic conditions in order to prevent groundwater contamination.
- S. To establish and maintain development controls based on site-specific natural resource

features which are environmentally fragile.

- T. To provide standards consistent with a rural setting for healthful and safe living quarters for people of all ages, origins, religions, sexual preference, income, marital, medical and mental conditions or circumstances.

#### **106 AUTHORITY**

The Board of Supervisors of Mount Pleasant Township, under authority granted by Articles VI through X, inclusive, of Acts 247 of 1968, "The Pennsylvania Municipalities Planning Code" and its amendments, does hereby ordain that this Ordinance is intended to promote public health, safety, morals and the general welfare of Township residents.

#### **107 DISCLAIMER**

This Ordinance is not intended to create nor assume liability on the part of Mount Pleasant Township or any officer or employee thereof for any fire, flood or other damage that may result from reliance on this Ordinance or from any administrative decisions lawfully made thereunder. These regulations shall not guarantee a specific level of protection for any construction. The applicant shall in all cases rely on accepted engineering methods or building practices when designing or constructing structures approved pursuant to these regulations.

## ARTICLE 2

### ZONING DISTRICTS

#### **200 ESTABLISHMENT OF DISTRICTS**

For the purpose of implementing the objectives of this Ordinance, the Township of Mount Pleasant is hereby divided into the following zoning districts:

VC	Village Center District
R	Residential District
A	Agriculture District
OS	Open Space District
C	Commercial District
RE	Resource Extraction District
N	Natural Area District
FF & FP	Flood Fringe & General Floodplain District (Overlying District)
FW	Floodway District (Overlying District)

#### **201 DISTRICT PURPOSE STATEMENTS**

A. VC - Village Center District

The purpose of this district is to set aside an area of the Township in the vicinity of Millertown, which can support the logical growth and maintenance of appropriate public and semi-public uses, such as institutional or government buildings and recreational facilities. The regulations developed for this zone are intended to protect the integrity of the existing use in this area for present and future citizens of the Township.

B. R - Residential District

This district is generally intended for application to rural residential development areas of the Township where public sewer and water facilities are not available and are not contemplated for the foreseeable future. The purpose of the regulations for this district is to foster a quiet, low to moderate density family home environment. To this end lot sizes are based upon the need to safeguard the health of the citizens by providing ample space to allow for proper provision of on-lot sewage and water facilities and to maintain the peaceful rural character of the community. Commercial activities are prohibited in this district; compatible public and semi-public uses are allowed; and agricultural activities are recommended for undeveloped land in this zone.

C. A - Agriculture District

The purpose of this district is to preserve and protect prime farmland in the Township and the existing agricultural characteristics of the area. It is the intent of such designation to reinforce agricultural land utilization as an important economic activity and to permit those lands best suited for agriculture to be utilized for that purpose. All types of agriculture uses, including agribusiness, are allowed and non-compatible uses, including substantial residential uses, which would interfere with the purpose of the district, are discouraged.

D. OS - Open Space District

It is the intent of this district to encourage the conservation of land and forest resources where the economics of building and supplying public facilities and services is not in the public interest, such as on steep slopes, floodplains, or other environmentally fragile areas. The value of conserving land as a natural resource is recognized, as well as the problems that can be created by over-utilization or development of such areas. Problems which are likely to arise in Mount Pleasant Township in the areas designated as Open Space districts, given their topographic and geophysical features, include substantial soil erosion, water supply contamination, and loss of aesthetic value as well as diminished property values for nearby Township residential property owners. Although steep forested ravines and side hills predominate in the areas designated as Open Space, the regulations for this district are designed to protect the active farming areas within and adjacent to the Open Space District as well. Accordingly, nonfarm land uses and activities (other than forest management, outdoor recreation and natural resource conservation ) are discouraged.

E. C - Commercial District

The commercial district is established to accommodate retail and wholesale business activities serving both Township residents and a broader community market. The regulations governing this district permit the development of a wide range of shopping, service and warehousing activities, but require adequate off-street parking and loading spaces to be provided. Provisions are also included to ensure that buffer strips or plantings are provided between adjacent land uses and to assure the efficient movement of people and goods to and from this district.

F. RE - Resource Extraction District

The purpose of this district is to delineate areas of the Township where minerals and similar resources can be extracted from the earth and associated industrial activities, such as batch mix plants crushing operations and equipment repair can be located. Reasonable provisions are included to ensure the protection of the public health, safety and welfare and to minimize problems affecting groundwater, noise, dust, stream sedimentation and potential safety hazards.

G. N - Natural Area District

This district recognizes a unique area of outstanding natural resources including virgin hemlock, pine, fern and various forms of vegetation in an attempt to preserve these resources which are a vanishing element of the natural heritage of American and specifically of Mount Pleasant Township. Strict limitations on land use are deliberately established to avoid loss of these irreplaceable resources. It is the intent in this Ordinance to control any and all activities which have the potential to destroy or diminish the unique character of this area. Although privately owned, the lands in this district possess or constitute a public value if maintained in their natural state.

H. FF & FP- Flood Fringe and General Floodplain District (Overlying District)

It is the intent of these Districts to prevent the loss of property and life; the creation of healthy and safety hazards; the disruption of commercial and government services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To

achieve this end, permitted uses must be floodproofed against flood damage. (See Article 6) In these Floodplain districts, development and/or use of land shall be permitted in accordance with the regulations of the underlying districts, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions in all other applicable codes and ordinances.

I. FW - Floodway District (Overlying District)

The purpose of this District is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and government services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, only those uses which will not cause an increase in flood heights, velocities, or frequencies will be permitted. (See Article 6) In addition, in the Floodway District, no development shall be permitted except where the effects of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities and notification of such has been given to Federal Flood Insurance authorities and the PA Department of Community Affairs.

**202 ZONING MAP**

- A. The boundaries of each of the districts are hereby established as shown on the Official Zoning Map, which is made a part of this Ordinance together with all future notations, references, and amendments. ( A copy of the Zoning Map can be found on the last page of this Ordinance.)
- B. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors, be properly attested by the Township Secretary, and shall bear the municipal seal.
- C. No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in Section 1100. The final authority as to the current status of zoning districts in the Township shall be the Official Zoning Map. Any changes made to the zoning districts shall be made on the Official Zoning Map promptly after the amendment has been approved by the Board of Supervisors, and shall bear the date of amendment and the signature of the Chairman of the Board of Supervisors and the Township Secretary.

**203 INTERPRETATION OF BOUNDARIES**

A. Designation of District Boundaries

The district boundary lines, except for the floodplain districts, are intended generally to follow the centerlines of streets, the centerlines of railroad rights-of-way, existing lot lines, municipal boundary lines, or as shown on the Official Zoning Map by a specific dimension expressing its distance in feet from a road centerline or other boundary line as indicated.

B. Determination of Location of Boundaries

In case of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto. However, no boundary shall be changed by the Zoning Hearing Board. If such true location of a boundary line can not be determined by interpretation of the Zoning Hearing Board a request for corrective action shall be filed with the Township Supervisors.

C. Severed Lot Special Exceptions

Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Hearing Board may determine, as a Special Exception, which district regulations apply for either portion of the lot so long as the total area subject to the Special Exception is no larger than one acre.

**204 FLOODPLAIN DISTRICT BOUNDARY CHANGES**

The delineation of any boundary of the floodplain districts may be revised by the governing body in accordance with the amendment procedures outlined in Section 1100 of this Ordinance where natural or man-made changes have occurred and more detailed studies have been conducted by a qualified agency or individual, such as the U. S. Army Corps of Engineers. No change in any floodplain boundary shall be made unless the municipality has sought and obtained approval for said change as per Federal Insurance regulations.

## ARTICLE 3

### DISTRICT REGULATIONS

#### **300 APPLICATION OF DISTRICT REGULATIONS**

The regulations set forth in this Article for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
  - 1. to exceed the height or bulk;
  - 2. to accommodate or house a greater number of families;
  - 3. to occupy a greater percentage of lot area;
  - 4. to have narrower or smaller rear yards, front yards, side yards, or other open space, than herein required, or in any other manner be contrary to this Ordinance.
- C. The commencement of any of the uses or activities listed in the District Regulations shall require the issuance of a Zoning Permit from the Township Zoning Officer.

#### **301 USE REGULATIONS AND DIMENSIONAL REQUIREMENTS**

The specific use regulations and dimensional requirements pertaining to each district are contained on the charts that follow.





**SECTION 303**

**R RESIDENTIAL DISTRICT**

PERMITTED USES & STRUCTURES			LOT, YARD & OPEN SPACE REQUIREMENTS			
PRINCIPAL USES & STRUCTURES	ACCESSORY USES & STRUCTURES	SPECIAL EXCEPTION USES	CONDITIONAL USES	MINIMUM LOT REQUIREMENTS	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT LIMITS
Single family dwellings (See 403)	Private garages & carports	Public or semi-public recreational facilities (See 438)	Multi-family dwellings (See 408)	Minimum Lot Area Per Principal Structure or Use: 1 acre (43,560 sq.ft.) including Family Care Unit unless the site-specific topographic, soil and geologic conditions or natural resource features compel an adjustment to minimum lot size to be applied (See 500)	Front Yard: 35 ft. from edge of road R/W or 60 ft. from road centerline, whichever is greater.	Principal Structures: 35 ft. or 2.5 stories
Two-family attached dwellings (See 403)	Private swimming pools (See 429)	Mobile homes on individual lots (See 405)	Multi-family housing developments (See 409)			
Conversion apartments (See 404)	Home occupations or home businesses (See 427)	Family Care Unit (See 406)	Public and/or private post-secondary educational facilities			
Day Care Nurseries/Centers (See 410)	Uses of structures customarily incidental to a permitted use	Nursing & personal care home (See 411)	Group Homes (See 415)	Minimum Lot Width: 150 ft.	Side Yards: 15 ft. each	Accessory Structures: 20 ft.
Agricultural uses	Forestry (See 442)	Boarding & Rooming Houses (See 412)	Rehabilitation Centers (See 416)	Maximum Building Coverage: 25 %	Rear Yards: Principal Structures - 50 ft. Accessory Structures - 15 ft.	Agricultural Structures: No limit
Public and private educational facilities. (K-12)			Mobile Home Parks (See 407)			
Churches or places of worship				Multi-family dwellings: 1 acre + 2,500 sq.ft./dwelling unit (See 408) unless the site-specific topographic, soil and geologic conditions or natural resource features compel an adjustment to minimum lot size to be applied (See 500)		
Bed & Breakfast establishments (See 413)				Multi-family housing developments: 2 acres + 2,500 sq.ft./dwelling unit (See 408) unless the site-specific topographic, soil and geologic conditions or natural resource features compel an adjustment to minimum lot size to be applied (See 500)		
Farm Vacaton Enterprises (See 447)						
				*NOTE: Each lot must meet PA Sewage Facilities Act requirements and all Township Sewage Regulations		

SECTION 304

A AGRICULTURAL DISTRICT

PERMITTED USES & STRUCTURES			LOT, YARD & OPEN SPACE REQUIREMENTS			
PRINCIPAL USES & STRUCTURES	ACCESSORY USES & STRUCTURES	SPECIAL EXCEPTION USES	CONDITIONAL USES	MINIMUM LOT REQUIREMENTS	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT LIMITS
Agricultural uses	Private garages & carports	Public utility structures and buildings	Agri-business activities and direct sales	Minimum Lot Area Per Principal Structure or Use: 1 acre (43,560 sq.ft.) including Family Care Unit unless the site-specific topographic, soil and geologic conditions or natural resource features compel an adjustment to minimum lot size to be applied (See 500)	Front Yard: 35 ft. from edge of road R/W or 60 ft. from road centerline, whichever is greater.	Principal Structures: 35 ft. or 2.5 stories
Kennels, stables or riding academies (See 432,433,434)	Private swimming pools (See 429)	Slaughter houses	Sawmills (See 442)			
Single family dwellings (See 403)	Home occupations or home businesses (See 427)	Family Care Unit (See 406)	Seasonal dwellings (See 414)			
Mobile homes on individual lots (See 405)	Roadside stands (See 430)	Food processing waste disposal (See 418)	Churches or places of worship	Minimum Lot Width: 200 ft.	Side Yards: Principal structures - 25 ft. Accessory Structures - 15 ft.	Agricultural Structures: No limit
Conversion apartments (See 404)	Warehousing & storage of agricultural equipment, vehicles, produce, feed and/or supplies	Communication towers (See 424)	Cemeteries	Maximum Building Coverage Per Lot: 25%	Rear Yards: Principal Structures - 50 ft. Accessory Structures - 25 ft.	Communications towers: No limit For purposes of the Permit Application the height shall be measured from the average grade of the site within the enclosure fence.
Bed & Breakfast establishments (See 413)	Uses or structures supplementary or customarily incidental to a permitted use	Municipal composting (See 422)	Two-family attached dwellings (See 403)			
Farm Vacation Enterprises (See 447)	Clean Fill Disposal (See 421)	Animal hospitals (See 432)		Agricultural Uses: No minimum lot size and no maximum building coverage limit		
Forestry (See 442)		Nondomesticated animal shelter, kennel or preserve (See 448)		For Nondomesticated animal shelter, kennel or preserve uses: Minimum lot size - 1 acre unless for commercial hunting (200 acres)	For Nondomesticated animal shelter, kennel or preserve uses: Minimum Yard - 60 ft. from property line for all principal use structures	
				Communication towers: Minimum lot size - 25 acre		
				*NOTE: Each lot must meet PA Sewage Facilities Act requirements and all Township Sewage Regulations		









SECTION 307

RE RESOURCE EXTRACTION DISTRICT

PERMITTED USES & STRUCTURES			LOT, YARD & OPEN SPACE REQUIREMENTS			
PRINCIPAL USES & STRUCTURES	ACCESSORY USES & STRUCTURES	SPECIAL EXCEPTION USES	CONDITIONAL USES	MINIMUM LOT REQUIREMENTS	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT LIMITS
Resource extraction operations, such as quarrying or commercial extraction of rock, sand, gravel, earth, clay and similar materials, and related industrial activities (See 417)	Storage, stockpiling, distribution or sale of extracted materials	Welding shops	Batching or mixing plants	For Resource Extraction activities: Principal Structures:		
Agricultural uses (See 430, 431)	Shops, garages and warehouses for repair, maintenance and storage of equipment and supplies	Fabrication of associated equipment or parts	Processing plants, including facilities for the manufacture of cement, concrete, clay or similar products derived from the materials produced by the extractive operation	Minimum lot Area - 15 acres Maximum Coverage (under active extraction) - No more than 50% of site at any one time	100 ft. from edge of adjoining public R/W 250 ft. from any stream, watercourse, body of water, or other environmentally sensitive area (e.g. public watershed or recharge area)	No specific maximums
Agribusiness activities	Offices for conduct of business associated with a permitted use	Waste tire processing (See 419)	Explosive materials storage	For Non-Extractive Structures or Uses:	300 ft. from any residential structure, public building or public recreational area For Non-Extractive Structures or Uses:	
Forestry, including sawmills (See 442)	Apparatus for processing and treatment of extracted material including facilities for screening, blending, washing, conveying and loading materials	Communication towers (See 424)	Municipal solid waste disposal (See 419)	Minimum lot Area - 5 acres Minimum Lot Width - 250 ft. Maximum Building Coverage Per Lot - 10%	Front Yards - 35 ft. from edge of road R/W or 60 ft. from road centerline, whichever is greater	
	Uses or structures supplementary or customarily incidental to a permitted use	Commercial composting (See 423)	Industrial residual waste facilities (See 420)		Side and Rear Yards - 50 ft.	
	Clean Fill (See 421)	Bed & Breakfast establishments (See 413)	Junkyards & auto salvage operations (See 440)	Agricultural Uses: No minimum lot size and no maximum building coverage limit		Agricultural Structures: No limit
		Farm Vacation enterprises (See 447)		Communication towers: Minimum Lot Size - .25 acre Minimum Lot Width - 150 ft.		Communication towers: No limit
		Nondomesticated animal shelter, kennel or preserve (See 448)		For Nondomesticated animal shelter, kennel or preserve uses: Minimum lot size - 1 acre unless for commercial hunting (200 acres)	For Nondomesticated animal shelter, kennel or preserve uses: Minimum Yard - 60 ft. from property line for all principal use structures	For purposes of the Permit Application the height shall be measured from the average grade of the site within the enclosure fence
				*NOTE: Each lot must meet PA Sewage Facilities Act requirements and all Township Sewage Regulations		







**SECTION 310**  
**FW FLOODWAY DISTRICT (Overlying District)**

PERMITTED USES & STRUCTURES				LOT, YARD & OPEN SPACE REQUIREMENTS		
PRINCIPAL USES & STRUCTURES	ACCESSORY USES & STRUCTURES	SPECIAL EXCEPTION USES	CONDITIONAL USES	MINIMUM LOT REQUIREMENTS	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT LIMITS
Same as the underlying district and in addition (except in the Natural Area District).	Same as underlying district, and in addition (except in Natural Area District).	Same as underlying district, and in addition (except in Natural Area District).	Same as underlying district, and in addition (except in Natural Area District).			
Agricultural uses (See 430,431)	Accessory residential or commercial uses, such as yards, gardens or pervious parking areas	Storage of materials and equipment, provided they are not buoyant, flammable or explosive and are not subject to major damage by flooding or can be anchored during flooding	Water-related uses			
Public and/or private recreational uses, such as parks, picnic grounds, day camps, etc. (See 438)		Undeveloped public or private recreational uses, such as picnic grounds, parks, hiking, horseback riding (except in the Natural Area District), wildlife or game preserves, and hunting or fishing areas	Utilities and public facilities and improvements (except in the Natural Area District) such as railroads, streets, bridges, transmission lines, water and sewage treatment plants, and similar uses (except in the Natural Area District)			
Temporary uses such as carnivals or circuses (See 436)			Resource extraction operations (except in the Natural Area District)			
* NO development shall be permitted which will cause any rise in the 100 Year Flood levels.						

### **311 SPACE REQUIREMENTS AND OCCUPANCY LIMITS**

Each dwelling unit shall contain the following minimum total habitable floor area and functional rooms and shall be occupied by not more than the specified number of persons for that specific type of dwelling. Each dwelling unit shall contain at least 50 sq. ft. of useable bedroom area per person. Secure indoor storage area for each dwelling unit equal to 50 sq. ft. per bedroom shall be provided.

<b>DWELLING TYPE</b>	<b>MIN AREA</b>	<b>REQUIRED LIVING AREAS</b>	<b>MAX OCCUPANTS</b>
Efficiency Apartment	400 sq. ft.	Sleeping Area, Kitchen or Kitchenette Eating Area, Bathroom	2 Persons
One Bedroom Apartment	500 sq. ft.	Sleeping Area, Kitchen or Kitchenette Eating Area, Bathroom	3
Two Bedroom Dwelling	650 sq. ft.	Sleeping Area, Kitchen or Kitchenette Eating Area, Bathroom	4
Three Bedroom Dwelling	800 sq. ft.	Sleeping Area, Kitchen, Bathroom Eating Area, Living Room	6
Four Bedroom Dwelling	950 sq. ft.	Sleeping Area, Kitchen, Living Room, Dining Area, 2 Bathrooms	8
Five Bedroom Dwelling	1,050 sq. ft.	Sleeping Area, Kitchen, Living Room, Dining Area, 2 Bathrooms	10
Six Bedroom Dwelling	1,150 sq. ft.	Sleeping Area, Kitchen, Living Room, Dining Area, 2 Bathrooms	12
Foster Home (including above requirements)	50 sq. ft. of bedroom per foster child	Above rooms corresponding to total number of bedrooms; must comply with PA DPW plus PA L&I Regulations	12 Maximum of 6 children

## ARTICLE 4

### SUPPLEMENTARY REGULATIONS FOR SELECTED USES

#### **400 PURPOSE**

The purpose of this Article is to supplement the District Regulations contained in Article 3 with additional requirements applicable to certain specific uses. Therefore, in addition to those standards outlined in Article 3, the following regulations shall apply to the identified uses.

#### **401 PROHIBITED USES**

Activities or uses of property, whether on land or water or air rights or mineral extraction, not listed in the District Regulations shall be prohibited. The Zoning Officer or the Applicant may request a determination on such use or activity from the Zoning Hearing Board in the manner as prescribed in Section 1001 A and D. If an individual desires to undertake an activity not expressly permitted, they may request the Township Board of Supervisors to consider amending the Ordinance to permit such a use. (See Article 11 for amendment process.)

#### **402 GENERAL REQUIREMENTS**

- A. Erosion Control. Soil erosion is one of the major concerns and problems when development takes place. The applicant shall submit plans to the Zoning Officer which indicate what precautions will be taken to avoid erosion problems wherever any excavation or grading is to take place. The applicant shall consult the Columbia County Conservation District concerning these plans and also obtain a report on the soils characteristics of the site, if deemed necessary. Exposed ground surfaces shall be stabilized or protected with a vegetative cover. Proposed developments on highly erodible soils shall be required to provide a professional certification from either the development design engineer or from the Natural Resources Conservation Service that the proposed E&S Control Plan will be effective for the development proposed, given the highly erodible soils.
- B. Stormwater Run-Off Control. Another major concern with development is increased surface water run-off, particularly as created by driveway and impermeable surface construction. The applicant shall submit plans to the Zoning Officer indicating specific controls which will retain run-off generated by the construction on the site or will sufficiently slow it down so that it will have no impact on properties located below the site. Methods and devices selected such as silt fences, drainage swales, diversion ditches, and ponding areas should be shown and utilized. The Zoning Officer may consult and request the Mount Pleasant Township Planning Commission to assist with determinations when streets or other improvements are proposed which will increase the total impervious area of the tract, slopes of the site or adjacent area could contribute to accelerated runoff as the lot(s) within the proposed subdivision are

developed, or areas of poor drainage and/or stormwater run-off problems are known to exist

within, adjacent to, or down gradient from the proposed development. If a specialized professional engineer's review is needed the Township Planning Commission may secure such review, but the costs thereof shall be borne by the applicant.

- C. Parking and Driveway Construction. The requirements of Article 8, particularly in regard to driveway construction, shall be met.
- D. Sewage Disposal. As required for all new dwellings and occupied structures, a valid Sewage Permit issued by the Certified Sewage Enforcement Officer of the Township shall be presented to the Zoning Officer as evidence that the soils of the site will accommodate an on-lot sewage disposal system. Said system shall be inspected and approved for use by the Township SEO prior to occupancy.
- E. Water Supply. The applicant for new commercial and industrial (including resource extraction) development shall be responsible for investigation and testing of groundwater resources to demonstrate that groundwater supplies will be reliable, safe and adequate for initial and future planned development. See 506.
- F. Prime Agricultural Land. Zoning Permit applications for land development proposals to be built on Prime Agricultural Land shall require documentation by the applicant that alternative sites have been seriously considered and justification as to why a prime agricultural land site is necessary.
- G. Agricultural Security Areas. At the time of a Zoning Permit application for land development within an Agricultural Security Area, the applicant shall demonstrate to the Township that the proposed development does not violate the Pennsylvania Right to Farm Law (P.L. 454, No. 133 of 1982).
- H. Historic Resources. Proposed land development or use conversions or subdivision of any property listed on the Federal Register of Historic Places or on the Pennsylvania List of Historic Properties may be denied unless the applicant can demonstrate that the historic character will remain intact after the proposed development. Plans shall be referred to the PA Historic and Museum Commission for review prior to action by the Township. Plans and Permit Applications may be referred to the Township Planning Commission by the Zoning Officer for elevation of design compatibility and protective measures which should be utilized to protect the historic character of the property or adjacent registered historic places.
- I. Natural Features. Proposed land development or use conversions or subdivision of any property containing or adjacent to prominent natural features, National Natural Landmarks, Natural Areas or Wild Areas or Exceptional Value Streams as designated by the Commonwealth of Pennsylvania or a Federal agency shall be required to demonstrate to the Zoning Officer, Township Planning Commission, or Columbia County Planning Commission, as appropriate, how the proposed development, use conversions, or subdivisions will protect the natural features involved. Buffer areas may be required in accordance with Section 504 herein.

All dwelling units, including single family, two-family, and multi-family units shall adhere to the following requirements.

- A. Every dwelling unit shall be placed upon and firmly anchored to a permanent foundation. A permanent foundation shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be so constructed as to leave no open spaces between the building and foundation, except for windows or other openings as might be necessary for such purposes as floodproofing.
- B. Every dwelling unit which is to be located in the Flood Fringe or General Floodplain District shall comply with all applicable District Regulations in Article 3 and the provisions contained in Article 6.
- C. Every single-family dwelling unit must contain a minimum of 600 sq.ft. of habitable floor area. In the case of multi-family dwelling or conversion apartments, each unit must contain a minimum of 400 sq.ft. of habitable floor area, except for efficiency apartments and Family Care Units, where 250 square of habitable floor area must be provided for each unit.
- D. Where dwellings are permitted by Special Exception only, the Township Planning Commission shall review the request and determine whether the adjustment factors are present on-site and whether enough usable area is available to safely build such proposed dwelling(s) in accordance with the criteria and intent of Section 500 G, as amended, and render such findings and recommendations to the Zoning Hearing Board .

#### **404 CONVERSION APARTMENTS**

- A. Conversions shall not exceed two (2) dwelling units or apartments per structure.
- B. Conversions shall be subject to the habitable floor area requirements set forth in Section 404.
- C. The lot upon which a conversion is situated shall have a gross area at least equal to the minimum lot size for the district in which it is located.
- D. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the conversion. Certification verifying the acceptability and/or suitability of an existing sewage disposal system or sewage permit for the installation of a new system shall be submitted as part of an application for such use.
- E. The yard, height, off-street parking, and other applicable requirements of this ordinance shall be met.

#### **405 MOBILE HOMES ON INDIVIDUAL LOTS**

A mobile home may be permitted to be placed on an individual lot as an independent dwelling unit only as outlined in Article 3. When reviewing applications for such proposals, the Zoning Officer shall utilize the following criteria and may require additional information to be submitted where it is necessary in order to adequately protect the health, safety, and welfare of the Township residents.

- A. Every lot to be used for the placement of an individual mobile home shall have a gross area at least equal to the minimum lot size of the district in which it is located. In addition, the unit must be situated on the lot to meet the applicable minimum setback line requirements.
- B. Every mobile home shall be placed upon a foundation. One of the following types of foundations must be utilized. (See also Section 403.)
  - 1. Permanent Foundation. A permanent foundation shall consist of no less than footers or masonry construction set well below the frost line. Such foundation shall be constructed to leave no unnecessary open space between the mobile home and the foundations, except for windows or other openings as might be necessary for purposes such as floodproofing.
  - 2. Stand or Pad. A pad or stand, properly graded, placed and compacted so as to be durable and adequate to support maximum anticipated loads during all seasons may be utilized, particularly in situations where a permanent foundation is not practical or a temporary foundation is desirable.
- C. Every mobile home shall be firmly anchored to its foundation prior to the unit being occupied or used in order to prevent overturning or uplift. The mobile home foundation shall be provided with anchors and tie-downs, such as cast-in-place concrete “deadmen” eyelets embedded in concrete or runways, screw augers or arrow head anchors. The anchoring system shall be designed to resist a minimum wind velocity of at least 90 miles per hour.
- D. Each mobile home shall have a continuous wall around its entire perimeter. The wall shall be constructed in accordance with one of the following methods:
  - 1. Permanent Walls. A permanent wall may be constructed of concrete or masonry and shall extend from the unit floor system to concrete footing below the subgrade frost line, i.e. the extension of a permanent foundation.
  - 2. Skirting. If a masonry wall is not used, each mobile home shall be encircled with skirting designed to compliment its appearance. Skirting shall include materials which have been prefabricated for this specific purpose or other impervious, moisture resistant materials, and shall not include bales of hay, straw, interior plywood, unfinished woods, or like materials.
- E. Access to crawl space created by the installation of a wall shall be provided by means of a door or panel capable of being locked.
- F. Every unit to be used as a dwelling unit must contain a minimum of 600 sq.ft. of habitable floor area.
- G. Every unit which is to be placed in the Flood Fringe or General Floodplain District must comply with all applicable provisions contained in Article 6 of this Ordinance.

Within the R- Residential, A- Agricultural, and OS- Open Space districts, family care units may be permitted as a second principal or an accessory residence by special exception subject to the following requirements:

- A. A family care unit shall be restricted to related family members plus any live-in attendant and the attendant's immediate family.
- B. All family care units shall furnish a valid Registration Certificate issued by the PA Department of Public Welfare, where required by State Regulations.
- C. Limitations and conditions for occupancy or continuation of occupancy may be established by the Zoning Hearing Board including, but not limited to, life tenure of the resident family member(s), prohibition of commercial rental or compensation, etc.
- D. Where a family care unit is to be connected to the existing sewage system for the principal residence the applicant shall secure a permit for the modification to connect such unit or shall secure a temporary sewage permit.
- E. Where a live-in attendant is necessary notification of the Zoning Officer and SEO is required in advance of such occupancy.
- F. Where medical care is to be provided on-site a certificate from a licensed physician or other medical professional licensed to practice in PA may be required.
- G. Off-street parking plus passenger "drop-off" and "pick-up" areas shall be provided.
- H. Where small children are involved an outdoor play area no less than four-hundred (400) sq.ft. in area shall be provided. The outdoor play area shall be enclosed by a fence at least four (4) foot high and must include shaded areas.
- I. Where the family consists of unrelated individuals the family care unit shall not be permitted if the total number of persons exceeds the capacity of the dwelling, the water supply or sewage system. For purposes of this section the capacity of the dwelling shall be based upon the minimum floor area required in accordance with standards of the U.S. Department of Housing and Urban development, or Section 403 of this Ordinance, whichever is applicable.
- J. Where a second residence is proposed a land development plan shall be submitted in accordance with the Columbia County Subdivision and Land Development Ordinance.
- K. Where applicable, the Zoning Permit shall be issued as a Temporary Permit only, with the duration of the Permit, as approved in the Special Exception by the Zoning Hearing Board, specifically noted on the Permit.
- L. If the duration of the Zoning Permit is limited to a specified use or family circumstance, when that circumstance no longer exists the Permit shall thereupon become null and void.
- M. Where a free-standing temporary structure is proposed the Zoning Permit may be limited to a specified structural type which will facilitate removal of the structure upon expiration of the Zoning Permit.

- N. Restoration of the site to preexisting conditions may be required by the Zoning Hearing Board and/or the Zoning Officer, where appropriate.

## **407 MOBILE HOME PARKS**

Mobile home parks are permitted only in those zoning districts as specified in Article 3 and only as a Conditional use. Every proposed mobile home park must meet the following requirements as well as the requirements of the Subdivision and Land Development Ordinance in effect in Mount Pleasant Township. (Each and every mobile home placed in an approved mobile home park shall secure an Occupancy permit as required by this Ordinance, prior to its use as living quarters.)

### **A. Site Plan Specifications**

Application for a permit for a mobile home park shall require the submission of ten (10) copies of a site development plan to the Township Board of Supervisors. Such plans shall be either black and white or blue and white prints and shall be drawn to scale. Copies of the plans and accessory data shall also be simultaneously submitted to both the Township and County Planning Commissions at least 45 days prior to the Supervisors' hearing on the proposal for their review and determination that the proposal meets the requirements of the applicable Subdivision and Land Development Ordinance, including road construction specifications. The Zoning Permit applications shall not be considered complete until action has been taken and reported by both Planning Commissions or until the 45 days has expired without an approved extension of the time limit.

### **B. Design Standards**

1. Minimum Park Area. Each mobile home park shall have a gross area of at least two (2) continuous acres of land suitable for development.
2. Grading and Ground Cover Requirements. The ground surface in the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Exposed ground surfaces in the park shall be covered with stone screenings, or other solid material, or protected with a vegetative growth capable of preventing soil erosion.
3. Mobile Home Park Lot Requirements
  - a. Gross Density. The maximum number of mobile home lots within every mobile home park shall be no more than five (5) lots per acre of gross area of the mobile home park.
  - b. Minimum Lot Sizes. The minimum mobile home lot shall contain no less than 6,000 sq.ft.. The minimum width of any mobile home lot shall be not less than 60 feet. The minimum length of every mobile home lot measured from the edge of the right-of-way line of the mobile home park internal street shall be not less than 100 feet or equal to the overall length of any mobile home located on the lot plus 30 feet, whichever length is greater.
  - c. Mobile Home Lot Access. All mobile home lots shall abut on and have 50 feet frontage on a street of the mobile home park internal street system.
4. Setbacks, Buffer Strips and Screening Requirements
  - a. Setbacks from Public Roads. All mobile home and auxiliary park buildings shall be located at least 60 feet from the centerline of any abutting public road or



- street.
- b. Park Perimeter Buffer Strips. All mobile homes, auxiliary park buildings and other park structures shall be located at least 50 feet from the mobile home park boundary lines. If a suitable attractive, effective screening either man-made or of natural plantings is provided along the perimeter, this minimum buffer strip may be reduced to 25 feet.
  - c. Screening Requirements within the Mobile Home Park. Repair, maintenance, and storage areas or buildings shall be effectively and attractively screened from the mobile home lots, park streets and public roads or streets by man-made screens or natural plant materials.
  - d. Minimum Distances between Structures within the Mobile Home Park. All mobile homes shall be located at least 50 feet from any auxiliary park buildings and repair, maintenance, or storage areas or buildings and at least 40 feet from any other mobile home in the mobile home park.
5. Recreation Space Requirements. A minimum of ten (10) percent of the gross park area or 1,000 sq.ft. per unit, whichever is larger, shall be provided for recreational space. This recreational space shall be suitable for outdoor recreational activity and shall be easily accessible to all mobile home lots.
  6. Parking Space Requirements. A minimum of 2.0 stabilized vehicle parking spaces shall be provided for each mobile home lot within the mobile home park. These parking spaces shall be located within 200 feet of the mobile home lot which they are intended to serve.
  7. Mobile Home Park Internal Street and Drainage System Requirements. All mobile home lots within a mobile home park must access onto the mobile home park internal street system. Streets and drainage control systems shall be constructed in accordance with the road standards outlined in the Subdivision and Land Development Ordinance in effect for Mount Pleasant Township except that street widths shall be as follows:
    - a. Street Widths. Surfaces roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:
      - 1) Where parking is permitted on both sides, a minimum road surface width of 36 feet shall be required.
      - 2) Where parking is limited to one side, a minimum road surface width of 28 feet shall be required.
      - 3) Where no parking is permitted on either side of the street, a minimum road cartway width of 20 feet shall be required.
  8. Mobile Home Lot Improvements. All mobile home lots within the mobile home park shall be improved for use by independent mobile homes. This shall include necessary utility hook-ups plus an all-weather patio with a minimum area of 200 sq.ft. for each mobile home.

### C. Utilities and Park Facilities

1. Water Supply System. An adequate supply of water shall be provided for mobile homes, service buildings and other accessory facilities. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply

system is not available, the applicant shall design, install, and maintain a private water supply system according to the standards of and with the approval of the Pennsylvania Department of Environmental Protection.

2. Sewage Disposal System. An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Mobile home parks shall be connected to public sewer systems, where possible. Where a satisfactory public sewage disposal system is not available, the applicant shall design, install and maintain an approved private sewage system according to the standards of the Department of Environmental Protection.
3. Other Utility Systems. Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided in accordance with plans approved by the Township Supervisors and the utility company. Underground installation of the utility distribution and service lines is required for approval of the mobile home park proposal.
4. Service and Other Auxiliary Park Buildings. Service, maintenance and management buildings, recreation or community buildings and commercial sales buildings required for the management, servicing and maintenance of the park and well-being of the park residents shall be allowed within the mobile home park boundaries. The entire area of these buildings shall be used exclusively for the management, servicing and maintenance requirements of the park and park residents.
5. Solid Waste Collection and Disposal. The developer shall present information to the Board of Supervisors explaining the proposed method of solid waste collection and disposal. If such method is not deemed sufficient by the reviewing agencies, an alternate method shall be proposed by the applicant.

#### D. Rules and Regulations of the Park

The developer shall submit to the Board of Supervisors a copy of the proposed rules and regulations to be followed by tenants of the mobile home park. Included shall be regulations requiring:

1. Each mobile home shall be skirted. (Skirting shall include materials which have been prefabricated for this specific purpose or similar materials. It shall not include bales of hay, straw, interior plywood, unfinished wood or like materials.)
2. Garbage and trash shall be placed in appropriate receptacles.
3. Each mobile home shall be anchored to prevent the structure from being overturned or blown from its foundation or supports. This anchoring shall comply with the specifications outlined in Section 402 C.

### **408 MULTI-FAMILY DWELLINGS**

Multi-family dwellings shall be permitted only in those zoning districts as specified in Article 3 and only as a Conditional Use. Every such structure shall meet the requirements outlined

below as well as the requirements of the Subdivision and Land Development Ordinance in effect in Mount Pleasant Township.

#### A. Definition

For the purpose of this Ordinance, a Multi-family dwelling shall be defined as a single structure designed for and constructed to contain three (3) or more dwelling units.

B. Site Plan Specifications

Application for a permit for a Multi-family dwelling shall require the submission of ten (10) copies of a site development plan to the Township Board of Supervisors. Such plans shall be either black and white or blue and white prints and shall be drawn to scale. Copies of the plans and accessory data must also be simultaneously submitted to both the Township and County Planning Commission for review and determination that the proposal meets the requirements of the applicable Subdivision and Land Development Ordinance. The planning agencies shall be given at least 45 days prior to the Supervisors' hearing on the proposal to complete this review. The Zoning Permit application shall not be considered complete until action has been taken and reported by both Planning Commissions or until the 45 days has expired without an approved extension of the time limit.

C. Design Standards

1. Minimum Lot Area.

- a. Each Multi-family dwelling shall have a gross area at least equal to the minimum lot size for the district in which it is located, plus an additional 2,500 sq.ft. for each dwelling unit where the structure is situated in a Residential District.
- b. Where individual dwelling units of a townhouse or other single-family attached type of Multi-family dwelling are to be conveyed and arrangements can be made for package sewage and/or water treatment, the following dimensional requirements shall apply:
  - 1) Minimum Lot Area.
    - a.) Interior Lots. 8,000 sq.ft.
    - b.) Exterior Lots. 10,000 sq.ft.
  - 2) Minimum Lot Width. 40 feet
  - 3) Minimum Front Yard Requirement. 35 feet from edge of road right-of-way.
  - 4) Minimum Side Yard Requirements.
    - a.) Interior Lots. None
    - b.) Exterior Lots. 10 feet from edge of structure.
  - 5) Minimum Rear Yard Requirement. 40 feet

2. Traffic Access and Parking Facilities. Each Multi-family structure must access onto a public street. All new streets or access drives shall be designed and constructed in accordance with the road standards outlined in the Subdivision and Land Development Ordinance in effect in Mount Pleasant Township. The number of parking spaces available on the site shall equal no less than 2.0 stabilized spaces per dwelling unit.

3. Sewage and Water Facilities. Adequate sewage and water facilities must be provided by the developer. The preferred method of sewage disposal shall be by public or community facilities. However, if the developer can produce sufficient permits and/or proof that an on-site disposal system(s) can adequately handle all of the anticipated effluent, then this means of sewage disposal may be permitted.

4. Solid Waste Collection and Disposal. The developer shall present information explaining the proposed method of solid waste collection and disposal. If such method is not deemed sufficient, then an alternate means must be presented by the applicant.

5. Drainage Control Requirements. All plans for multi-family structure shall include information indicating what types of drainage control facilities will be installed to handle runoff produced by the new structure and the grade of its site. The plans should also indicate where the drainage is to be ultimately channeled. As per the requirements of Act 167 of 1978, the post-development runoff rate shall not exceed the pre-development runoff rate.
6. Grading and Landscaping. Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be submitted showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces shall be paved, stoned or protected with a vegetative cover. And where adjacent land use dictates, screening or buffer strips of 15 feet may be required. (See also Section 504 C.)

## **409 MULTI-FAMILY HOUSING DEVELOPMENTS**

Multi-family housing developments may be permitted only in those zoning districts as outlined in Article 3 and only as a Conditional Use. Every such development shall meet the requirements outlined below as well as the provisions contained in the Subdivision and Land Development Ordinance in effect in Mount Pleasant Township.

### A. Definition

For the purposes of this Ordinance, a multi-family housing development shall be defined as a residential development consisting of more than one multi-family dwelling structure or more than one townhouse building.

### B. Site Plan Specifications

1. Application Submission Procedure Applications for multi-family housing developments shall require the submission of ten (10) copies of a site development plan to the Mount Pleasant Township Board of Supervisors. Such plans shall be either black and white or blue and white prints and shall be drawn to scale. Copies of the plans and accessory data shall also be simultaneously submitted to both the Township and County Planning Commissions at least 30 days prior to the Supervisors' hearing on the proposal for their review and determination that the proposal meets the requirements of the applicable Subdivision and Land Development Ordinance, including road construction specifications. The Zoning Permit application shall not be considered complete until action has been taken and reported by both Planning Commissions or until the 30 days has expired without an approved extension of the time limit.
2. Plan Specifications Said plans as submitted to the Planning Commissions and the Board of Supervisors are required to show all structures, roadways, path walks, parking areas, recreation areas, utility and exterior lighting installations and landscaping on the site, drainage facilities, all existing structures and usage within 200 feet of the site boundaries, methods of sewage disposal and water supply, and any other elements as may be deemed necessary by the Supervisors.

### C. Design Standards

1. Minimum Parcel Area and Gross Density Each multi-family housing development shall have a minimum gross area of at least two (2) contiguous acres of land suitable for development plus an additional 2,500 sq.ft. per dwelling unit. The maximum allowable density shall be 10 dwelling units per acre. Where individual dwelling units of a townhouse or other single-family attached type of multi-family dwelling are to be conveyed, see dimensional standards established in Section 403 C.
2. Traffic Access All proposed site accessways must be adequate, but not excessive, in number; adequate in grade, width, alignment and visibility, and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.
3. Circulation and Parking The interior traffic circulation system must be adequate, and all required parking spaces must be provided and be easily accessible. (No less than 2.0 stabilized spaces per dwelling unit shall be available on the site.)
4. Streets and Drainage System Requirements All multi-family structures or structures within a multi-family housing development must access directly onto a public street or onto a street in the internal road system of the development. All new streets and drainage control systems shall be designed and constructed in accordance with the road and drainage control standards outlined in the Subdivision and Land Development Ordinance in effect for Mount Pleasant Township. As per the requirements of Act 167 of 1978, the post-development runoff rate shall not exceed the pre-development runoff rate.
5. Arrangement of Buildings Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.
6. Sewage Treatment and Water Supply Adequate sewer and water facilities must be provided by the developer. The preferred method of sewage disposal shall be by public or community facilities. However, if the applicant can obtain the appropriate on-site disposal system permit(s), then this method of treatment may be permitted. Proper approvals for proposed systems must be presented to the Supervisors by the applicant.
7. Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans) Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be presented showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces shall be paved, stoned or protected with a vegetative cover.
8. Landscaping The proposed site must be properly landscaped, the purpose of which is to restore or further enhance the natural qualities of the land. Where adjacent land use or visibility from a public road or street dictates, proper screening or buffer strips of 15 feet shall be required. (See also Section 504.)
9. Recreation Space A minimum of five (5) percent of the gross area of the development or 1,000 sq.ft. per dwelling unit, whichever is greater, shall be provided for recreation space. This recreation space shall be suitable for outdoor recreational activity and shall be easily accessible to all units. The applicant shall show how such recreation space will be maintained permanently and shall present implementing documents to ensure such maintenance.
10. Solid Waste Storage Collection and Disposal The developer shall present information to the supervisors explaining the proposed method of solid waste storage collection and disposal. If such a method is not deemed sufficient, an alternate method shall be proposed by the applicant.

D. Supplemental Controls

In reviewing a proposed plan for a multi-family housing development, the Planning Commission and Supervisors shall be guided by the following regulations:

Building Relationship

1. Maximum Length of Rows The maximum length of any group of attached structures shall not exceed 150 feet. A building group must be arranged in order to be accessible by emergency vehicles.
2. Distance Between Buildings
  - a. The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.
  - b. The side of any building shall be no closer to the side, front, or rear of any other building than 30 feet.
3. Distance Between Buildings and Driveways
  - a. No driveway or parking lot should be closer than 25 feet to the front of any building, nor ten (10) feet to the side or rear of any building.
  - b. In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.

All other applicable provisions of this Ordinance and/or any municipal Building Code hereinafter enacted shall be adhered to.

E. Certificate of Occupancy

No Certificate of Occupancy shall be issued for any unit in such development, unless the same conforms in all respects to the approved site plan.

**410 DAY NURSERIES OR DAY CARE CENTERS**

Day care centers, for children or adults, nursery schools, kindergartens, or other agencies or individuals providing care for more than six (6) children or adults other than family members are subject to the following provisions.

- A. Outdoor play areas for child care centers of at least 100 sq.ft. per child shall be provided.
- B. Play areas shall be equipped with safe play apparatus.
- C. Sewage and water facilities shall be sufficient to handle the load created by the proposed use.
- D. All other applicable codes; ordinances or laws (including regulations of the State Department of Public Welfare, Environmental Protection, and Education), shall be met before issuance of a Building/Zoning Permit.

**411 NURSING AND PERSONAL CARE HOMES**

- A. State Specifications Compliance. Evidence must be provided indicating that the proposed

nursing home conforms or will conform with all the State specifications and requirements.

- B. Sewage Treatment and Water supply. Adequate sewage and water facilities shall be provided by the developer. The preferred method of sewage disposal shall be public or community sewer facilities.
- C. Lot Size. If public or community sewer facilities are available, the minimum lot size shall be one acre. Where no public sewer and water systems are available and where on-site sewage and water systems are possible and approved, the minimum lot size shall be at least 50,000 sq.ft. plus an additional 1,000 sq.ft. for each resident beyond the first ten.

#### **412 BOARDING & ROOMING HOUSES**

- A. In the VC, R and A districts, a boarding or rooming house may be established and operated only as an owner occupied residence.
- B. A boarding house may be accessory to and located on the same lot with a parent agricultural, religious, educational, charitable or philanthropic institution.
- C. Common eating facilities must be provided for a boarding home and the minimum period of residency shall be five (5) consecutive days.
- D. All necessary permits regarding water supply and sewage disposal must be provided.
- E. Before the Zoning Officer may issue a Certificate of Occupancy the applicant shall provide a copy of an insurance binder on the property to the Zoning Officer.
- F. The Zoning Permit shall be renewed biannually not later than December 31.
- G. A limit on the number of rooms of lodging and number of patrons allowed at any specific time will be established by the Zoning Officer based upon the building capacity for sleeping rooms, sanitary facilities, and site parking capacity.
- H. Signs associated with or advertising the facility shall meet the requirements of Article 7 of this Ordinance.
- I. Adequate off-street parking shall be provided in accordance with the requirements of Article 8 of this Ordinance.

#### **413 BED & BREAKFAST ESTABLISHMENTS**

The following standards and requirements shall apply to the use of an existing dwelling as a bed and breakfast establishment.

- A. The operator of the bed and breakfast facility shall reside in the dwelling.
- B. A limit on the number of rooms of lodging and number of patrons allowed at any specific time will be established by the Zoning Officer based upon the building capacity for sleeping rooms,

sanitary facilities, and site parking capacity.

- C. All necessary permits regarding water supply and sewage disposal must be provided.
- D. Exterior and interior alterations shall be limited to those customarily associated with residential uses.
- E. Adequate off-street parking shall be provided in accordance with the requirements of Article 8 of this Ordinance.
- F. Signs associated with or advertising the facility shall meet the requirements of Article 7 of this Ordinance.

#### **414 SEASONAL DWELLINGS**

Seasonal dwellings shall be permitted only as specified in the District Regulations, including minimum gross lot area. Every such structure shall meet the requirements outlined below.

- A. For the purposes of this Ordinance, seasonal dwellings are defined as permanent structures intended to be utilized only periodically during the year. Such use may include shelter during hunting and fishing season, private vacation and/or weekend uses, and other similar periodic visits.
- B. Every seasonal dwelling shall be provided with adequate sewage disposal and water supply systems subject to the applicable rules and regulations of the Department of Environmental Protection. Satisfactory evidence that all necessary permits of this type have been obtained shall be submitted as a part of an application for a seasonal dwelling.
- C. Seasonal dwellings shall not be converted to permanent dwelling units unless the same shall conform to all applicable Township codes and ordinances. Where seasonal dwellings are proposed for conversion to full-time occupancy all habitable floor area and foundation requirements contained in Section 403 must be met.
- D. No buses, trucks, truck-trailers or similar vehicles or sheds, garages or similar structures are permitted as seasonal home structures.
- E. Seasonal dwellings shall meet the minimum lot area for the district in which they are to be located.

#### **415 GROUP HOMES**

Group homes may be permitted only in those zoning districts as specified in Article 3, the District Regulations. All applications for such activities shall demonstrate that the following standards can be met.

- A. The lot upon which a group home is located shall have a gross area at least equal to the minimum lot size for the district in which it is located plus an additional 2,500 sq.ft. per resident.
- B. Residents shall maintain a single household unit with shared use of rooms, except bedrooms, and shall share meal facilities and housekeeping responsibilities.



- C. For purposes of classification of the type of use under this ordinance, residents shall not receive regular medical treatment or psychological counseling on the premises nor shall the services provided be of such nature as would render the home an institutional facility.
- D. Accommodations shall be provided for no more than six (6) residents at one time.
- E. Adult supervision shall be provided at the facility on a continuous 24 hour basis or as may be otherwise approved by the state agency having direct regulatory jurisdiction so long as the Township supervisors are notified in advance of any supervision plan reducing the hours of adult supervision.
- F. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the facility. Certification by the Township Sewage Enforcement Officer verifying the acceptability and/or suitability of an existing sewage disposal system or sewage permit for the installation of a new system shall be submitted as part of an application for such a use.
- G. A minimum of one (1) off street parking space shall be provided for each employee plus one (1) additional space for each two (2) residents.
- H. Where adjacent land use dictates, adequate screening or buffer yards shall be provided.

**416 REHABILITATION CENTERS, SOBRIETY HOUSES, TRANSITIONAL LIVING FACILITIES OR RESIDENTIAL TREATMENT FACILITIES**

A rehabilitation center, sobriety house, transitional living facility, or residential treatment facility may be permitted as a Conditional Use as provided in Article 3. Approval for the establishment of such facilities must be granted by the Township Board of Supervisors pursuant to the procedures contained in Section 1101 of this Ordinance. The following standards and criteria shall be utilized when reviewing proposals for such uses, in addition to all other applicable State or local regulations.

- A. Where applicable, all regulations of the PA Department of Health shall apply. The applicant shall provide satisfactory evidence and complete documentation showing all such requirements have been met, including approved plans and drawings, as part of the Zoning Permit application.
- B. The Zoning Permit application shall specify the maximum number of residents or occupants to be housed or cared for at the facility at one time and shall indicate the specific type of care, counseling or treatment to be provided. Any subsequently-issued Zoning or Occupancy Permit shall apply to only the facility and applicant named, the premises designated, and for the activities or purposes listed in the application. No such Permit or approval shall be transferable nor expandable to include additional types of care or treatment or a greater number of occupants. Utilization of such a Permit for any use or by any facility other than the applicant shall constitute a violation of this Ordinance.
- C. A written emergency response and evacuation plan, including the procedures to be followed in case of medical emergencies, equipment breakdown, fire or other disasters shall be prepared for the facility by the applicant. The plan shall be developed with the assistance of or be reviewed by the fire and safety personnel from the County and from volunteer fire companies

serving the Township.

- D. Adequate sewage and water supply facilities shall be provided for all such uses. The applicant shall present satisfactory evidence and/or permits indicating that sufficient public or community services of this type are available or that an acceptable private source of water and a properly-sized sewage disposal system can be utilized and/or permitted as a part of the Zoning Permit application.
- E. The applicant shall also present information regarding the proposed method of solid waste collection and disposal for the facility with the application for Zoning Permit.
- F. Satisfactory access shall be provided to the site and a sufficient number of off-street parking spaces (as required for Rooming Houses in TABLE - 1, the Off-Street Parking schedule, of Section 800 of this Ordinance) shall also be available.
- G. Where adjacent land use dictates, or where, in the opinion of the Township Supervisors, it would be appropriate, buffer strips of 25 feet with a screening of natural plantings or fencing shall be provided.
- H. Each applicant must submit to the Zoning Officer at the time of Zoning Permit application written "house rules" for the residents, which at a minimum, for zoning purposes only, must include:
  - 1. Prohibition of the use of alcohol or controlled substances by the resident;
  - 2. Prohibition of the residents being on the premises in an intoxicated condition or under the influence of controlled substances;
  - 3. Rules governing behavior, noise and activities that are designed to promote an environment of tranquility, including but not limited to restriction of entertainment and music to certain hours and listing certain types of behavior and activities which are not permitted;
  - 4. Requirement that residents comply with the laws of the commonwealth of Pennsylvania, the laws of the United States, and the ordinances of Mount Pleasant Township, both on and off the premises.

#### **417 EXTRACTIVE INDUSTRY OPERATIONS**

- A. Commercial and personal use extractive operations and accessory uses may be permitted in accordance with Article 3, and related uses as Special Exceptions or Conditional Uses as provided in Section 307 upon a favorable action from the appropriate Township agency's determination that the following criteria have been met:
  - 1. that traffic and environmental safety measures have been provided and all required State or Federal permits have been secured;
  - 2. that parking and truck loading facilities can be provided without adverse impact on adjacent roadways and properties;
  - 3. that storage, fabrication and processing of supplies, components, raw materials, and finished products can be performed without adverse impact on adjacent properties;
  - 4. that business signs and lighting are positioned and designed to avoid glare and safety hazards on adjacent roadways and properties;

5. that waste material collection, storage and disposal facilities are provided without adverse impact upon adjacent roadways or properties;
  6. that all use of explosives and drilling or excavation techniques will not pose substantial likelihood of adverse impact upon adjacent and nearby properties and the groundwater systems in the vicinity.
- B. Any open excavation such as commercial and personal use quarries, strip mines and borrow pits are subject to the following requirements:
1. Setbacks - No excavation, quarry wall, or storage area in which processing is conducted shall be located within the required setback (as prescribed in Section 307) from any lot line, street line or any Agriculture or Residential district boundary lines.
  2. Grading - all excavations, except stone quarries, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
  3. Access - Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
  4. Stone Quarries - Stone quarries whose ultimate depth will be more than twenty-five feet shall provide the following:
    - a. A screen planting within the setback area required in Section 307 shall be required. Such screen shall be in accordance with Section 504 and set back from the excavation so as to keep the area next to the excavation planted in grass or ground cover and clear of any obstruction.
    - b. A fence or suitable barrier of a type approved by the Township Supervisors with recommendations from the Township Planning Commission shall be placed at either the inner or outer edge of the screen planting.
    - c. Warning signs shall be placed on the fence at intervals of not more than one hundred feet completely surrounding the area.
  5. Proposed Usage - Any proposed or existing commercial extractive operation proposed to expand shall submit and have approved a site plan for use of the site following completion of extraction activities. Such plan shall show:
    - a. Final grading by contours.
    - b. Interior road pattern, its relation to operation yard and points of ingress and egress to State and Township roads.
    - c. Estimated amount and description of aggregate and overburden to be removed plus a plan for the stockpiling, to include erosion and sedimentation control measures.
    - d. Ultimate use and ownership of site after completion of operation.
    - e. Source of water if final plan shows use of water.
    - f. Plan of operation showing proposed tree screen locations, soil embankments for noise, dust and visual barriers and heights of spoil mounds, method of disposition of excess water during operation, location and typical schedule of blasting, machinery - type and noise levels, and safety measures - monitoring of complaints.
    - g. Following the extractive operation, the applicant shall restore the area, to the extent possible, to its original condition, including a Re-vegetation Plan and schedule of implementation. The applicant shall provide plans and proposals indicating the process to be followed to bring about this restoration.

## **418 COMMERCIAL TIMBER HARVESTING AND CLEARING OPERATIONS**

- A. Commercial timber harvesting operations are permitted by right in all districts, except the Natural Area District, so long as compliance with these Special Regulations is maintained for the duration of all harvesting and required follow-up activities. Commercial timber harvesting operations include cutting trees for sale as timber, pulp wood, cord wood or for any other commercial purpose.
- B. The following cutting and logging activities are exempt from these regulations:
1. a person cutting on their own property or the property of another with permission for their own or their family's personal use,
  2. clearing of a building pad for a home, garage, accessory buildings, farm structures, or recreational facilities or other uses normally incidental to the residences or principal uses allowed in that district,
  3. clearing for a garden or horticultural operations or other farming operations, and
  4. selective cutting of timber from a farm woodlot up to 5 acres for personal use or for sale as a cash crop.
- C. Commercial timber harvesting operations shall be required to notify the Township Supervisors in writing prior to start of any harvesting or site preparations in order to alert all parties if road limitations or impact might become a problem, and to prevent such problems.
- D. Although not required by this Ordinance, the timber resource management concept should include, for the property owner's protection, a harvesting plan listing methods to be utilized, disposition of tops, access routes, staging areas, and measures to prevent erosion and sedimentation. Harvesting methods which stimulate forest regeneration, maintain the natural resource quality and aesthetic beauty of Mount Pleasant Township are preferred and encouraged. Clear-cutting is recognized as a harvesting method which may be appropriate for very large woodland holdings of several thousand acres or more for the express purpose of wildlife habitat improvement. However, clear-cutting of smaller timber tracts is potentially inconsistent with the Mount Pleasant Township goals to maintain the wooded hillsides and prevent erosion of steep wooded ravines. Where the proposed clear-cutting involves floodplains and steep slopes exceeding 20% such proposals should be discouraged. The Township Zoning Officer shall consult the Township Planning Commission and request assistance on a determination whenever clear-cutting is proposed on floodplain or steep slopes exceeding 20%.
- E. In accordance with Pennsylvania law, harvesting operators, whether commercial or private landowner, shall not drive logging equipment through or across watercourses or leave tops which block watercourses.
- F. Buffers of existing vegetation shall be left intact along streams except for removal of hazard trees. For purposes of this Ordinance "hazard trees" shall be defined as trees which pose a danger to life, property or utilities, or may create or increase flood levels/damage.
- G. The Zoning Officer shall, upon approval of the Zoning Permit, also issue a Permit placard which the applicant shall post conspicuously at the point of nearest public access to the

property to be timbered, such posting to occur at least three (3) days in advance of the start of site preparation or timbering operations.

- H. The Harvesting Plan shall indicate the length of time anticipated to complete the harvesting activity and the time of year when the activity is scheduled.
- I. A Site Restoration Plan shall be submitted to the Township Zoning Officer as part of the initial permit application.
- J. A performance bond made payable to Mount Pleasant Township to cover repair and restoration of any Township roads and drainage or erosion control or stormwater management facilities used for access to logging operations shall be submitted to the Township Secretary at least two weeks in advance of any site preparation work or harvesting operations.
- K. Evidence that the logger has notified, by certified mail, all property owners immediately adjacent to the operation and those in proximity of the site who could be affected by the intended logging activity must be submitted with the Permit Application..
- L. Building/Zoning Permits issued for all such activities shall be valid for six (6) months unless otherwise extended by the township Zoning Officer. There shall be a flat fee charge for such Permits, in accordance with the applicable Township Fee Schedule.

#### **419 MUNICIPAL SOLID WASTE FACILITIES OR DISPOSAL**

All solid waste facilities and storage, processing or disposal operations must comply with PA DEP rules and regulations. Municipal solid waste facilities may be permitted as a Conditional Use only in districts where allowed by Article 3, subject to issuance of all required state and federal permits, and subject to conditions imposed by the Township as authorized herein.

- A. Applications for municipal solid waste facilities shall demonstrate that the following requirements can be fully satisfied:
  - 1. that the proposed facility is consistent with and specifically designated in the official Columbia County Solid Waste Management Plan;
  - 2. that all proposed functions and operations are specifically consistent with the official Columbia County Solid Waste Management Plan;
  - 3. that all required state and federal permits can be secured;
  - 4. that traffic and environmental safety measures have been provided;
  - 5. that truck access and unloading can be provided without adverse impact on adjacent roadways and properties;
  - 6. that lighting for night operations and signs are positioned and designed to avoid glare and safety hazards on adjacent roadways or properties;
  - 7. that waste material storage and disposal are provided without adverse impact upon adjacent roadways or properties;
  - 8. that all use of excavation and filling techniques will not pose substantial likelihood of adverse impact upon adjacent and nearby properties and the groundwater systems in the vicinity. To that end the Township Planning Commission may require a groundwater study to ascertain flow patterns, quality and quantity where deemed necessary due to

known or anticipated water supply problems. Such study shall be prepared at the applicant's expense by a qualified professional specialized in such studies; and

9. that all excavations and fill shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.

B. Land application of food processing wastes shall be required to follow the PA DEP Residual Waste Regulations to secure a DEP solid waste permit where applicable, and a Township Zoning Permit if approved as a Special Exception by the Zoning Hearing Board, and shall be subject to the following Zoning Permit conditions.

1. Odor control shall include incorporation of the waste material into the soil immediately upon deposit on the site, but in no event later than twenty-four (24) hours after deposit on the site, with at least six (6) inches of soil cover and predisposal additive or treatment to reduce or neutralize odor.
2. Waste material disposal shall be limited to weather and soil conditions which will allow soil incorporation of the waste material as specified in this section without generating off-site odor and run-off problems. Frozen ground, snow or ice, saturated soils, actual or forecasted air inversions or wet weather, and any other condition which might preclude effective waste material soil incorporation without lingering odor or runoff problems shall be avoided.
3. The permittee shall notify the Township Zoning Officer in writing of tentative operations plans, schedules and farms to be utilized for land application for each season prior to start of any disposal activities.
4. The zoning permit application shall include a list of chemicals and the concentration levels likely to be present in the waste. When the Township determines that specialized professional review is needed the Township shall secure a cost estimate of such review, present it to the applicant, and the applicant shall be required to reimburse the Township for a reasonable, mutually acceptable scope of review.

C. Waste tire storage, processing and disposal, in quantities greater than 300 tires, or as regulated by PA DEP, shall require a Zoning Permit and shall be approved only as a Special Exception in accordance with Article 3.

1. Rubber tires, when used in conjunction with agricultural activities, shall not be considered as solid waste for purposes of this Ordinance so long as the quantity of tires is limited to an amount not to exceed what would be used within three (3) years, or as regulated by PA DEP.
2. The Zoning Hearing Board may establish such conditions or requirements for approval as may be needed to safeguard public health, safety and welfare in addition to the standards listed herein.
3. Landscaping mounds, and other fences or screens shall be used to provide visual screening to prevent visibility of waste tires from all adjacent public roads.
4. Physical security measures sufficient to prevent inadvertent adult entry or access by children to the premises shall be required.
5. Fire prevention and fire control measures shall be installed and maintained continuously, including but not limited to, equipment capability on-site to separate burning tires and quench them in an on-site pond or device.
6. Fire lanes shall be maintained at least one hundred (100) feet wide which are navigable by fire fighting equipment in all seasons.

7. Waste tire piles shall be limited to fifteen (15) feet in height and fifty (50) feet in width with a total size not to exceed fifteen thousand (15,000) sq.ft. each.
  8. An Emergency Response Plan shall be prepared by the applicant and approved by the Fire Chiefs and shall be maintained in an updated condition both on the premises and at the volunteer fire companies serving the Townships. Such Plan shall be in accordance with current National Fire Protection Association (NFPA) Standards.
  9. Waste tire storage, processing and disposal shall occur not closer than fifteen hundred (1500) feet from an inhabited dwelling (other than a dwelling owned and occupied by the owner of the tire facility).
  10. Waste tire storage, processing and disposal shall occur not closer than three hundred (300) feet from a stream.
  11. Waste tire storage, processing and disposal shall occur not closer than one hundred (100) feet from woodlands.
  12. Waste tire storage, processing and disposal shall occur not closer than one hundred (100) feet from any property line.
  13. Mosquito and vector control shall be regularly conducted according to a plan approved by the Township Supervisors and records of such vector control efforts shall be maintained and reported to the Township Secretary at least twice per year.
  14. The Zoning Officer shall inspect the premises at least twice per year and report the findings to the Township Supervisors promptly.
- D. The applicant shall publish a notice of the intention to submit an application and a description of the scope of the proposal in a local newspaper of general circulation and file a copy with the Township Secretary.
- E. Nothing in this section or this Ordinance is intended nor shall be applied or interpreted to attempt to regulate those aspects of municipal solid waste management which are specifically

regulated by the PA DEP. The intent of this section is to provide a mechanism whereby Mount Pleasant Township can assure that the site planning and site location of such activities and facilities complies with reasonable precautions for public safety and protection of nearby property values.

## **420 INDUSTRIAL RESIDUAL WASTE FACILITIES OR DISPOSAL**

All industrial residual waste facilities and storage, processing or disposal operations must comply with PA DEP rules and regulations. Industrial residual solid waste facilities may be permitted as a Conditional Use only in districts where allowed by Article 3, subject to issuance of all required state and federal permits, and subject to conditions imposed by the Township as authorized herein.

- A. Applications for industrial residual solid waste facilities shall demonstrate that the following requirements can be fully satisfied:
1. that the proposed facility is consistent with or does not conflict with the official Columbia County Solid Waste Management Plan;
  2. that all proposed waste-related functions and operations are specifically cited on the Zoning Permit Application;
  3. that all required state and federal permits can be secured;

4. that traffic and environmental safety measures will be provided and be operational and fully usable before such industrial operations or waste-related activities and functions commence;
  5. that truck access and unloading can be provided without adverse impact on adjacent roadways and properties;
  6. that lighting for night operations and signs are positioned and designed to avoid glare and safety hazards on adjacent roadways or properties;
  7. that waste material storage and disposal are provided without adverse impact upon adjacent roadways or properties;
  8. that all use of excavation and filling techniques will not pose substantial likelihood of adverse impact upon adjacent and nearby properties and the groundwater systems in the vicinity; and
  9. that all excavations and fill shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
- B. Nothing in this section or this Ordinance is intended nor shall be applied or interpreted to attempt to regulate those aspects of industrial residual waste management which are specifically regulated by the PA DEP. The intent of this section is to provide a mechanism whereby Mount Pleasant Township can assure that the site planning and site location of such activities and facilities complies with reasonable precautions for public safety and protection of nearby property values.

#### **421 CLEAN FILL DISPOSAL**

For purposes of this Ordinance “CLEAN FILL” (as defined in Article 14 herein) does not include normal and customary soil, shale, gravel, stone, and other aggregates or secondary product sold as a conventional business enterprise (so long as those materials are inert and

free of any form of solid waste), and is not regulated by this Ordinance. All solid waste facilities and storage, processing or disposal operations must comply with PA DEP rules and regulations for solid waste management, wetlands, waterway encroachment, erosion and sedimentation, etc. However, “CLEAN FILL DISPOSAL” which contains any form of solid waste, as defined in Article 14 herein, is regulated by this Ordinance and all such activities must secure a Zoning Permit. For purposes of this Ordinance regulated “CLEAN FILL” is considered to be masonry materials without any painted or chemically contaminated surfaces, rocks, uncontaminated solid, stumps and brush for which any form of compensation whether immediate or deferred, is received by the landowner for the privilege of disposal. Nothing herein is intended to prevent a property owner from purchasing or contracting to secure placement of “CLEAN FILL” which is free of solid waste for the purposes of a home site, driveway, accessory building foundation, or other accessory uses normally incidental to the principal permitted use for that parcel.

- A. CLEAN FILL DISPOSAL operations may be permitted only within those districts as allowed by Article 3, and not within Natural Area districts.
- B. Evaluation of the application for a Zoning Permit shall include the following criteria at a minimum and the Township may require such additional information as deemed necessary according to the site specific circumstances:
  1. that traffic and environmental safety measures will be provided;



2. that truck access and unloading can be provided without adverse impact on adjacent roadways and properties;
  3. that lighting for night operations and signs will be positioned and designed to avoid glare and safety hazards on adjacent roadways or properties;
  4. that fill material storage and disposal will be provided without adverse impact upon adjacent roadways or properties; and
  5. that all use of excavation and filling techniques will not pose substantial likelihood of adverse impact upon adjacent and nearby properties and the groundwater systems in the vicinity.
- C. All excavations and fill shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
- D. Reinforcement bars and wire mat shall be cut off flush with the masonry.
- E. Nothing in this section or this Ordinance is intended nor shall be applied or interpreted to attempt to regulate those aspects of clean fill disposal or management which are specifically regulated by the PA DEP. The intent of this section is to provide a mechanism whereby Mount Pleasant Township can assure that the site planning and site location of such activities and facilities complies with reasonable precautions for public safety and protection of nearby property values.

#### **422 COMPOSTING - MUNICIPAL OPERATIONS**

Municipal composting operation(s) shall not exceed 20 tons or 10 truckloads per week unless a different limit is set as a condition of Special Exception approval by the Zoning Hearing Board. In addition, the following requirements and conditions shall be met.

- A. Proof of compliance with the Department of Environmental Protection (DEP) regulations is required.
- B. A minimum of 150 feet shall separate the facility boundary and a residential use or structure.
- C. A road improvement bond may be required, prior to site construction or placement of materials to be composted.
- D. Odor control measures shall be to the Township's satisfaction. Costs associated in reviewing and determining odor control measures shall be borne by the applicant.
- E. All plastic and other foreign material shall be removed prior to composting.
- F. Storage areas or piles of organic material, including municipal yard wastes, shall be set back a minimum of fifty feet from streams or bodies of water and shall be managed in a manner that ensures public safety and environmental protection.

#### **423 COMPOSTING - COMMERCIAL OPERATIONS**

A facility shall be considered a commercial composting operation if operated privately for gain or profit or if the truckloads/tons limits specified in Section 422 are exceeded. All commercial composting operations shall comply with the following conditions and requirements plus any conditions of Special Exception approval by the Zoning Hearing Board.

- A. The Department of Environmental Protection (DEP) guidelines and the requirements of this Ordinance shall be met.
- B. A minimum of 300 feet shall separate the facility boundary line and a residential structure or use.
- C. A road improvement bond may be required prior to site construction or placement of materials to be composted.
- D. Odor control measures shall be to the Township's satisfaction. Costs associated with reviewing plans and determining odor control measures shall be borne by the applicant.
- E. Storage areas or piles of organic material, including municipal yard wastes, shall be set back a minimum of fifty (50) feet from streams or bodies of water and shall be managed in a manner that ensures public safety and environmental protection.

**424 COMMUNICATIONS TOWERS**

For purposes of this Ordinance communications towers are considered to be commercial if they are owned and operated for the primary purpose of receiving and transmitting telecommunications as a business. Communication towers for television, radio, emergency communication, telecommunications, and all other similar uses or structures shall be in accordance with this Ordinance. In addition, the following criteria shall apply:

- A. Commercial communications towers shall secure a Zoning Permit prior to site preparation and construction, and prior to operation of an existing tower by any new owner or upon change of primary commercial use.
- B. The permit application shall demonstrate that:
  - 1. all state and federal permits have been secured;
  - 2. the tower is positioned in such a manner that it will not collapse onto adjacent property or create a safety hazard, or that it will collapse onto itself;
  - 3. that it will not encroach into any airport approach glide path;
  - 4. that it will not create electronic interference with nearby properties;
  - 5. that a professional engineer has certified that the tower design including all associated facilities and supporting structures, guy wires, ground connections/anchors, etc. are based on sound engineering practices, and that the design takes into account site-specific conditions, both above and below ground;
  - 6. that an exhaustive effort has been made by the applicant to utilize existing towers instead of erecting additional towers; any existing tower or structure so utilized shall be inspected annually by a qualified engineer;
  - 7. that existing structures such as power transmission line towers or farm silos or tall buildings will not be workable for mounting of antennae instead of erecting new towers; and
  - 8. that any multi-carrier tower and all associated antennae components are designed to enable at least four (4) additional carriers on the same tower;
  - 9. that a new tower is to be located on a site where adverse impact on the community is

minimal; and

10. that associated facilities (access roads, drainage and sedimentation facilities, etc.) and supporting structures, guy wires, ground connections/anchors, etc. are designed so as to minimize adverse impact on the community, wildlife and migratory birds;
  11. that safety lighting, where necessary, shall not use high-intensity white flashing strobe lights;
  12. that a Maintenance Plan is included which requires maintenance of all towers, structures and devices or equipment, including power and phone lines, plus at least an annual inspection by a qualified engineer with the Inspection Report provided to the Zoning Officer;
  13. that a Radio Frequency Engineer certifies that the tower and all appurtenant equipment will not cause electronic interference with nearby properties;
  14. that keys to any locked fence or access gates shall be provided to the Township, Fire Company, County Emergency Dispatch Center and others as directed by the Township Supervisors;
  15. that a copy of any property lease or revisions thereto shall be provided to the Zoning Officer;
  16. that a Certificate of Insurance which names Mount Pleasant Township as an insured shall be provided to the Township Secretary;
  17. that a Tower Removal Bond and a Performance Bond shall be submitted to the Zoning Officer in an amount determined by the Township Engineer or Township Solicitor; and
  18. that any conditions of Zoning Hearing Board approval shall apply to the leasehold parcel of land, irrespective of lessee or term limit and shall be binding upon the applicant, successors and corporate affiliates or other licensees, agents and contractors.
- C. The Zoning Permit shall require that the tower be regularly maintained and inspected by a properly qualified professional at least annually for structural safety as a condition of permit validity. This inspection shall also apply to existing towers and structures utilized. Upon cessation of use of FCC licensed communications equipment on-site the tower and all associated equipment shall be dismantled and removed from the property and the site re-seeded within 90 days. The Tower Owner shall notify the Township Zoning Officer of discontinued use not later than 30 days following such use stoppage.
- D. The Zoning Permit shall require that the tower must have either a tower-climbing apparatus located no closer than 12 feet above the ground, a locked anti-climb device installed on the tower, or the tower shall be completely enclosed by a locked protective fence at least six feet high.
- E. The Zoning Permit shall require that the tower must have at least one sign at the base of the tower warning of possible electrical shock or high voltage, where applicable.
- F. The Zoning Permit shall require that any mechanical or electrical equipment must be locked and properly secured to prevent unauthorized access.
- G. The Zoning Permit shall require that before operation for commercial purposes that a professional engineer shall certify that the tower was constructed and all facilities were installed according to requirements of this Ordinance and sound engineering practices.
- H. Communications towers to be constructed and used as a secondary support facility of another business shall be required to secure a Zoning Permit prior to site preparation and construction.

However, only items B. 1-4 plus C, E, and F shall apply.

- I. Communications towers for public emergency communications shall be required to comply with this subsection.
- J. Communications towers for private personal-use communications shall be required to comply only with items B. 2-4 plus C, E, and F of this subsection.

#### **425 CAMPGROUNDS**

Proposed campgrounds shall be required to secure a Zoning Permit prior to any site development or operation as a campground. Expansions or changes in type of preexisting campgrounds shall be required to secure a Zoning Permit prior to any site development or change in operations. Land Development Plan approval shall also be secured from the Columbia County Planning Commission, in accordance with the Columbia County Subdivision and Land Development Ordinance.

- A. The application for a Zoning Permit shall demonstrate that the proposed campground or expansion or change will:
  - 1. be used for intermittent or seasonal occupancy only.
  - 2. be effectively maintained including all facilities, roads and open spaces.
  - 3. fulfill all requirements of PA DEP and the Township Sewage Enforcement Officer.
  - 4. be developed at no greater than 15 campsites per acre with each campsite at least 30 feet wide by 50 feet deep.
  - 5. provide at least 30 feet frontage for each campsite onto an internal campground roadway.
  - 6. provide a minimum of 2 off-street parking spaces for each campsite.
  - 7. provide a buffer-yard with a natural screen planting that achieves a screening effect of 75% opacity as viewed from adjacent roadways or properties during full foliage.
- B. The Zoning Permit shall be renewable biannually only if the above requirements have been effectively met throughout the year, except for seasonal foliage variations.

#### **426 RECREATIONAL VEHICLES**

Nothing herein is intended to prohibit recreational vehicle owners from storing, parking or using their recreational vehicle on their own property so long as the following conditions are met.

- A. The recreational vehicle is not utilized for continuous occupancy as a substitute for a properly permitted dwelling, and
- B. The placement of the recreational vehicle does not create a safety or health hazard for the users thereof, neighbors, or passerby, and
- C. Disposal or treatment of sanitary wastes and solid wastes is in accordance with PA DEP rules and regulations, and

- D. Placement and use of the recreational vehicle is done in a manner which avoids adverse effects upon the adjacent properties and residents and shall not be used for storage.

**427 HOME OCCUPATIONS AND HOME BUSINESSES (not applicable to Agribusiness uses )**

Home occupations may be permitted only in those districts as outlined in Article 3 and shall be subject to the following standards.

- A. A home occupation is a use conducted entirely within a dwelling or accessory building(s) which is clearly incidental and secondary to the principal residential use, provided the following criteria are met:
1. no external alterations or structural changes are necessary which will change the character of the dwelling;
  2. the occupation does not produce offensive noise, vibrations, heat, dust, traffic problems or other objectionable conditions which are audible, visible or otherwise detectable by human senses at the property line;
  3. not more than 49% of the dwelling area is used for such purpose;
  4. not more than one (1) non-occupant is employed;
  5. two (2) additional off-street parking spaces are provided;
  6. no show windows or advertising outside the premises other than the permitted home occupation announcement sign, shall be used; and,
7. deed restrictions for the land in question would not prohibit such a use.
- B. For purposes of HOME OCCUPATIONS, an accessory building shall be defined as a structure located on the same lot. The accessory building may not contain more than 50% of the floor area of the residential building except in the case of a farm building, such as a barn.
- C. Home occupations may include arts and crafts, antiques and carpentry shops, studios, dressmaking, music lesson or tutoring facilities, barber and beauty shops, insurance and professional offices, and family day care homes. In the Agriculture and Open Space Districts, home occupations may also include facilities for the sale of seed, fertilizer, or other farm-related services.
- D. Other home occupations not specified above may be performed as a Special Exception upon a finding by the Zoning Hearing Board that such use complies with Section 427, other applicable codes and ordinances, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood.
- E. A home business is a use conducted within a dwelling, accessory building(s), or an additional principal use structure on a property (the principal use of which is residential), so long as the following criteria are met:
1. no external alterations or structural changes are necessary which will change the character of the dwelling or the residential character of the immediate vicinity;
  2. not more than 49% of the dwelling area is used for such purposes;
  3. the business is owned and operated by a resident of the dwelling on that property and not more than two (2) non-occupants are employed on-site;

4. two (2) additional off-street parking spaces beyond those required for the residence plus one (1) off-street parking space for each employee are provided;
  5. no show windows or advertising outside the premises other than the permitted home business announcement sign shall be used; and
  6. deed restrictions for the land in question would not prohibit such a use.
- F. For purposes of home businesses, an accessory building and also a principal use structure shall be defined as a structure located on the same lot. Neither the accessory building nor the principal use structure alone or in combination may contain more than 90% of the total floor area of the residential building, except in the case of a farm building or a vehicle repair and/or storage facility.
- G. Home businesses may include, but are not limited to, personal services such as custom catering, sign making, mail order sales, building contractor's office and workshop, custom cabinetry and furniture making, custom welding and small equipment or appliance repair. In the Agriculture, and Open Space districts home businesses may also include facilities for the sale of agricultural products - the majority of which are produced on the premises, Christmas trees and other shrubs or other farm related services excluding bulk sales of fertilizers and chemicals.
- H. Home businesses not specified above or additional businesses on the same property may be performed as a special exception upon a finding by the Zoning Hearing Board that such use complies with Sections 427 A and B, other applicable codes and ordinances, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood.

#### **428 ACCESSORY BUILDINGS and OUTDOOR STORAGE**

Accessory structures and the on-lot storage of vehicles, merchandise, or materials shall only be authorized as provided for in Article 3 and shall be subject to the following standards.

- A. Travel trailers, off-road vehicles, and boats may be stored on residential properties provided they are at least fifty feet from a street line and are not used as a dwelling or as a storage facility.
- B. Accessory outside (outdoor) storage incidental to a permitted use may take place provided that:
  1. The use does not constitute a nuisance or create excessive noise, odors, air pollution from dust, fumes, vapors, gasses, etc., or vibration and that adequate precautions are taken to avoid fire and explosion hazards.
  2. Outside storage is screened by a fence, wall or natural planting at least six feet in height; and, not over forty percent open except for necessary vehicle entrances and exits.
  3. The provisions of Article 6 are met if the land involved is located within any floodplain district.
  4. No storage shall be permitted in any front yard area.

- C. One (1) unoccupied recreational vehicle may be stored on the owner's property provided placement of the vehicle is in accordance with the district dimensional requirements. The parking of such vehicles on or along a street is prohibited.

#### **429 SWIMMING POOLS**

Private swimming pools are permitted as an accessory use to a residential dwelling(s) provided:

- A. The pool is to be used solely by the occupants of the principal use of the lot on which it is located and their occasional guests.
- B. The pool shall not be located within any required front yard nor closer than 20 feet to any property line.
- C. All pools shall be enclosed by a wall or fence to prevent uncontrolled access to the pool. Such walls or fences shall be at least four feet in height with no openings greater than four inches except for gates. When a pool is not in use, gates shall be kept locked. Wire fences shall be at least number 9 gauge.

#### **430 AGRICULTURAL USES AND HOMECRAFT ROADSIDE STANDS**

##### A. Preemption by Pennsylvania Law

1. Nothing herein shall restrict agricultural operations, or changes to, or expansions of agricultural operations in geographic portions of the Township where agriculture has traditionally been present unless the agricultural operations will have a direct adverse effect on public health and safety.
2. All protections of agriculture and requirements of agricultural operations under Pennsylvania law are hereby recognized as preemptory over Township zoning.

##### B. Permanent Roadside Stands

Permanent structures or buildings requiring a foundation, erected for the year-round sale of farm, nursery, home crafts or greenhouse products may be permitted as specified in the District Regulations, provided that :

1. all structures shall be considered as principal uses and shall comply with the minimum area and dimensional requirements of the district in which they are located;
2. adequate off-street parking shall be provided in accordance with the requirements of Article 8 of this Ordinance.
3. a Building/Zoning Permit shall be required prior to the erection of a facility.

##### C. Temporary Roadside Stands

Temporary roadside stands or shelters may be permitted for the sale of various products or commodities, provided that such stands shall be removed during any period greater than two months when not in use for the sale or display of the product (s). Two (2) additional off-street

parking spaces, with safe access and egress shall be provided where a roadside stand is established.

D. Agricultural Uses and Activities

Nothing contained in this Ordinance shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure, lime, fertilizer, or the spraying of herbicides, insecticides, fungicides, and pesticides, or the conduct of such activities whenever conditions are suitable, including nighttime operations such as plowing, planting, and harvesting, plus the continuous operation of grain dryers.

**431 AGRICULTURAL AND AUTOMOTIVE SALES, SERVICE, AND REPAIR SHOPS**

- A. No automotive service station or repair shop shall have an entrance or exit for vehicles within 300 feet of any school, playground, church, or public place of assembly.
- B. Gasoline pumps shall be no closer than 30 feet to any street or lot line.
- C. Most repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure.
- D. All fuel, oil, propane gas, or other similar substance shall be stored at least 25 feet from any street or property line. All materials including new and used parts shall be stored within a building.
- E. Where adjacent land use dictates (e.g. residential home sites, churches or similar uses), proper screening and/or buffer strips of 25 feet shall be provided. (See Definitions).
- F. Body work or painting of vehicles may be permitted provided that:
  - 1. the sewage system on the site is designed to handle any wastes generated by the body work which are to be flushed into it for disposal; and
  - 2. the structure within which the body work is to take place meets all the Labor and Industry regulations of the Commonwealth and is designed to contain all noise, vibrations, dust, and odor generated by the body work on-site.
- G. All other applicable provisions of this Ordinance shall be adhered to.

**432 ANIMAL HOSPITALS AND RELATED KENNELS**

Animal hospitals and kennels shall not be located closer than 200 feet to any Residential District, and shall be screened and sound-insulated so as to sufficiently protect the surrounding area from noise and other disturbances.

Hospital Related Kennels

- A. All kennels shall be effectively screened from adjacent residential properties and shall not be detrimental to any abutting commercial use.
- B. The kennel area shall be completely enclosed with a chain link fence or other suitable fence or



wall.

- C. The kennel area shall be located at least 200 feet from any residential structure.
- D. Adequate arrangements shall be made for the disposal of excrement, waste, animal parts, and other refuse or other noxious effects that could be considered public nuisances to the satisfaction of the Township and PA Department of Environmental Protection and PA Department of Agriculture.
- E. Incineration of refuse and animal parts may be approved as a condition of Special Exception by the Zoning Hearing Board.

### **433 COMMERCIAL AND PERSONAL USE KENNELS**

#### Commercial Kennels

- A. A commercial kennel is any establishment that keeps, harbors, boards, shelters, sells, gives away or in any way transfers a cumulative total of 26 or more dogs of any age in any one calendar year.
- B. The applicant shall provide proof of issuance of a kennel permit from the PA Department of Agriculture prior to issuance of a building/zoning permit.
- C. A 300 foot separation distance between the kennel boundary and a residential use or structure is required.
- D. Kennels shall be maintained and the animals provided a level of care that is humane and avoids creating a public nuisance.

#### Personal Use Kennels

Kennels shall be maintained and the animals provided a level of care that is humane and avoids creating a public nuisance.

### **434 COMMERCIAL STABLE**

A commercial stable is defined as a building or land where horses are kept for compensation, hire, sale, boarding, riding or show. Examples include riding academies, liveries, or boarding stables. Any building, incidental to an existing residential use, that shelters horses for the exclusive use of the occupants of the premises is not considered a commercial Stable.

- A. A lot area of not less than five (5) acres shall be required.
- B. Stables shall be maintained and the animals provided a level of care that is humane and avoids creating a public nuisance.

### **435 FIREARMS SHOOTING RANGES OR PRESERVES**

- A. Such uses when operated commercially or as dues-paying clubs for members and guests only may be permitted as a special exception in those districts specified in Article 3. Such uses are not permitted closer than one thousand (1,000) feet from any Residential Zoning District, existing property boundary line or public road.
- B. In the consideration of an application for a permit, the Mount Pleasant Township Zoning Hearing board shall take into account both safety and noise factors, and may prescribe additional conditions with respect thereto.
- C. The range shall be clearly identified from all directions with conspicuous "Danger Shooting Range" signs, positioned in such a manner as to provide a safety zone.
- D. There shall be a barrier, impenetrable to any projectile fired on the range, which shall extend a distance above and to each side of the targets equal to one (1) foot in width for each twenty-five (25) yards to the most remote shooting stand, but in no case less than four (4) feet wide.
- E. Trap and skeet ranges must have a minimum area of 1800 feet in width and 900 feet in depth.
- F. Lighting shall be designed to avoid glare on public roads and excessive illumination on nearby residences or otherwise create a public nuisance.

**436 TEMPORARY USES**

Temporary Permit.

A temporary zoning permit shall be obtained by the applicant/landowner for a temporary use such as, open-air sporting events, road rallies, 4-wheel drive or off-road vehicle events; or any similar group gatherings, activities, or events in any district provided for in Article 3. Family and private social gatherings and picnics plus personal use activities not catering to the general public shall be exempt from the regulations of this section. Such temporary permit shall be good for only seven days and shall be issued only after the property owner agrees to or provides the following information.

- A. If located in the Flood Fringe or Floodway District and there is a threat of flood, all materials moved into the area such as wagons, tents, temporary structures, animals and other such items shall be removed completely out of the 100 year flood plain. This shall be done upon notice and immediately before the threat of flood becomes a reality.
- B. The site of such temporary use shall not be left unattended by the property owner or agents working for him at any time during which the use is located on the site and the property owner shall provide adequate room for the parking demands that will be generated by the use and that adequate traffic control precautions will be taken.
- C. Assurances shall be presented by the property owner that there is adequate room for the parking demands that will be generated by the use and that adequate traffic control precautions will be taken.
- D. Information concerning water supply and temporary sewage disposal facilities to be used shall

be presented by the property owner with assurances from the Department of Environmental Protection that they are adequate.

- E. Any solid waste generated by the temporary use shall be collected and disposed of properly by the property owner. Assurances shall be given by the property owner, e.g. a contract with a hauler, that this will be done.
- F. All items such as wagons, tents, temporary structures, animals and any other materials brought in or wastes generated shall be removed from the site within the time limit stated on the temporary permit.
- G. If the temporary use is to take place on land not owned by the applicant, the applicant shall present a written statement from the owner of the property in which the owner agrees to the temporary use of their property.
- H. The applicant shall provide insurance coverage sufficient to adequately protect the Township against any damage, accident or other claim resulting from the event, as determined by the underwriter providing coverage. A certificate of insurance shall be submitted as a part of the permit application.
- I. The applicant shall assure the Township that all vendors intending to dispense food or beverages to the public will be properly licensed or approved by the PA Department of Health and PA Liquor Control Board, if applicable.
- J. Specific hours for special events may be established by the Zoning Officer when determined necessary.
- K. Lighting shall be designed to avoid glare on public roads and excessive illumination on nearby residences or otherwise create a public nuisance.

The Zoning Officer shall note on the temporary permit or attach to the permit, information that demonstrates that the property owner has agreed to or complied with A through K. The Zoning Officer shall check the site as needed to see that the provisions of the permit are carried out.

**437 COUNTRY CLUBS, GOLF COURSES, GOLF DRIVING RANGES, MINIATURE GOLF OR BATTING CAGES**

- A. Minimum Area. If a country club is proposed with no golf course, the minimum lot area shall be as contained in Article 3. If a golf course is proposed, the minimum area shall be thirty-five acres.
- B. Erosion Control. Where any excavating or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, precautions shall be taken to avoid soil erosion. The applicant shall supply plans to the Township which indicate what precautions will be taken to avoid erosion problems. The applicant shall consult the Columbia County Conservation District concerning these plans and also obtain a report on the soils characteristics of the site. Exposed ground cover surfaces shall be stabilized or protected with a vegetative cover.
- C. Flood Hazard Control. If the proposed development is located within the 100 year floodplain of the Township, all possible precautions will be taken to avoid increasing the flood hazards of

the area. Applicable sections of Article 6 shall be complied with. No development shall be permitted in the Floodway District.

- D. Buffer Strip. All golf courses shall be provided with a buffer strip of at least forty feet depth from the golf course boundary lines. If adjacent to an existing residential area the buffer shall be increased to provide adequate protection from errant golf balls.
- E. Access. The applicant shall demonstrate that the proposed site is so located as to have adequate road access to handle the estimated traffic. Also, proposed designs of the parking facilities and the access drives into the site shall be presented to the Township. Parking areas and access drives shall be designed so as to control the flow of traffic. There shall be specific well-defined points of entrance and exit.
- F. Parking space Requirements. A minimum of twenty spaces or six spaces per hole, whichever is greater.
- G. Sewage Disposal. A valid Sewage Permit as issued by the Certified Sewage Enforcement Officer of the Township shall be presented to the Township as proof that an adequate on-site sewage disposal system will be able to function on the site.
- H. Solid Waste Collection and Disposal. The applicant shall present information to the Township explaining the proposed method of solid waste collection and disposal. If such method is not deemed sufficient by the Zoning Officer, an alternate method shall be proposed by the applicant which is agreeable. No solid waste shall be disposed on site, except by burning or incineration, and shall be subject to the requirements of the Columbia County Municipal Solid Waste Ordinance and the Mount Pleasant Township Nuisance Ordinance.
- I. Lighting. Lighting shall be designed to avoid glare on public roads and excessive illumination on nearby residences or otherwise create a public nuisance.

#### **438 PUBLIC OR SEMI-PUBLIC RECREATIONAL FACILITIES AND/OR SERVICES**

These uses may include a sportsmen club, archery club, tennis club, swimming club, or a similar use. If specific recreational facilities and/or services are not regulated elsewhere herein, the following standards shall also apply:

- A. The applicant shall provide a plan showing the proposed layout and/or design of the recreational facility or service.
- B. The applicant shall provide a statement indicating the reasons why the proposed facility or service is appropriate for the district in which it is proposed to be located.
- C. Off-street parking facilities and driveways shall be provided in accordance with Article 8.
- D. Sewage disposal facilities shall be provided in accordance with the standards of the Department of Environmental Protection.

- E. Information on the proposed method of solid waste collection and disposal shall be presented to the Zoning Hearing Board.
- F. Lighting shall be designed to avoid glare on public roads and excessive illumination on nearby residences or otherwise creating a public nuisance.
- G. A limit on the number of rooms of lodging and number of patrons allowed at any specific time will be established by the Zoning Officer based upon the building capacity for sleeping rooms, sanitary facilities, and site parking capacity.
- H. All other applicable provisions of this ordinance shall be adhered to.
- I. All buildings, structures or active recreation facilities shall be appropriately screened and shall be set back at least 100 feet from all property lines. Where the proposed activity could create a potentially hazardous situation, such as a shooting range, additional precautions shall be taken by the applicant to insure the safety of the public. In all such instances, the Township Planning Commission shall review the precautions being proposed and shall determine their suitability.
- J. The proposed hours, rules, noise control measures, and security methods for the facility shall be included with the plan submission. Consideration shall be given not only to the convenience of the users, but also to the convenience, safety, and welfare of the area or neighborhood where the facility is located.
- I. The Zoning Permit shall expire at the end of twelve (12) calendar months. Renewal of the Zoning Permit may be considered by the Township so long as all Zoning Permit conditions have been completely fulfilled and all operations have been in strict compliance with all State laws and requirements, and so long as the applicant has no unconnected environmental violations or criminal convictions pertaining to the facility.

**439 ADULT ENTERTAINMENT ESTABLISHMENTS**

Adult entertainment establishments or facilities as defined herein may only be permitted as a Special Exception in those districts specified in Article 3 and shall meet the following standards.

- A. For purposes of this Ordinance, Adult Entertainment Establishments include but are not limited to:
  - 1. ADULT BOOK AND VIDEO STORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified Sexual Activities: or “Specified Anatomical Areas”, (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.
  - 2. ADULT CABARET: a club, restaurant, bar, tavern, theater, hall or similar establishment which features male and/or female entertainers whose performance includes “Specified Sexual Activities” (as defined below) and/or reveals or displays “Specified Anatomical Areas” (as defined below).
  - 3. ADULT DRIVE-IN PICTURE THEATER: An area open to the air and not enclosed within any building used for presenting material distinguished or characterized by an

emphasis on matter depicting, describing or related to “Specified Sexual Activities” or “Specified Anatomical Areas” (as defined below) for observation by patrons therein, which patrons observe such material from a location within automobile or other motor vehicles, seated in autos, or on outdoor seats.

4. ADULT MINI MOTION PICTURE THEATER: An enclosed building with a capacity for less than fifty (50) persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” (as defined below) for observation by patrons therein.
5. ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons used at any time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical areas” (as defined below) for observation by patrons therein.
6. ADULT WALK-IN PICTURE THEATER: an area neither enclosed nor open to the sky (e.g., a pavilion tent, etc.) where material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical areas” (as defined below) for observation by patrons therein.
7. AMUSEMENT ARCADE: An establishment which has as its principal business offering to patrons mechanical, electrical or video amusement devices or games such as pinball machines, ping pong, darts, rides, shooting galleries or similar devices and games.
8. MESSAGE PARLOR: An establishment in which there exists the offering or furnishing of services in which “Specified Sexual Activities” (as defined below) occur.

B. For purposes of this Ordinance explicit and specified sexual activities include:

1. SPECIFIED ANATOMICAL AREAS;

- a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and 3) female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. SPECIFIED SEXUAL ACTIVITIES;

- a. Sexual stimulation or arousal of human genitals;
- b. Acts of human masturbation, oral sex, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region buttock or female breast.

C. For the further promotion and protection of the public health, safety, morals and general welfare of the Township, certain uses as hereinafter specified are recognized as having a detrimental and deleterious effect when allowed to concentrate in one area or when allowed to locate within close proximity to other uses. The regulations which follow are designed to prevent such adverse effects. Adult entertainment facilities shall not be located within:

1. 500 feet of any Residential District, residential structure or rooming unit

2. 1,000 feet of any church, school theater, park, playground; public pool, billiard hall, amusement arcade, club or lodge; or other area where minors congregate;
  3. 1,000 feet of any establishment licensed by the PA Liquor Control Board to dispense alcoholic beverages;
  4. 1,000 feet of any restaurant, eating establishment or grocery store; nor within
  5. 1,000 feet of any other adult entertainment establishment;
  6. For the purposes of this Section, spacing distances shall be measured from property lines of any of the uses specified or mentioned in subsection B above.
- D. Advertisement, displays or other promotional materials for adult entertainment facilities shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.
- E. All building openings, entries, exits or windows for adult entertainment establishments shall be located, covered or screened in such a manner as to prevent a view into the interior from any street, sidewalk, or other public place. In the case of an adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area or nearby preexisting residential area.
- F. No person shall engage in business as an Adult Entertainment Establishment without first obtaining a license from the Township Board of Supervisors. Such license shall be an annual license for the calendar year or the remaining part thereof. The license fee shall be established and reviewed annually by the Board of Supervisors as part of the zoning fee resolution. Such license shall be obtained annually on or before the February meeting of the Board of Supervisors of each calendar year.
- G. The license required herein shall be issued only after a complete application has been filed with the Township Zoning Officer. No person licensed under this Ordinance shall, by virtue of holding one valid license, keep more than one (1) place of business as an adult entertainment establishment in Mount Pleasant Township. Such license shall be posted conspicuously upon the premises licensed thereunder. No license issued hereunder shall be transferable, except when the new owner applies for a transfer and pays the required transfer fee.
- H. An application for a license under this Ordinance shall be submitted to the Zoning Officer on the form supplied by the Zoning Officer setting forth the following:
1. The name and address of the applicant;
  2. Premises from which licensed business, operation or activity is to be conducted;
  3. Nature of proposed business, operation or activity;
  4. Any previous criminal record of applicant, applicant's employees and applicant's employer, principal or agent;
  5. If applicable, names and addresses of person(s) by whom applicant is employed, organization on whose behalf applicant is engaging in business, operation or activity or principals or agents of applicant; and
  6. Names and addresses of employees.
- I. Upon receipt of a complete license application form and payment of the required license fee, the Township may cause an investigation to be made of the nature of the proposed business,

operation or activity, the condition of the premises, the character and reputation of the applicant, and any other factors which shall be deemed necessary for ascertaining whether the same can be conducted lawfully and without endangering the lives or health of prospective patrons.

- J. When, upon said investigation, the Township determines that the proposed business, operation or activity may be conducted lawfully and without endangering the health or safety of proposed patrons, and if it is found that the information set forth on the application is true and correct, the applicant is of good character and reputation, and that no license previously issued to the applicant hereunder was ever revoked, and that the applicant is not indebted to the Township for taxes or for license fees of any kind or nature whatsoever, then a license shall issue no later than thirty (30) days after application had been made.
- K. Every license issued hereunder shall be posted conspicuously upon the premises.
- L. It is hereby declared that the sale of adult entertainment materials, periodicals, devices or services by any person or the admission to a licensed adult entertainment premises of a person under eighteen (18) years of age within the Township is prohibited as a nuisance, offensive to the general public, and inimical to the peace, health and welfare of the Township.

#### **440 JUNKYARDS and AUTO SALVAGE OPERATIONS**

Junkyards may be permitted only as a conditional Use as provided in the District Regulations and in accordance with the provisions of this section.

- A. A junkyard, as defined in Article 14 of this Ordinance, shall not include bonafide recycling centers provided that any site utilized by an officially recognized business, group or organization (as designated in the County Solid Waste Plan by the County Recycling Coordinator) is conducting a recycling operation for the temporary storage of recyclable materials in anticipation of collection for recycling.
- B. The intent of provisions below is to recognize that certain items of junk as herein defined, while having value to the owner, nonetheless may create an adverse property value impact or public nuisance when left in open public view, or negative public health impact if improperly stored.
- C. No person shall engage in business as a junk dealer or maintain a commercial junkyard as a business without first obtaining a permit from the Zoning Officer.
- D. **AUTO SALVAGE OPERATIONS:**

Auto salvage operations may be permitted as part of a junkyard or separately, but only as a Conditional Use as provided in the District Regulations and in accordance with the provisions of this section, and the use or activity conducted thereon shall not cause or create a violation of any health or sanitation law, ordinance, or regulation of any governmental body. No person shall engage in business as an automobile salvage operator or dealer or maintain an automobile salvage operation or facility without first obtaining a permit from the Zoning Officer. All auto salvage operations are required to secure a Zoning Permit.



1. No junk, rubbish or other material connected with an auto salvage operation shall be ignited or allowed to burn. No oil, grease, tires, gasoline or any other material which may be hazardous or tend to produce noxious odors or smoke shall be burned within an auto salvage operation at any time.
2. In addition to the buffer-yard standards of Article 5, the applicant shall demonstrate that berms or fences can and will be used to ensure that no part of the facility is visible from residential dwellings or roads located within five hundred (500) feet of the use.
3. The site shall have appropriate measures taken that prevent site contamination from oils, battery acid, gas, grease, or other contaminants including metals. Should there be wells located within one thousand (1,000) feet downhill of the site, the Township Zoning

Hearing board may require a subsurface liner and guarantee that any contaminated topsoil shall be removed and any other environmental cleanup will be performed by the applicant.

4. The auto salvage operation shall be enclosed by a secure wall or fence of a uniform design, texture, and structure not less than eight (8) feet in height. Erection of such fence or wall shall be controlled by the buffer-yard setback requirements contained in Article 5. The walls of buildings used for such purposes as offices, storage, and other appropriate uses may form a portion of said fence or wall providing that such structures do not project into the required setback.
5. Whenever such fence or wall is visible from a public road, a landscaped screen of trees capable of attaining an average height of eight (8) feet within four years and shrubs capable of attaining an average height of four (4) feet within four years shall be planted at not greater than thirty (30) feet intervals along the outside of such fence or walls.
6. All required open areas, including aisles between rows of junk, and exterior required landscaped areas shall be continuously maintained in good order and kept free of weeds and scrub growth.
7. All junk shall be stored or arranged so as to permit access by firefighting equipment and to prevent accumulation of stagnant water. Junk vehicles shall be spaced in rows with at least twenty-five (25) feet between each double row so as to permit movement of firefighting equipment. Junk vehicles shall not be piled to a height of more than six (6) feet from the ground. In addition to setbacks required in Article 3, all placement of junk vehicles, principal and accessory structures shall be placed no closer to property lines and right-of-way lines than fifty (50) feet. The area between setback lines and the right-of-way lines of all streets and roads and all property lines shall at all times be kept free from junk vehicle accumulations, including blowing debris and litter.
8. All gasoline and fluids shall be drained from any junked vehicle into containers and properly disposed of within twelve (12) hours from arrival on said premises of the junked vehicle. Fluids shall be stored in accordance with PA Department of Environmental Protection Regulations and National Fire Protection Association Standards.
9. The storage arrangement for vehicles and parts shall provide at least 300 feet separation distance from any stream or wetland.
10. Any dismantling and cleaning area shall be located not less than 300 feet separation distance from any stream or wetland.
11. No person shall, by virtue of one zoning permit issued to him, develop or operate more than one auto salvage operation without additional zoning permits or enlarge the operation beyond the extent and boundaries noted on the permit within Mount Pleasant Township; nor shall any person operate such business at any place other than

- designated upon the permit.
12. Records of all inspections by any State agencies with regulatory jurisdiction, including the results of said inspections and the land area occupied, shall be kept by the owner or operator on the premises at all times. Such records shall be open to inspection by any authorized Mount Pleasant Township official or duly authorized agent or law enforcement officer.
  13. Any authorized Mount Pleasant Township official or duly authorized agent or law enforcement officer may, during normal business hours, enter upon and inspect the premises for which there is a pending application for a zoning permit or a complaint or reasonable suspicion by the Zoning Officer regarding zoning compliance.
  14. Additional zoning permits for new auto salvage operations shall not be issued so long as any facility owned or operated by the same applicant or person or firm continues to operate in violation of the zoning permit.

#### **441 PRISONS, YOUTH DETENTION FACILITIES AND PRISONER WORK CAMPS**

- A. Applications for prisons, youth detention facilities, and prisoner work camps may only be approved as a special Exception by the Zoning Hearing Board and shall demonstrate that the following requirements can be fully satisfied:
1. that traffic, sanitary and environmental safety measures will be provided and be operational and fully usable before such operations or activities and functions commence; and
  2. that light fixtures for security and night operations are positioned and designed to avoid glare and safety hazards on adjacent roadways or properties and nuisance effects on the nearby area of the Township; and
  3. a formal written standing commitment from the highest responsible official and/or policy board that operational policies, practices (including maximum inmate number) and staffing plans will provide on-going security and control to prevent unauthorized trespass and litter on adjacent properties or unreasonable risk to safety of nearby residents; and
  4. an Emergency Response Plan which guarantees that the facility owner will either provide directly or provide to the Township whatever supplementary equipment, personnel and financial resources are deemed necessary by the Township to properly train and develop the necessary capability for effective response to fire, explosion, riot, epidemic, toxic spill or other identifiable potential incident; and
  5. a Communications Plan which defines in detail the manner in which Township officials and any appropriate public safety officials will be immediately notified and fully briefed on listed Reportable Incidents, including their ultimate disposition and preventive measures being undertaken to prevent their recurrence as well as a mechanism for advisory input from the Township to the owner; and
  6. an Accountability Chart which identifies the on-site and parent organization chain of command by position and name of incumbents, such names to be regularly updated; and
  7. a Maintenance Plan which assures that the physical appearance and utility functions, as well as residential and food processing, storage and serving areas will be kept in a healthy and sanitary condition with reasonable effort to assure that the value of adjacent properties will not be adversely affected.

- B. Nothing in this section or this Ordinance is intended nor shall be applied or interpreted to attempt to regulate those aspects of prisons, youth detention facilities, and prisoner work camps which are specifically regulated by the PA Department of Corrections or U.S. Department of Justice, provided that the above essential precautions are defined by such regulations in as much detail as required herein. The intent of this section is to provide a mechanism whereby Mount Pleasant Township can assure that the site planning and site location of such activities and facilities complies with reasonable precautions for public safety, public health and protection of nearby property values.

#### **442 SAWMILLS**

In accordance with the Pennsylvania Municipalities Planning Code, as amended by Act 67 and Act 68 of 2000, sawmills are recognized as processing industrial type activities which are regulated herein as separate and distinct from forestry operations.

- A. Sawmills shall be located at least 200 feet from any Residential District, and shall be screened to protect the surrounding area from noise and other disturbances.
- B. The minimum tract area shall be five (5) acres; unless, district regulations require more area.
- C. Mobile sawmills shall continue no longer than 225 calendar days and shall be located a minimum distance of one hundred (100) feet from any property line and two hundred (200) feet from any existing residential structure, other than the owner's.
- D. A notice of resumption shall be provided by the mobile sawmill operator to the Zoning Officer prior to restarting the activity, after the suspension of activities for more than thirty days.
- E. Storage areas or piles of organic product and by-product such as, sawdust, bark, trimmings, slab-wood, logs, etc. shall be set back a minimum of fifty (50) feet from streams or bodies of water and shall be managed in a manner that ensures public safety and environmental protection.
- F. "Hobby" or personal use sawmills, which are used for sawing timber from the property on which the sawmill owner resides or for hobby (i.e. recreational, not livelihood) purposes, are exempt from the above requirements.
- G. Commercial timber harvesting operations shall be required to notify the Township Supervisors in writing prior to start of any harvesting or site preparations in order to alert all parties if road limitations or impact might become a problem and to prevent such problems.

#### **443 MAINTENANCE PLAN**

Multiple family developments, apartment buildings, mobile home parks and selected residential, commercial and industrial developments, as well as junkyards or auto salvage operations, at the determination of the Mount Pleasant Township Zoning Officer, shall submit, as part of the zoning permit application, a maintenance plan for the development. Where the Zoning Officer finds that an approved required maintenance plan has not been regularly implemented or that pre-existing multiple family developments, apartment buildings, or mobile

home parks and selected residential, commercial and industrial developments contain or have created a public health or safety hazard or public nuisance the Zoning Officer may order said property owner to clean up the property and abate such health or safety hazard or public nuisance. Where the property owner fails to comply within 60 days of said order, the Zoning Officer may suspend or revoke the zoning permit or initiate such civil proceedings as necessary to remedy the problem.

- A. For purposes of this Ordinance accumulations of trash, garbage, rags, debris, junk, junked vehicles, waste tires, human or animal waste, dead animals, singularly or in combination, and such other conditions as harbor or promote the breeding of rodents, vectors and vermin or as determined by the Pennsylvania Department of Health shall constitute a public health hazard and a public nuisance.
- B. For purposes of this Ordinance accumulations of paper, trash, debris, rags, and other flammable or spontaneously combustible materials or explosives not properly stored shall constitute a public safety hazard.

#### **444 STEEP AND SEVERE SLOPES**

Any development or activity proposed on steep (15%-25%) and/or severe (greater than 25%) slope area in excess of 20,000 sq. ft. is required to submit an Erosion and Sedimentation Control Plan to the County Conservation District for approval. No development or activity shall be allowed without an approved plan. A soil stability analysis shall be performed by a Professional Soil Scientist prior to the disturbance of steep slope areas in excess of 20,000 sq. ft which have highly erodible and/or unstable soils, and for disturbance of all severe slope areas in excess of 20,000 sq. ft. This analysis shall evaluate the potential impact of the proposed development upon the stability and integrity of the slope, and include mitigation techniques. Severe slopes shall not be developed unless an architecturally sound supporting structure is provided for all development.

#### **445 AQUATIC RESOURCE BUFFERS**

- A. An aquatic resource buffer is defined as an existing naturally vegetated area, or an area of established vegetation managed to protect streams, ponds, lakes or other aquatic resources from man-made disturbances.
- B. In developing this Ordinance, the Township made the following findings with regard to the functions of an aquatic resource buffer:
  - 1. To provide for the removal or reduction of sediment, nutrients, and potentially harmful or toxic substance runoff entering water bodies;
  - 2. To minimize the adverse effects of human activities on shorelines, stream banks, and aquatic resources; and
  - 3. To maintain the natural environment of streams, lakes, ponds and other aquatic resources.
- C. Determination

1. Standard width: An aquatic resource buffer shall exist inland fifty (50) feet from shorelines and stream banks. In the case of contiguous slopes of 15 % or greater, the buffer shall be expanded an additional four feet for every 1 % slope, or to the top of the slope, whichever is greater in extent.
2. The shoreline or stream bank shall be determined by:
  - a. The elevation one foot above the maximum discharge elevation of an outlet control structure which controls the elevation of a lake or pond; or,
  - b. The top of any natural bank surrounding a natural lake or pond which has no outlet control structure, or the top of the stream bank.

D. Protection Standards

1. In all developments, disturbance to aquatic resource buffers shall be prohibited unless in accordance with this section.
2. Modification. The Zoning Officer may establish an aquatic resource buffer of such lesser width as may be necessary to permit reasonable development within the standard aquatic resource buffer if:
  - a. The aquatic resource buffer covers more than fifty percent of a lot which was a lot of record at the time when this Ordinance was adopted; or,
  - b. The size and character of existing structures within the standard aquatic resource buffer precludes any practical use of the portion of that buffer lying on the landward side of such structures as an aquatic resource buffer.
  - c. Disturbance to the buffer is necessary in order to provide vehicular, boat, or utility access to the site, provided that no other reasonable alternative which would avoid or minimize disturbance of the buffer is available.
  - d. This Ordinance does not prohibit selective clearing of understory vegetation in an aquatic resource buffer in order to provide a view for waterfront property, as long as the existing ground cover and canopy trees are maintained.

- E. Extent of Reduction. Any reduction of the standard aquatic resource buffer authorized by subsection D.2 above shall be the least necessary to permit reasonable development of the lot.

**446 HAZARDOUS MATERIALS USE, STORAGE, PRODUCTION, PROCESSING, CONTROL OR DISPOSAL, INFECTIOUS WASTES, CHEMO-THERAPEUTIC WASTES, RADIOACTIVE WASTES, AND TOXIC SUBSTANCES**

The purpose of this section is to establish controls which will foster public safety and health. Any commercial, industrial, or other use, storage, production, and processing of hazardous materials in significant quantities shall be registered with the Mount Pleasant Township Zoning Officer. This requirement shall not pertain to normal consumer practices and volumes as may be purchased in an unregulated quantity. This requirement for such materials to be registered does apply to use, storage, production, processing, and disposal practices which exist as of the date of enactment of this Ordinance.

- A. The Township Zoning Officer shall establish and maintain a complete register of all such practices; provide a report of all activities listed, their location, type, volume and other such

information as may be pertinent to the Board of Supervisors, Township Planning Commission, and Township Fire Chief not later than the February meeting of each body each year; and shall promptly inform the above parties of all newly listed activities.

- B. Nothing in this Ordinance is intended to relieve any party of the responsibility to comply with all applicable State, Federal, County, or Township laws. The Zoning Officer shall require all commercial, industrial and institutional applicants to provide copies of state and federal permits for these activities; copies of the Material Safety Data Sheets (MSDS) for each material; and to certify and provide evidence that said activity complies fully with all applicable state, federal, county, or township requirements.
- C. Unless existing as of the date of enactment of these Ordinance amendments, or specifically authorized and permitted elsewhere in this Ordinance and registered as required herein, all use, storage, production, processing, and disposal of hazardous materials, hazardous wastes, industrial residual wastes, waste tires, infectious wastes, chemotherapeutic wastes, radioactive wastes and toxic substances are prohibited.
- D. All terms used in this section, not herein defined, refer to those definitions established under the PA Solid Waste Management Act and the regulations promulgated thereunder.

#### **447 FARM VACATION ENTERPRISE**

- A. Family farms may be utilized for a Farm Vacation Enterprise as provided in article 3 of this Ordinance, after securing a Zoning Permit so long as the following conditions are met:
  - 1. On-lot sewage facilities are functioning in full compliance with the PA DEP Regulations and law.
  - 2. Water supply facilities are functioning in full compliance with the PA DEP Regulations and law.
  - 3. The farmstead capacity for sleeping and eating accommodations is adequate for the actual and intended number of people to be hosted at any one time.
  - 4. On-lot sewage facilities capacity and water supply capacity are adequate for the number of people to be hosted.
  - 5. On-lot off-street parking facilities are adequate for the number of people to be hosted and for the host family and any employees.
- B. The operator of the Farm Vacation Enterprise shall reside in the dwelling.
- C. A limit on the number of rooms of lodging and number of patrons allowed at any specific time will be established by the Zoning Officer based upon the building capacity for sleeping rooms, sanitary facilities, and site parking capacity.
- D. Signs associated with or advertising the facility shall meet the requirements of Article 7 of this Ordinance.

#### **448 NONDOMESTICATED ANIMAL SHELTER, KENNEL OR PRESERVE**

- A. Commercial breeding, training and sales of animals or animal product activities and facilities of non-domesticated animals and wildlife shall require a permit and shall only be permitted as a special exception in accordance with Article III of this Ordinance and shall adhere to the following requirements. Nothing in this section shall be construed to regulate ordinary and customary raising and housing of domesticated pets, livestock or farm animals.
- B. Each species shall be listed on the Application for Zoning Permit. Subspecies may be added to the operation without a new permit but the permittee shall notify the Zoning Officer at least five (5) calendar days in advance of the receipt of such additional animals upon premises, except for the acceptance of injured animals for purposes of rehabilitation sanctioned by the PA Game Commission.
- C. The Zoning Officer shall periodically conduct an inspection of the operation and any premises where such non-domesticated animals are housed and/or secured.
- D. All such non-domesticated animals shall be secured within a shelter facility and fenced enclosure of such construction and type of materials that are capable of restraining all types of species to be housed therein, whether of young or mature age. For certain species a restraint system to prevent escape by climbing or jumping or flying shall be necessary.
- E. The type of shelter and/or enclosure shall be appropriate for the humane accommodation of each such species to be housed or secured therein. Incompatible animals shall be separated. The Zoning Officer may consult the PA Game Commission, a licensed Veterinarian, and the PA Cooperative Extension Service for advice on the specific needs and restraints necessary to protect the animals and public safety.
- F. It shall be the responsibility of the developer and the property owner to maintain the required or necessary fresh water supply and feeding facilities for all types and numbers of animals on premises at all times.
- G. No animal shall be received upon premises without prior vaccinations and health checks by a licensed Veterinarian, except for the acceptance of injured animals for purposes of rehabilitation sanctioned by the PA Game Commission. In such cases the animals shall be quarantined until treatment or determined to be disease-free. Documentation of such prior and on-going medical checks shall be provided to the Zoning Officer upon request.
- H. An adequate system for animal waste management and disposal of dead animals, or for diseased animals parts or tissue disposal, shall be specifically described in the Application for Zoning Permit and shall be maintained in fully operational condition at all times. Incineration or composting facilities or other methods as approved by the PA Department of Agriculture may be permitted but shall be specified in the Zoning Permit Application.
- I. A visual buffer, preferably of natural vegetation, shall be provided for the protection of nearby properties and to avoid visual distractions of nearby motorists. It shall be the responsibility of the developer and the property owner to maintain the required buffers and security measures. Dead and severely damaged plant materials shall be replaced within one year of their original planting or subsequently within four months of the discovery of such mortality or damage. Landscaped areas and buffers shall be kept free of noxious weeds, dead materials, fallen limbs, and trash. Where natural plant growth changes the actual buffer effect over time, the

Zoning Officer may require supplementary plantings to preserve the intent and purposes of this Ordinance.

- J. In the case of an animal preserve for controlled commercial hunting purposes, the operations shall be conducted in a manner which avoids any discharge of firearms or weapons which is unlawful or which would endanger nearby homes or businesses or farms and farm animals.
- K. In the case of an animal preserve for exotic animal predators, the operations shall be conducted in a manner which avoids any activity which is unlawful or which would endanger nearby homes or businesses or farms or farm animals.
- L. The permittee shall demonstrate and document that the operation has complied with all federal and state laws and regulations pertaining to the animals to be held on the premises, including but not limited to laws on endangered species and regulations of the PA Department of Agriculture and PA Game Commission.
- M. Wildlife and Raptor Rehabilitators shall present such certifications from the PA Game Commission and shall maintain such certifications for as long as any such animals are held on the premises.
- N. Upon termination of such operations, the permittee shall remove all animals and animal wastes and any facility which may pose an attractive nuisance or public safety hazard within sixty (60) calendar days and notify the Zoning Officer who may inspect the premises as appropriate.
- O. Annually, upon the anniversary of the date of Zoning Permit issuance, the permittee shall file with the Zoning Officer a request for renewal for one additional year. Such request shall not require further Zoning Hearing Board proceedings and the Zoning Officer shall issue a permit renewal so long as the permittee has maintained the operation in compliance with this Ordinance.



## ARTICLE 5

### SUPPLEMENTARY LOT REGULATIONS

#### 500 LOT REQUIREMENTS

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by the Ordinance.
- B. Every principal building hereinafter erected shall be located on a lot as defined herein. There shall not be more than one principal residential building and its accessory structures on one lot, except in the case of multi-family structures, mobile home parks, and family care units as provided in Section 406 or other approved land development.
- C. No building shall hereafter be erected unless there is direct access to the structure through an open space on the same lot or a right-of-way at least 20 feet wide extending from the building to a public street.
- D. The minimum lot width of any lot shall be measured along the minimum building setback line as required for that district. Lots located on cul-de-sac turn arounds or curves in the road or lots of unusual shape may have lot widths of less than those required, provided that the average of the front and back lot line is equal to or greater than the required lot width.
- E. Any portion of a lot included in a street right-of-way shall be included in calculating the lot area.
- F. No space applied or necessary under this Ordinance to satisfy the yard and area requirements in relation to any building or use, whether now or subsequently built or conducted, shall be counted or used as part of the required open space or area in relation to any other building or use.
- G. The minimum lot size, as specified in Article 3 , shall be adjusted to comply with the minimum lot size listed for each district in TABLE 5-1 when the site-specific topographic, soil and geologic conditions or natural resource features compel an adjustment to minimum lot size to be applied. Accordingly, each subdivision or development site plan shall show :
  - 1. topographic features, including contour lines, site slope profile with percent slope for proposed building sites and sewage system locations
  - 2. soils, including a description of the soil attenuation capacity for septic system effluent and the erodibility classification of the soils
  - 3. geologic characteristics, including depth to bedrock and areas prone to subsidence , landslide or differential settlement
  - 4. depth to seasonal high groundwater table
  - 5. floodplains and wetlands
  - 6. other natural resource features which pose potential public safety or public health

7. hazards  
other natural resource features which pose potential environmental contamination threats when developed.

**SPECIAL NOTE:**

It shall not be necessary to hold a Special Exception Hearing if none of the lot size adjustment factors occur on the portion of the land tract to be developed. The Zoning Officer shall perform a field view when considering the Zoning Permit Application to determine the likelihood of occurrence of the adjustment factors.

**TABLE 5 - 1**

**ADJUSTMENTS TO MINIMUM LOT SIZE**

ADJUSTMENT FACTOR (See Note 1)	RESIDENTIAL DISTRICT	AGRICULTURE DISTRICT	OPEN SPACE DISTRICT	COMMERCIAL DISTRICT
Slopes 25 % +	3 acres	3 acres	3 acres	Not Permitted
Slopes 12-24 %	2 acres	2 acres	2 acres	Not Permitted
Seasonal High Water Table at Surface	3 acres	3 acres	3 acres	3 acres
Seasonal High Water Table 1' to 3'	2 acres	2 acres	2 acres	2 acres
Bedrock Depth 0' to 3.5'	2 acres	2 acres	2 acres	3 acres
Unstable Geology	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Severe Soil Capability Limits	3 acres	3 acres	3 acres	3 acres
Moderate Soil Capab Limits	2 acres	2 acres	2 acres	2 acres
Natural Feature Hazards <sup>2</sup>	3 acres	3 acres	3 acres	3 acres
Resource Contam Threat	2 acres	2 acres	2 acres	2 acres
Floodplain	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Wetland	Not Permitted	Not Permitted	Not Permitted	Not Permitted

NOTES:

1. Consult Table 7+ Soils Maps, Columbia County Soil Survey
2. Where buildable sites cannot be located at a safe distance from the hazard development shall not be permitted.

- H. The applicant may utilize existing published sources of data where the Township Planning Commission determines such information to be sufficiently accurate for that site and the development proposed. Otherwise, the applicant shall submit technical studies which have been prepared by the appropriate professional specialized in the requisite science needed, and who is licensed or registered to practice in Pennsylvania, to document the site conditions

along with a professional certification that the proposed development should not pose a hazard or threat in accordance with the criteria Listed in Table 5 -1 herein.

- I. Where portions of a tract fail to qualify under the criteria in Table 5-1 of Section 500 G the applicant shall show on the site plan or subdivision plan that there is sufficient usable area for the proposed development which is not so restricted by the criteria in Table 5-1 and any other pertinent requirements of applicable ordinances or law. For purposes of the Section 500 G requirements, it may not be necessary to conduct detailed studies of the whole tract, unless determined necessary by the Township Planning Commission.
- J. Each adjustment factor, if present on-site shall trigger the adjusted minimum lot size. However, the presence of multiple factors shall not compound the lot size adjustment, i.e. the lot size required shall be the larger of whichever adjustment factors are present on-site.
- K. For purposes of the Section 500 G requirements, contour lines may be interpolated from USGS 7.5' quadrangle maps at not larger than 5 feet vertical intervals of elevation. If the Township Planning Commission determines such information to be inaccurate for that site and the development proposed, the applicant shall submit such contour lines for the development pad and all related facilities and uses, as well as down-gradient areas receiving stormwater from the development. The Township Planning Commission may require field verification of contours by a registered land surveyor where it determines that the proposed development on a specific site poses safety hazards or environmental threats.
- L. For purposes of the Section 500 G requirements, soils information may be excerpted from the Columbia County Soil Survey unless site-specific soils data from other investigations (e.g. sewage test pits) reveal inaccuracies in the Soil Survey. In such case the Township Planning Commission may require field verification of soils on-site by the appropriate professional specialized in the requisite science needed, and who is licensed or registered to practice in Pennsylvania.
- M. For purposes of the Section 500 G requirements, geologic and hydro-geologic information may be excerpted from the PA Geologic Survey maps unless site-specific data from other investigations reveal inaccuracies in the published maps. In such case the Township Planning Commission may require field verification on-site by the appropriate professional specialized in the requisite science needed, and who is licensed or registered to practice in Pennsylvania.
- N. For purposes of the Section 500 G requirements, wetlands information may be excerpted from the National Wetlands Inventory maps unless site-specific data from other investigations or site field views by the Township reveal inaccuracies in the published maps. In such case the Township Planning Commission may require field verification on-site by the appropriate professional specialized in the requisite science needed, and who is licensed or registered to practice in Pennsylvania.
- O. For purposes of the Section 500 G requirements, natural feature hazards are such features as sinkholes, geologic fault lines or open fractures, and up-gradient rock formations prone to be dislodged and fall onto the development pad area. In such case the Township Planning Commission may require field verification on-site by the appropriate professional specialized in the requisite science needed, and who is licensed or registered to practice in Pennsylvania.

- P. For purposes of the Section 500 G requirements, resource contamination threats are such features as boreholes or open fractures caused by blasting in connection with mining, quarrying or construction, which pose the opportunity for subsurface migration of sewage system effluent or other contaminants. In such case the Township Planning Commission may require field verification on-site by the appropriate professional specialized in the requisite science needed, and who is licensed or registered to practice in Pennsylvania.
- Q. For purposes of the Section 500 G requirements, unstable cut-slopes may include, but are not necessarily limited to cut-slope subsidence or landslide -prone areas caused by blasting in connection with mining, quarrying or construction, or by the natural feature characteristics. In such case the Township Planning Commission may require field verification on-site by the appropriate professional specialized in the requisite science needed, and who is licensed or registered to practice in Pennsylvania.
- R. For purposes of the Section 500 G requirements, soil capability limits are those listed and defined in the Columbia County Soil Survey, Table 7. In such case the Township Planning Commission may require field verification on-site by the appropriate professional specialized in the requisite science needed, and who is licensed or registered to practice in Pennsylvania.

## **501 YARD REQUIREMENTS**

### **A. Projections**

1. Cornices, eaves, gutters, steps, bay windows or chimneys may project into any required yard, but not more than 30 inches.
2. Covered porches, patios and attached carports shall be considered part of the main building and shall not project into any required yard.
3. Uncovered patios, porches, decks, driveways, walks, parking areas, stairs and other uncovered structures may project into required yard setback areas provided they do not pose an obstacle to emergency access or public safety.

### **B. Front Yards**

1. Front yard setbacks shall be measured as specified in Article 3 and shall be located at the distance required by the appropriate District Regulations. These setbacks shall be applied to parcels fronting on private roads in the same manner as they are applied to lots with public street frontage.
2. Accessory buildings may not be erected in any required front yard.
3. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be the same depth as the average of the two (2) adjacent improved lots.
4. Signs may be erected within a required front yard in accordance with the requirements listed in Article 7.

### **C. Side Yards**

1. On a corner lot, the side yard abutting the street shall have a width equal to the required front yard depth for the district in which the lot lies. The remaining two (2) yards shall constitute a side yard and a rear yard.

2. An accessory building may not be constructed in any portion of the required side yard, except as may be permitted in the District Regulations.
3. Signs may be erected within a required side yard in accordance with the requirements listed in Article 7.

D. Rear Yards

1. An accessory building may be constructed within a required rear yard only as specified in the District Regulations, Article 3.
2. Signs may be erected within a required rear yard in accordance with the requirements listed in Article 7.

**502 HEIGHT REGULATIONS**

- A. Height regulations shall not apply to spires, belfries, cupolas, penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or utility towers, television antennae, satellite dish receivers, solar collectors and related equipment, and ornamental or necessary mechanical appurtenances normally associated with homes, churches and similar establishments.
- B. Agricultural or industrial structures such as barns, silos, grain elevators, storage tanks or similar types of structures, may be erected above the height limits specified in Article 3.
- C. Radio transmission and receiving towers or cellular communications towers may also exceed the height regulations contained in Article 3, if the use is approved by the Zoning Hearing Board as a Special Exception.
- D. In residential districts, accessory buildings shall not exceed 25 feet in height.
- E. No structure shall be hereafter erected less than one (1) story in height. (See definitions for Basement and Cellar.)

**503 GENERAL REQUIREMENTS**

A. Two or More Principal Uses in Same Building

Unless otherwise provided herein, when two (2) or more principal uses occupy the same building (not including home occupations as defined in Section 427), sufficient parking spaces, lot area, open space, etc., shall be provided so that the standards pertaining to each use will be met in full.

B. Spacing of Non-Residential Buildings

Where two (2) or more municipal buildings or non-residential uses are proposed to be built on a property in one ownership, front, side and rear yards are required only at lot lines abutting street or either properties.

C. Hedges, Walls and Fences

Hedges, walls or fences may be situated within any of the required yards, so long as they do not cause danger to traffic on a street or public road by obscuring a driver's view or which does not comply with Section 503 D.

D. Obstructions to Vision at Street Intersections

On a corner lot, no obstruction or planting higher than 24 inches or lower than eight (8) feet above road grade shall be permitted within the clear sight triangle. A clear sight triangle shall be defined as that area of unobstructed vision at street intersections formed by lines of sight between points 75 feet from the intersection of the street centerlines.

E. Outdoor Lighting on Private Premises

All outdoor flood lighting and spot lighting on private premises shall be mounted and shielded to effectively eliminate direct glare on adjacent properties or upon public streets.

**504 BUFFER YARDS AND WATER RESOURCE BUFFERS**

- A. Where a commercial use, including resource extraction, abuts a residential district or a public street, a buffer yard of not less than 50 feet shall be required. The buffer yard shall be a part of the commercial installation and shall be maintained by the business. Landscape plantings and/or planted berms shall be planted and constructed to provide a minimum of 50% visual screening (as viewed from any adjacent residential, or institutional uses) to be achieved within a five year plant growth period. At the developer's option, the width of buffer yard may be reduced five feet for each ten percent of added buffer density (visual opacity), provided that a minimum of 25 feet buffer yard shall be provided.
- B. Where any development abuts a stream, pond, or water resource or drainage channel, a buffer of not less than 50 feet shall be required. The buffer shall be measured from the nearest edge of the stream or channel at bank-full level. The buffer shall be planted and maintained in a condition which will effectively filter sediments and prevent erosion.
- C. Buffer yards required for uses other than for commercial activities shall be not less than 15 feet in width, unless provided otherwise in the District Regulations, Article 3.
- D. All buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs or evergreens. Buffer yards shall be planted in such a fashion that will provide the desired screening or filtering of noise or dust or but shall not obstruct any open drainage channel.
- E. The buffer yard may be considered as part of the required yard space.
- F. No structure, storage of materials or parking of vehicles shall be permitted in a buffer yard.
- G. Access drives, as well as utilities, may cross buffer yards.

- H. A buffer yard may be used for designated passive recreation provided that the proposed use is shown on a site plan, with detailed specifications and dimensions clearly shown, which is approved in advance of such use by the Mount Pleasant Township Planning Commission. Pedestrian, bike, or equestrian trails may be located within the buffer yard but swimming pools, tennis courts, sports fields, and golf courses or similar uses are prohibited.
- I. Where the degree of screening effect (visual opacity) which can be achieved with the proposed plantings is questionable the Zoning Officer may require the developer, at the developer's expense, to provide a certification from a Landscape Architect that the standards of this Ordinance will be met by the proposed plantings and buffer design.
- J. It shall be the responsibility of the developer and the property owner to maintain the required landscaping and buffers. Dead and severely damaged plant materials shall be replaced within one year of their original planting or subsequently within four months of the discovery of such mortality or damage. Landscaped areas and buffers shall be kept free of noxious weeds, dead material, fallen limbs, and trash. Where natural plant growth changes the actual buffer effect over time, the Zoning Officer may require supplementary plantings to preserve the intent and purposes of this Ordinance.

## **505 FORESTED RIDGELINE PROTECTION**

- A. Ridge boundary determination shall be based on one of the following techniques. If the first source is considered inaccurate or inappropriate the succeeding techniques may be used.
  - 1. U.S. Geological Survey topographic maps.
  - 2. U.S. Department of Agriculture, Soil Survey of Columbia County, Pennsylvania.
  - 3. A field survey prepared by a Registered Land Surveyor, Registered Professional Engineer, Registered Landscape Architect, Certified professional Land Planner, or a professional geologist or forester qualified to practice in Pennsylvania.
- B. In general, ridges to be protected shall be those with side slopes of greater than 30% slope and which are 70% or more forested.
- C. Dwellings/buildings proposed to be placed at or near the rim of ridges or at a prominent point on the side slope which is highly visible, or would become visible after tree clearance, shall be required to maintain natural vegetation or plant a vegetated buffer to absorb run off and provide a landscape screen that preserves the natural character of the ridge and its associated side slope. All dwellings/buildings shall be screened from their associated valley floors.
- D. Dwellings/buildings shall have a one-hundred foot buffer located on the down-slope sides of the dwelling/building. The buffer, whether of natural vegetation or planted, shall be at a height not lower than a 30% slope line from the top of the roof downward for a minimum distance of 100 feet. No trimming or clearing of vegetation shall be permitted within the required buffer area. Where the dwelling/building is set back below the continuation plane of the average slope of the buffer selective trimming and thinning shall be permitted to provide views.



## **506 WATER SUPPLY AND WATER RESOURCE PROTECTION**

- A. Where new commercial or industrial development (including resource extraction) is proposed it shall be the responsibility of the applicant to demonstrate that groundwater resources are adequate to support the level of development proposed in accordance with all relevant State laws and regulations for water well permitting and construction for provision of reliable, safe and adequate water service unless water will be supplied by a certificated public utility or an existing State-permitted Non-Transient Public Water or Community Water System.
  
- B. Where new commercial, industrial (including resource extraction), agricultural or residential development, expansion or subsequent phase of development, or a substantial change of use is proposed to use a water system other than on-lot wells it shall be the responsibility of the applicant to demonstrate that a legally binding commitment from the water supplier to provide reliable, safe and adequate water service has been issued.

## SUPPLEMENTARY FLOODPLAIN REGULATIONS

### 600 GENERAL PROVISIONS

#### A. Purpose

It should be noted that this section supplements the Statements of Purpose contained in Section 102 of this Ordinance. The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
2. restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;
3. requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage; and,
4. protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

#### B. Applicability

These provisions shall apply to all lands within the jurisdiction of Mount Pleasant Township and shown on the official Zoning Map as being located within the boundaries of the Floodway, Flood Fringe, and General Floodplain Districts.

#### C. Interpretation of District Boundaries

Where interpretation is needed concerning the exact location of any boundary of any floodplain district, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Board and to submit their own technical evidence if they so desire.

#### D. Compliance

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally-altered except in full compliance with the terms and provisions of this Ordinance including Section 1202 pertaining to Zoning Permits, and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

#### E. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study.

Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such districts, will be free from flooding or damages. This Ordinance shall not create liability on the part of Mount Pleasant Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or from any administrative decisions lawfully made thereunder.

## **601 BASIS FOR FLOODPLAIN DISTRICTS**

The floodplain districts shall include all areas subject to inundation by waters of the 100 year flood. The basis for the delineation of these districts shall be the Flood Insurance Study prepared for Mount Pleasant Township, Columbia County, PA, dated April 16, 1990, by the Federal Insurance Administration, which shall be considered a part of this Ordinance.

These districts shall be overlays to the existing underlying districts as shown on the official Zoning Ordinance Map. As such, the provisions of the floodplain districts shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements for the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

The basis for these districts shall be as follows:

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

The term floodway shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study prepared by the Federal Emergency Management Agency.

- B. The Flood Fringe District (FF) shall be that area of the 100 year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall be the 100 year flood elevations contained in the flood profiles of the referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map. Where there is conflict between the boundary of the Flood Fringe District as shown on the Flood Insurance Rate Map, and elevation of the property as compared to the flood profiles, the profiles shall be the determining factor.
- C. The General Floodplain District (FP) shall be that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by FEMA. For these areas, elevation and floodway information from Federal, State, or other acceptable sources, shall be used when available. When such acceptable information is not available, the applicant for the proposed use, development, or activity shall determine the 100 year elevation in accordance with hydrologic and hydraulic engineering techniques.

Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

All uses, activities, and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of Article 3 of this Ordinance and with all other applicable codes and ordinances of Mount Pleasant Township.

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

## **602 WATER MANAGEMENT USES**

Uses normally associated with water management projects (such as dams, impoundment basins, culverts, sewers, or bridges) may be permitted in the floodplain districts irrespective of the underlying zoning district but shall be subject to review and approval by the Board of Supervisors, Township Planning Commission, and the Department of Environmental Protection. In addition, no alteration or relocation of a stream or watercourse may take place without obtaining the required permit from the Department of Environmental Protection. Prior to such alteration or relocation, adjacent communities, the Pennsylvania Department of Community and Economic Development, and the Federal Emergency Management Agency must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood carrying capacity of any stream or watercourse.

## **603 FLOOD DAMAGE CONTROL PROVISIONS**

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all construction, development and substantial improvements occurring after the effective date of this ordinance in any designated floodplain district(s). (Further guidelines for flood-proofing are available in Flood Proofing Regulations, Corps of Engineers, June 1972.)

### **A. Lowest Floors**

1. The lowest floor levels in non-residential buildings (including basements) shall be constructed at least one and one-half (1 1/2) feet above the 100 year flood elevation or, if constructed below the 100 year flood elevation, be flood-proofed. Flood-proofing shall mean being watertight with walls substantially impermeable to the passage of water to an elevation of at least one and one-half (1 1/2) feet above the 100 year flood elevation and having the capacity to withstand the hydrostatic and hydrodynamic load and effects of buoyancy of the 100 year flood.
2. The lowest floor levels, including basements, in residential structures shall be constructed at least one and one-half (1 1/2) feet above the 100 year flood elevation.

3. To determine the elevation of the 100 year flood where the Study contains some approximated areas, the municipality shall obtain, review and reasonably utilize any elevation information available from Federal, State, or other sources.
4. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Fill

If fill is used to raise the finished surface elevation of the lowest floor of a structure one and one-half (1 1/2) feet above the 100 year flood elevation:

1. fill shall extend laterally 15 feet beyond the building line from all points;
2. fill shall consist of soil or small rock materials only; landfilling of putrescible and other waste materials shall not be permitted;
3. fill materials shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. fill slopes shall be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes, are submitted to and approved by the Zoning Officer; and
5. fill shall be used only to the extent to which it does not adversely affect adjacent properties.

C. Placement of Buildings and Structures

All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

D. Special Requirements for Mobile Homes

1. Within any Floodway Area (FW), mobile homes shall be prohibited.
2. Where permitted within any floodplain area, all homes and additions thereto, shall be:
  - a. placed on a permanent foundation;
  - b. elevated so that the lowest floor of the mobile home is one and one-half (1 1/2) feet or more above the elevation of the 100 year flood;
  - c. anchored to resist flotation, collapse, or lateral movement.

E. Anchoring

1. All buildings and structures, including mobile homes, shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

2. All air ducts, large pipes, storage tanks, and other similar objects or components located at or below the 100 year flood elevation shall be securely anchored or affixed to prevent flotation.

#### F. Floors, Walls and Ceilings

Where a structure is located at or below the 100 year flood elevation, the following standards shall apply.

1. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
2. Plywood and interior finished walls shall be of any "exterior" or "marine" grade of a water-resistant or waterproof variety.
3. Basement ceilings shall have sufficient wet strength and be so installed as to survive inundation.
4. Window frames, door frames, door jams and other such components shall be made of metal or other water-resistant materials.

#### G. Electrical Systems

1. All electrical water heaters, electrical furnaces, electric air conditioning and ventilation systems, and other critical electrical installations shall be permitted only at elevations of one and one-half (1 1/2) feet or more above the 100 year flood elevation.
2. No electrical distribution panels shall be allowed at an elevation less than three (3) feet above the level of the 100 year flood elevation.
3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

#### H. Paints and Adhesives

Where a structure is located at or below the 100 year flood elevation, the following standards shall apply.

1. Adhesives shall have a bonding strength that is unaffected by inundation.
2. Doors and all wood trim shall be sealed with a waterproof paint or similar product.
3. Paints or other finishes shall be capable of surviving inundation.

#### I. Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the 100 year flood elevation.

#### J. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the systems and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

K. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

L. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage systems shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems.

M. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

N. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the 100 year flood elevation.

O. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, including but limited to those listed in Section 606, Development Which May Endanger Human Life, shall not be stored below an elevation one and one-half (1 1/2) feet above the 100 year flood.

**604 EXISTING STRUCTURES**

A structure or use of a structure or premises which lawfully existed in any designated floodplain district before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions.

- A. Existing structures and/or uses located in the Floodway District shall not be expanded, but may be modified, altered, or repaired to incorporate flood-proofing measures, provided that such measures do not raise the level of the 100 year flood.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of less than 50 percent of its market value, shall be flood-proofed and/or elevated to the greatest extent possible.

- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50 percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

#### **605 SPECIAL PROVISION FOR ACCESSORY STRUCTURES**

- A. Accessory structures which are proposed to be built in the Flood Fringe or in the General Floodplain District need not be flood-proofed as called for in Section 603 A. provided that the following provisions are met.
1. The structures are designed and constructed to be able to withstand the hydrostatic and hydrodynamic load of the 100 year flood.
  2. In particular, Sections 603 C., E., F., G., H., I., J., L., and O. shall be adhered to.
  3. Accessory structures shall not be used for human habitation.
- B. The administrative procedures contained in Section 608 and other appropriate Sections of this Ordinance shall apply.

#### **606 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE**

A. Hazardous Materials and Substances

In accordance with the Pennsylvania Floodplain Management Act, and regulations adopted by the Department of Community Affairs as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
  2. will be used for any activity requiring the maintenance or a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
  3. will involve the production, storage, or use of any amount of radioactive substances;
- shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life.

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric Acid
9. Hydrocyanic Acid
10. Magnesium
11. Nitric Acid and Oxides or Nitrogen
12. Petroleum products ( gasoline, fuel oil, etc.)
13. Phosphorus



14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Flood-Proofing Requirements

1. Within any identified Floodway area, any structure of the kind described in sub-section A. above, shall be prohibited.
2. Where permitted within an identified Flood Fringe or General Floodplain area, any new or substantially improved structure of the kind described in Section A. above shall be:
  - a. elevated or designed and constructed to remain completely dry up to at least one and one-half ( 1-1/2) feet above the 100 year flood;
  - b. designed to prevent pollution from the structure or activity during the course of a 100 year flood; and,
  - c. where any such structure, or part thereof, will be built below the Regulatory Flood Elevation, it shall be designed and constructed in accordance with the standard for completely dry flood-proofing contained in the publication Flood-Proofing Regulations ( U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standards.
3. In addition, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety and welfare of the public.
4. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any other requirements of this Section.

**607 ACTIVITIES REQUIRING SPECIAL PERMITS**

A. Identification of Activities Requiring a Special Permit

In accordance with the Pennsylvania Floodplain Management Act (Act 1978-166) and regulations adopted by the Department of Community Affairs as required by the Act, the following obstructions and activities are permitted only by Special Permit, if located partially or entirely within any identified floodplain area.

1. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  - a. hospitals
  - b. nursing homes
  - c. jails or prisons
2. The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

B. Application Requirements

Applicants for Special Permits shall provide five (5) copies of the following items to the

Township:

1. A written request including a completed Zoning Permit Application form.
2. A small scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
  - a. north arrow, scale and date;
  - b. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
  - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet.;
  - d. the location of all existing streets, drives, other access-ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
  - e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
  - f. the location of the floodplain boundary line, information and spot elevations concerning the 100 year flood elevations, and information concerning the flow of water including direction and velocities;
  - g. the location of all proposed buildings, structures, utilities, and any other improvements; and
  - h. any other information which the municipality considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
  - a. sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations as appropriate;
  - b. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
  - c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the 100 year flood;
  - d. detailed information concerning any proposed flood-proofing measures;
  - e. cross-section drawings for all proposed streets, drives, other access-ways, and parking areas, showing all rights-of-way and pavement widths;
  - f. profile drawings for all proposed streets, drives, and vehicular access-ways including existing and proposed grades; and
  - g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
5. The following data and documentation:
  - a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client represented;

- b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the 100 year flood;
- c. a statement certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a 100 year flood, including a statement concerning the effects such pollution may have on human life;
- d. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on the 100 year flood elevations and flows;
- e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows;
- f. the appropriate component of the Department of Environmental Protection' "Planning Module for Land Development";
- g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- h. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and,
- i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a 100 year flood.

### C. Applications Review Procedures

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

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer (if applicable) for review and comment.
2. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.
3. If the Township decides to disapprove an application, it shall notify the applicant in writing of the reasons for the disapproval.
4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development by registered or certified mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development 30 days, after the receipt of the notification by the Department, to review the application and the decision made by the Township.

6. If the Township does not receive any communication from the Department of Community and Economic Development during the 30 day review period, it may issue a Special Permit to the applicant.
7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

D. Special Technical Requirements

In addition to any other applicable requirements, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and any other applicable provisions, the more restrictive provisions shall apply.

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
  - a. fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - 1.) the structure will survive inundation by waters of the 100 year flood without any lateral movements or damage to either the structure itself, or to any of its equipment or contents below the 100 year flood elevation;
    - 2.) the lowest floor elevation (including basement) will be at least one and one-half (1 1/2) feet above 100 year flood elevation; and,
    - 3.) the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the 100 year flood.
  - b. prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
2. All hydrologic and hydraulic analyses shall be undertaken only by a professional engineer or another of demonstrated qualification, who shall certify that the technical methods used correctly reflect accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development.
3. In approving any application for a Special Permit, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purpose of this Ordinance and to protect the general health, safety, and welfare of the public.
4. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

## **608 ADMINISTRATION**

To insure that the aforementioned flood damage controls are being employed in all new construction, development and substantial improvements within any designated floodplain district, including the use of fill, the applicant or developer shall obtain a Zoning Permit. The Zoning Officer shall provide the applicant with information concerning the location of any floodplain district boundary relative to the proposed construction and the water surface elevation of the 100 year flood at the proposed construction site and shall abide by the following procedures.

### **A. Plan Requirements**

The Zoning Officer shall require the following specific information to be included as part of an application for a Zoning Permit.

1. A plan which details size of structure, ground elevation at construction site (in relationship to mean sea level), lowest floor elevation, hydrostatic flood load on walls and floors, condition of soil under and around foundation, types of wall and floor construction, materials and finish, power source and elevations, water supply, sanitary facilities and all flood-proofing measures.
2. A document certified by a registered professional engineer or architect that the proposed flood-proofing measures for any proposed building or structure are adequate to withstand flood depths, pressures, velocities, impact uplift forces and other factors associated with the 100 year flood. The document shall indicate the elevation of the 100 year flood, the ground elevation of the site of each structure and the elevation of the site of each structure and the elevation to which the structure is to be flood-proofed. Such elevations shall be measured from mean sea level (National Geodetic Vertical Datum of 1929). Such documents shall also include a description of the type and extent of flood-proofing measures which have been incorporated into the design of the structure. Such documents shall be kept on permanent file by the Zoning Officer.
3. Appropriate documents indicating that all applicable state and federal regulations, including the Pennsylvania Water Obstruction Act of 1913, the Pennsylvania Sewage Facilities Act of 1966, and the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, have been complied with and appropriate permits obtained.

### **B. Review by County Conservation District**

A copy of all plans for proposed development in any floodplain district shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a permit. The recommendation of the County Conservation District may be incorporated into the plan to provide for protection against predictable hazards. If no comments are received within 14 days the Zoning Officer may take action on the permit.

### **C. Review of Applications by Others**

A copy of all plans and applications for proposed construction within an identified floodplain area may be submitted by the Zoning Officer to any other appropriate agency or individual (e.g. planning commission, municipal engineer, etc.) for review and comment.

## **609 VARIANCES IN FLOODPLAIN DISTRICTS**

In passing upon applications for a variance within any designated floodplain district, the Zoning Hearing Board shall consider all factors specified in other sections of this Ordinance, state law relative to variances, and the following:

- A. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.
- B. Variances may not be given in the Floodway District that will result in any increase in flood levels during a 100 year flood.
- C. Variances may be given for new construction and substantial improvements on lots one-half (1/2) acre or less in size adjoining or surrounded by lots with existing structures constructed below the 100 year flood level.
- D. Variances shall only be given where the applicant shows that granting of a variance will not result in prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense, nor cause fraud on or victimization of the public or conflict with other existing local laws or ordinances.
- E. If any variance is given, written notification shall be given to the applicant indicating that:
  - 1. the granting of a variance may result in increased premiums for flood insurance to the applicant, and
  - 2. construction occurring below the 100 year flood level increases risk to life and property.
- F. No variance shall be granted for any of the requirements contained in Section 606 (Development Which May Endanger Human Life) and Section 607 (Activities Requiring Special Permits), except as may be permitted by the provisions of these Sections.
- G. If granted, a variance shall involve only the least modification necessary to provide relief.
- H. Records of all variance actions including their justification shall be maintained by the community as well as reported in its annual report to the Federal Insurance Administrator.
- I. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures and the effects of buoyancy of the 100 year flood.

## **610 SPECIAL EXCEPTIONS IN FLOODPLAIN AREAS**

In passing upon applications for Special Exceptions in any of the floodplain districts, the Zoning Hearing Board shall consider all relevant factors specified in other sections of this Ordinance and:

- A. the danger to life and property due to increased flood heights or velocities caused by encroachments. In the Floodway, no Special Exception shall be granted which will cause any rise in the elevation of the 100 year flood;

- B. the danger that materials may be swept onto other lands or downstream causing injury of others;
- C. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
- D. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- E. the importance of the services provided by the proposed facility to the community;
- F. the requirements of the facility for a waterfront location;
- G. the availability of alternative locations not subject to flooding for the proposed use;
- H. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- I. the safety of access to the property in times of flooding by ordinary and emergency vehicles;
- J. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
- K. such other factors which are relevant to the purposes of this Ordinance.

**ARTICLE 7**  
**SIGN REGULATIONS**

**700 SIGNS**

Signs may be erected, altered, and maintained only when in compliance with the provisions of this Article and any other appropriate municipal regulations.

**701 DEFINITIONS**

For the purposes of this Ordinance, the following terms shall be defined and applied as follows.

A. Billboards or Advertising Sign Boards

Boards with painted messages or textile or membrane covers with messages which direct motorists or pedestrians to a business establishment or call the attention of a motorist or pedestrian to a product, place, or activity that exists or occurs at a location other than the location upon which the board is erected. Billboards shall be free-standing structures, not including wall signs.

B. Business Identification Signs

Signs or boards that are directly oriented to activities that occur on the same premises as the sign or board. Such signs may be attached to either a wall or the ground.

C. Ground Pole Signs

A sign supported vertically by one or more uprights placed in or on the ground which may be designed to be movable. Such signs may advertise products or items offered for sale or that are directly related to the premises upon which they are located, e.g. business identification signs, or may advertise products or events located elsewhere, e.g. billboards.

D. Temporary Signs

Flags, pennants, ground signs, or special promotional devices intended to be erected for a limited period of time to call attention to a legally permissible special event. Messages, painted or affixed onto buildings or structures or canopies or storage trailers constitute temporary signs.

E. Wall Signs

Signs attached to a wall or part of a wall of a building or structure, not including billboards as defined above, which advertise products sold or directly related to the premises on which they are located, e.g. business identification signs.

**702 GENERAL SIGN REGULATIONS**

The following regulations shall apply to all permitted sign uses.



A. Location

The main supporting structure of all signs shall be set back in accordance with the minimum requirements established in this Article for the specific type of sign and the District in which it is to be located. In no case shall any sign be located closer to any lot line than one-half the required yard for the District in which it is located. Signs shall not be located in any public right-of-way except traffic signs or signs that are required in connection with the provision of municipal services.

B. Illumination

Illuminated signs shall not cause glare or any other disturbance which would be incompatible with the nature of the adjoining neighborhood or which would in any way impair the vision of passing motorists. Illumination shall be steady in nature, not flashing, animated, moving or changing in brilliance, color or intensity. No flashing or animated signs shall be permitted.

C. Attachment

All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the elements and prevent collapse. Signs attached to a building may not project more than 18 inches over a public sidewalk, unless the sign is located at least ten (10) feet above the sidewalk.

D. Anchoring

All ground signs shall be anchored, weighted, spring-loaded, or otherwise designed to minimize wind action. The applicant for a permit shall indicate the method of anchoring to be employed.

E. Access

No sign shall be erected or maintained which prevents free ingress or egress from any door, window or fire escape, or which prevents free access from one part of a roof to any other part. No sign shall be attached to a standpipe or fire escape.

F. Traffic or Visual Obstruction

No sign shall be erected at the intersection of a street which could obstruct a motorist's clear vision. If located within the direct line of vision of any traffic control signal, no sign shall have red, green or amber illumination.

G. Construction and Maintenance

All signs permitted under this Ordinance must be constructed of durable material and shall be adequately maintained to present a legible appearance and to avoid deterioration, decay, or other conditions which could endanger the public health, welfare or safety. Billboards and free-standing signs shall be designed and erected to withstand the forces of wind without becoming airborne during windstorms. Signs over 100 square feet in sign face area or greater than 20 feet high shall be designed and the plans sealed by a professional engineer licensed

To practice in PA. Abandoned signs (with no contracted advertising for six months or longer) shall be immediately dismantled and transported off-site, and all utilities serving the site dismantled or decommissioned, with the land restored as needed. All support structures for signs shall be moved off-site.

H. Landowner's Permission

No sign shall be displayed upon private or public property, other than on that of the applicant, without first being permitted by the owner or agent thereof. Written consent shall be presented with an application for such a permit.

I. Nonconforming Signs

Signs existing at the time of passage of this Ordinance which do not conform to the requirements of the Ordinance shall be considered nonconforming signs, and once removed, shall be replaced with only conforming signs. Nonconforming signs may be painted, repaired or maintained, provided such maintenance or repair does not extend the dimensions of the existing sign.

J. Zoning Permit

A zoning permit shall be required for the erection or alteration of all signs, with the exception of the following, provided the sign face area does not exceed 20 square feet:

- Real Estate
- Professional Name Plates
- Construction Site and Financing Sponsor
- Occupational
- Memorial Tablets
- Directional
- Holiday or Event (e.g. Yard Sales, Party, etc.)
- Public Legal Notices
- Window
- Political
- Historical Markers

K. Fees

Fees for the issuance of zoning permits for signs shall be paid to the Township upon filing of an application for such use and shall be in accordance with the schedule of fees established by Resolution of the Township Supervisors. No fee shall be charged for any permit connected with the erection of a sign necessary for the public welfare.

**703 SIGNS IN THE VC VILLAGE CENTER, R RESIDENTIAL AND A AGRICULTURE DISTRICTS**

The following regulations shall apply to all signs placed or located in the VC, R or A Zoning Districts.

- A. No more than one (1) of each of the following non-flashing, non-animated signs may be permitted on a property at any one time, unless such property is situated on a corner and fronts on two (2) streets, in which case one (1) of each sign may be erected on each frontage.

(A double-faced sign shall count as a single sign.)

1. Name plates. (Maximum size - 6 sq.ft.)
2. Identification signs. (Maximum size - 6 sq.ft.)
3. Home occupation signs. (Maximum size - 6 sq.ft.)
4. Sale and rental signs. (Maximum size - 6 sq.ft.)
5. Development signs. (Maximum size - 20 sq.ft.)
6. Signs advertising the sale of farm or nursery products.  
(Maximum size - 20 sq.ft.)
7. Signs of schools, churches and similar institutions.  
(Maximum size - 20 sq.ft.)

- B. Permitted signs may be located in any portion of a required front yard, but shall be no closer to the adjoining street right-of-way line than ten (10) feet. No sign however, shall be erected which will effectively limit proper sight distance for safety purposes.

#### **704 SIGNS IN THE C COMMERCIAL DISTRICT**

The following signs may be placed or located in the C Commercial Zoning District, subject to the specified requirements.

- A. Those signs permitted in Section 703 A. and B.
- B. Business Identification - Ground Pole Signs. Business identification ground signs may be permitted subject to the following stipulations.
1. No more than one (1) non-flashing, non-animated business identification sign may be permitted on a property at any one time, except when a building is located on a corner lot and has a public entrance on two public streets or where a building has both a front and rear public entrance, then one (1) additional sign may be erected. (A double-faced sign shall count as a single sign.)
  2. The size or area of each sign shall not exceed 100 square feet..
  3. In no case shall the total sign area of all signs on one premises exceed 200 square feet.
  4. Such sign (s) shall not exceed 20 feet in height nor be located closer to the ground than eight (8) feet.
  5. Ground pole signs shall be set back a minimum of 15 feet from the edge of the adjoining public street right-of-way. No sign however, shall be erected or placed which effectively limits proper sight distance for safety purposes.
  6. The sign(s) shall advertise only items sold or directly related to the premises upon which they are located.
- C. Business Identification - Wall Signs. Business identification wall signs may be permitted subject to the following stipulations:
1. No more than one (1) non-flashing, non-animated business identification sign may be placed on any wall.
  2. The size or area of such sign shall not exceed 100 square feet.
  3. The sign shall not extend above the top of the wall nor beyond either side of the wall to which it is attached.
  4. The sign shall not project more than three (3) feet from the wall.

5. The sign shall advertise only items sold or directly related to the premises upon which it is located.

D. Billboards or Advertising Sign Boards. Billboards or advertising sign boards may be permitted subject to the following stipulations.

1. No more than one (1) non-flashing, non-animated billboard may be erected on any premises at one time. (A double-faced sign shall count as a single sign.)
2. The size or area shall not exceed 300 square feet. (Sign area shall not include the main supporting structure, base, or apron but shall include all trim and border area.)
3. The height shall not exceed 35 feet above ground level nor be closer to the ground than fifteen (15) feet when in a parking or vehicular circulation area.
4. No billboards may be erected closer than 500 feet (measured parallel to highway) on the same side of the highway to any other billboard.
5. Billboards shall be set back a minimum of fifteen (15) feet from the edge of the adjoining street right-of-way. No sign may be erected however, which will effectively limit proper sight distance for safety purposes.

E. All applicable provisions of the State's Outdoor Advertising Act of 1971 as amended, Act 160, shall be adhered to where signs are to be erected in areas adjacent to roads or highways in Penn DOT's Primary and Interstate Highway Systems. Any individual desiring to establish a sign in these areas shall contact Penn DOT's Division of Outdoor Advertising to determine if the State's regulations will affect their proposal.

#### **705 SIGNS IN THE OS OPEN SPACE AND RE RESOURCE EXTRACTION DISTRICTS**

- A. Those permitted in Section 703.
- B. No more than one (1) non-flashing, non-animated business identification sign of not more than 50 square feet advertising items directly related to the premises.

#### **706 SIGNS IN THE FF FLOOD FRINGE OR FP GENERAL FLOODPLAIN DISTRICT**

Same as the underlying district, except that no sign may impede natural drainage or the flow of water.

#### **707 SIGNS IN THE FW FLOODWAY DISTRICT**

Signs shall be prohibited in this District except as they might necessarily be placed by Federal, State or local governments for the health, safety, welfare of the people. If such signs are necessary, they shall be designed so as not to impede the natural drainage or flow of water. Where State approval is necessary, the requirements of that agency shall be met prior to the issuance of a Zoning Permit.

## ARTICLE 8

### OFF-STREET PARKING AND LOADING

#### **800 OFF-STREET PARKING**

In all districts, in connection with every use, there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements of this section.

A. Size

Each parking space shall consist of not less than an average of 180 square feet of usable area for each motor vehicle and have a minimum width of nine (9) feet. Parking spaces may be located on a lot other than that containing the principal use, but must be located within 300 feet of the principal building. Such remote parking area shall remain under the control and care of the owner or operator of the use to which it is appurtenant.

B. Surfacing

All required off-street parking areas shall be graded for proper drainage and shall be surfaced so as to provide a durable surface, and shall be so designed to provide for the orderly and safe parking of vehicles.

C. Access

Adequate provisions shall be made for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to a minimal number of well-defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted, except where the parking area is less than 35 feet in depth. Parking areas shall be designed so there will be no need for motorists to back over major thoroughfares.

D. Lighting

Any lighting which is used to illuminate off-street parking or loading areas shall be mounted and shielded in such a manner to effectively eliminate direct glare on adjacent properties or upon public streets.

E. Required Spaces

Off-street parking shall be provided as set forth in TABLE 8-1. In cases of any building, structure, or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Hearing Board, shall apply.

## TABLE 8 - 1

### OFF STREET PARKING SCHEDULE

1. Churches, schools and similar places of assembly.	1 for each 5 seats in an auditorium or 1 for each 15 classroom seats; whichever is greater.
2. Community buildings and social halls, theaters, or places of public assembly.	1 for each 4 seats provided.
3. Dwelling. (Single-family and conversion apartments.)	2 for each family or dwelling unit.
4. Dwellings. (Multi-family units.)	2 per dwelling unit.
5. Rooming houses, hotels, motels or transient lodging facilities.	1 per guest room plus 1 for each 3 employees.
6. Restaurants, bars or taverns.	1 for each 3 customer seats plus 1 for each employee.
7. Retail stores, store groups, shops, service stations, and service outlets.	1 for each 150 square feet of floor space.
8. Wholesale establishments or warehouses.	1 for each 150 square feet of gross floor area.
9. Offices - General.	1 for each 200 square feet of floor area.
10. Professional offices or clinics.	5 for each office.
11. Nursing or convalescent homes.	1 for each 3 beds, plus 1 for each 2 employees.
12. Parks, playgrounds and public or semi-public recreational facilities.	1 space for each 5 persons of total facility capacity.
13. Industrial activities.	1 for each 2 employees in the maximum work shift.

## **801 OFF-STREET LOADING**

In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing, commercial, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading or unloading berths as follows:

4,000 - 8,000 square feet -----	1 space
8,000 - 40,000 square feet -----	2 spaces
40,000 - 250,000 square feet -----	3 spaces

The space required in each instance shall be not less than 12 feet in width, 60 feet in length, with 14 feet of overhead clearance, and may occupy all or any part of any required side or rear yard, but shall not hinder the free movement of vehicles and pedestrians over a street, right-of-way, or sidewalk. The loading area shall be designed so that there will be no need for truckers or motorists to back over public rights-of-way.

## **802 ACCESS DRIVES**

All parking and loading areas and access drives shall be designed according to the following standards.

- A. The general lot layout shall be such that there will be no need for motorists to back over public rights-of-way.
- B. Access drives shall be constructed of a durable, all-weather material and shall not exceed 35 feet in width, except as may be increased by the curb radii.
- C. The number of access drives shall not exceed two (2) per lot on any one street frontage. The Zoning Hearing Board may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.
- D. Access drives shall not cross the street right-of-way line:
  - 1. within five (5) feet of a fire hydrant, catch basin, or drain inlet,
  - 2. within ten (10) feet of a property line, in the case of commercial and industrial uses, nor
  - 3. within three (3) feet of a property line unless two adjoining owners mutually agree to a common access drive, in residential areas, including the provisions for maintenance thereof.
- E. Driveways shall be constructed in a manner that will not impair the drainage within a street right-of-way or any adjacent area. Where necessary, a drainage pipe of sufficient diameter shall be installed under the driveway at the property owner's expense. The applicant shall be directed to the appropriate municipal official to determine the proper size and location for such installation.
- F. Access to public highways or streets shall be controlled in the interest of public safety. The off-street parking, loading and service areas on all properties, used for any purpose other than

single-family residences, required by this Article shall be physically separated from the highway or street by a curb, pipe rail or fence and/or a planting strip or buffer yard. (See also Section 504.)

### **803 GENERAL STANDARDS**

- A. A scaled drawing of proposed off-street parking and loading areas, access drives, and walks shall be submitted as part of any required plot plan. Any plan requiring access onto a State Highway shall be approved by the Pennsylvania Department of Transportation in addition to being approved by the Township.
- B. In addition to the standards listed above, the driveway design guidelines set forth in TABLE 8-2 shall be utilized to the greatest extent possible. Where subdivision is involved, and where conflict occurs with the County Subdivision and Land Development Ordinance driveway and access road design guidelines, the standards contained in this Article shall apply. (See next page for TABLE 8-2.)



**TABLE 8 - 2****DRIVEWAY DESIGN GUIDELINES**

<b>Type of Development</b>	<b>Driveway Min. Width</b>	<b>Driveway Max. Grade</b>	<b>Minimum Curb Radius</b>	<b>Minimum Intervals</b>	<b>Minimum Sight Distance</b>
<b>A. Single Family Residential</b>	10 ft.	15% <sup>1</sup>	10 ft.	40 ft. <sup>2</sup>	150 ft. <sup>4</sup>
<b>B. Multi-Family Residential<sup>5</sup></b>	20 ft.	12% <sup>1</sup>	15 ft.	40 ft. <sup>3</sup>	200 ft. <sup>4</sup>
<b>C. Non-Residential</b>	15 ft.	8% <sup>1</sup>	15 ft.	40 ft. <sup>3</sup>	300 ft. <sup>4</sup>

<sup>1</sup> All driveways shall provide a stopping or leveling area which extends 20 feet beyond the edge of the road cartway. This leveling area shall not exceed a maximum of 5% in grade nor intersect the shoulder of roads so as to produce a change in grade exceeding 8%. The leveling area shall intersect the street or road at an angle of no less than 60 degrees and preferably 90 degrees.

<sup>2</sup> Between an intersection and the first driveway only.

<sup>3</sup> Between any two (2) points of access, including both driveways and public streets.

<sup>4</sup> Minimum sight distance shall be measured from the point of intersection of the driveway centerline and the street right-of-way line to a point on the cartway centerline. No significant obstructions or plantings higher than 36 inches or tree limbs lower than eight (8) feet shall be permitted within this area.

<sup>5</sup> For the purpose of driveway design, the multi-family residential design criteria shall be used for driveways providing access to five (5) or more dwelling units. All other dwelling units shall meet the driveway requirements for single-family residential use.

<sup>6</sup> Where dropped curbs are used to provide driveway access, the minimum width of the dropped curb shall be 20 feet for single family residential uses and 35 feet for multi-family and non-residential uses. The transition from the normal driveway width to the width of the dropped curb shall begin 10 feet back from the edge of the curb for single family residential and 15 feet back for multi-family and non-residential.

## ARTICLE 9

### NONCONFORMITIES

#### 900 NONCONFORMING USES AND STRUCTURES

Any nonconforming use or structure legally existing at the time of the adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued, altered, reconstructed, changed, sold, or maintained even though it does not conform to the regulations of the district in which it is located, except as provided below. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed. (For nonconforming lots see Section 901.)

#### A. Abandonment

If any nonconforming use or structure is abandoned for a period of one (1) year, the future use of such building or land shall be in conformity with the District Regulations. A nonconforming use shall be judged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

#### B. Alteration and Reconstruction

1. Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use.
2. A nonconforming building which is damaged by fire, flood, or other natural causes may be reconstructed, restored, and used as before provided that:
  - a. said reconstruction commences within one (1) year of the damage;
  - b. said reconstruction shall not exceed the size, bulk, and area that existed prior to the damage, unless approved by the Zoning Hearing Board;
  - c. the location of said reconstruction does not create a safety hazard;
  - d. where the nonconformity is located within the Flood Fringe or General Floodplain of the 100 year floodplain, the new construction should comply, to the extent possible, with all of the flood-proofing requirements contained in Article 6 of this Ordinance; and,
  - e. where the nonconformity is located within the Floodway portion of the 100 year floodplain, the reconstruction may not cause any rise in elevation of the 100 year flood.

#### Extensions or Enlargements

1. Extensions or Enlargements may be made to nonconforming structures or uses provided that:
  - a. the extensions or enlargements do not extend the structure or use by more than 50% of the area occupied by such at the effective date of this Ordinance;
  - b. the nonconforming structure or use is not located in a Floodway District;
  - c. the Zoning Hearing Board approves such proposed extension or enlargement;
  - d. the extensions or enlargements shall conform to the yard and height regulations of the district in which the structure or use is situated; and,
  - e. in the case of a nonconforming use, be immediately adjacent to the existing nonconforming use.

2. For nonconforming uses whose normal operations involve natural expansion (quarries, junk yards, cemeteries, etc.), expansion shall be permitted by right up to 25 percent at the effective date of this Ordinance. For expansion beyond 25 percent, a Special Exception shall be required from the Township Zoning Hearing Board.
3. A nonconforming use shall not be extended to displace a conforming use.

D. Change of Use/Restoration

A nonconforming use of a building or land may be changed to a nonconforming use of the same or a more restricted classification. Whenever a nonconforming use of a building or land has been changed to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification. Once changed to a conforming use, such use shall not be changed back to a nonconforming use.

E. Registration

The Zoning Officer shall identify and register the nonconforming uses and structures existing as of the effective date of this Ordinance, for the purpose of insuring the right to continue said use. A certification of nonconformance shall be issued by the Zoning Officer for all such uses. Nothing herein shall require any change in plans, construction, or designated use of a building or structure which complies with existing use of a building or structure which complies with existing laws or for which a permit was granted and/or where the construction shall have started before the date of adoption of this Ordinance or applicable amendment thereto.

**901 NONCONFORMING LOTS**

Any nonconforming lot legally existing at the time of the adoption of this Ordinance or which is created whenever a district is changed by amendment hereafter, may be continued and/or maintained even though it does not conform to the regulations of the district in which it is located. It is not the intent of this Ordinance to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.

In the case of a lot of record which existed at the effective date of this Ordinance which does not meet the minimum area requirements for the district in which it is located, a permitted structure may be placed on the parcel provided that:

- A. the owner does not own adjoining land which could be combined to form a conforming lot;
- B. each side yard is not less than five (5) feet when adjoining another lot and ten (10) feet when adjacent to any street right-of-way line;
- C. the rear yard is not less than ten (10) feet;
- D. the front yard conforms to the minimum distance required;

- E. where needed, the site has an approved sewage disposal system or an appropriate sewage permit; and,
- F. provided that the site and its intended use complies with all other applicable provisions of this Ordinance.

## ARTICLE 10

### ZONING HEARING BOARD

#### **1000 ORGANIZATION AND PROCEDURE**

##### A. Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, a Zoning Hearing Board is hereby established in Mount Pleasant Township.

##### B. Appointment and Membership

The Board shall consist of three (3) residents of Mount Pleasant Township to be appointed by resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. A Board member may be removed by the Township Supervisors for just cause only after written charges are filed and only after the member to be removed has received 15 days advance notice of the Township's intent to take such a vote. A hearing shall be held in connection with the vote if the member to be removed shall request it in writing to the Township Secretary. Members of the Board shall hold no other office in the Township. Two (2) alternates shall be appointed for terms of three (3) years to serve in the event of absence or conflict of interest of a regular member.

The Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case by case basis, in rotation according to declining seniority. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially designated until the Board has made a final determination of the matter or case.

##### C. Appointment to Fill Vacancies

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Appointments to fill such vacancies shall be made in the same manner as the original appointment.

##### D. General Grant of Power

The Board shall perform all the duties and all the powers prescribed by Act 247 of 1968, as amended, the Pennsylvania Municipalities Planning Code, and as herein described.

#### **1001 POWERS AND DUTIES**

The Board shall hear and decide appeals pursuant to the provisions of Act 247 of 1968, as amended and shall have the following powers.

##### A. To Hear and Decide Appeals

1. The Board shall hear and decide appeals from and review any order, requirements,

decision or determination made by the Zoning Officer administering this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under the provisions of this Ordinance, including Sections 203 C., 427 D., 800 E., 802 C., and 900 B.2. and C.1. Where the party receiving an Enforcement Notice under the provisions of this Ordinance appeals said Notice and the Township Zoning Hearing Board, or a Court of competent jurisdiction, rules in favor of the party appealing the Enforcement Notice, the Filing Fee for that appeal shall be returned to the appealing party. In any appeal of an Enforcement Notice to the Zoning Hearing Board the Township shall have the responsibility of presenting its evidence first.

2. The Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or planned residential development contained in Articles 5 and 7 of the PA Municipalities Planning Code, as amended.
3. The Board shall hear and decide appeals from a determination by the municipal engineer or Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provision within a land use ordinance.
4. Where the party receiving an Enforcement Notice under the provisions of this Ordinance appeals said Notice and the Township Zoning Hearing Board, or a Court of competent jurisdiction, rules in favor of the party appealing the Enforcement Notice, the Filing Fee for that appeal shall be returned to the appealing party. In any appeal of an Enforcement Notice to the Zoning Hearing Board the Township shall have the responsibility of presenting its evidence first.

B. To Hear and Decide Challenges to the Validity of the Ordinance or Map

The Board shall have the authority to hear and decide substantive challenges to the validity of this Ordinance and its map or any Township land use ordinance, except those brought before the Township Supervisors regarding Landowner Curative Amendments pursuant to Sections 609.1 and 916.1(a)(2). of the PA Municipalities Planning Code, as amended. Claims asserting that there was a defect on the process of enactment of the Ordinance or any amendment to it shall be raised within 30 days after the effective date of the Ordinance or amendments thereto.

C. To Hear and Decide Requests for Variances

The Board may vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow or shallow lots or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. The sole purpose of any variance shall be to prevent discrimination and no variance shall be granted which would have the effect of granting a special privilege not shared by other property owners in the same vicinity and district and under the same conditions. (See Section 609 for additional information regarding variances in the Floodplain Districts and Appendix A for an illustration of the variance procedure.) No variance in the strict application of any provision of this Ordinance shall be granted by the Board unless it finds:

1. that there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
2. that because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
3. that such unnecessary hardship has not been created by the appellant;
4. that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare; and,
5. that the variance, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

D. To Hear and Decide Interpretation

The Board shall, upon appeal of a determination by the Zoning Officer, decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

E. To Hear and Decide Requests for Special Exceptions

The Board may grant Special Exceptions only for such uses as are provided for in Article 3, the District Regulations, and pursuant to the express standards and criteria outlined in Article 4. In making such determinations, the Board may attach reasonable conditions and safeguards, in addition to those already expressed in this Ordinance. The Board's decision to grant a permit for a Special Exception shall be made only after public notice and hearing. (See Section 1002.) Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent changes or additions shall be subject to further review and public hearing by the Zoning Hearing Board as a separate Special Exception use. (See Section 610 for additional information regarding Special Exceptions in the Floodplain Districts and Appendix B for a chart illustrating the Special Exception procedure.) In reviewing requests for Special Exceptions, the Board shall take into account the following requirements along with those found in Article 4 and in other applicable sections of this Ordinance:

1. that the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected;
2. that the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located;
3. that the use will be compatible with adjoining development and the proposed character of the zoning district where it is to be located.
4. that adequate landscaping and screening is provided as required herein;
5. that adequate off-street parking and loading is provided and ingress and egress is designed to cause minimum interference with traffic on abutting streets; and,

6. that the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments.

## **1002 HEARING PROCEDURES**

### **A. Parties Appellant Before Board**

Appeals from a decision of the Zoning Officer and proceedings to challenge the validity of the Ordinance may be filed with the Board in writing by any officer or agency of the Township or by any person aggrieved. Requests for a variance or special exception must be filed with the Board by any landowner or an authorized agent or tenant with permission to appeal of such landowner, or by the Zoning Officer.

### **B. Applications Required**

All requests and appeals made to the Board shall be in writing and in such form as may be prescribed by the Zoning Officer. Every appeal or request shall refer to a specific provision of this Ordinance and shall exactly set forth the interpretation that is claimed or shall include the plans for a special exception or the details of the variance that is applied for, in addition to the following information:

1. the name and address of the applicant or appellant;
2. the name and address and permission to appeal of the owner of the parcel to be affected by such proposed change or appeal;
3. a brief description and location of the parcel to be affected by such proposed change or appeal;
4. a statement of the present zoning classification of the parcel in question, the improvements thereon and the present use thereof; and,
5. a reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the property to be affected, indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon.

### **C. Procedure for Zoning Officer**

1. The notice of appeal in any case where a permit has been granted or denied by the Zoning Officer shall be prescribed by the Board under general rule after notice of such action granting or denying the permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.
2. It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of action in cases where substantial justice requires the same but where there is not sufficient authority to grant the relief sought.



D. Hearings Required and Notice of Hearings

The Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, special exception, challenge or other matter requiring the Board's decision or other official action. Upon the filing of an appeal or application request with the Zoning Hearing Board, the Board shall, within 60 days of receipt of the application, fix a reasonable time and place for and hold a public hearing thereon, giving notice as follows:

1. publish Public Notice in accordance with the definition of "Public Notice" in Article 14 of this Ordinance;
2. post in a conspicuous place on the property involved a notice of the pending hearing and action; such notice shall take place at least 14 days prior to the public hearing;
3. give written notice to the Township Secretary and Secretary of the Township Planning Commission at least 14 days prior to the hearing. (However, where the Zoning Hearing Board is requesting comments on an application from the Planning Commission, the Township Planning Commission shall be given notice at least 30 days prior to the hearing); and,
4. in case of an appeal, a request for a variance or in a case involving an application for a special exception use, all adjacent property owners (especially those within 300 feet of the nearest line of the property for which the variance or special exception is sought) shall be given written notice within seven (7) days of the hearing.

E. Rules of Conduct

The Board shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman or the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record. All hearings and meetings of the Board shall be open to the public. The Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Board's activities shall be submitted to the Township Supervisors once each year. A quorum of two (2) Board members shall be required for the Board to take action.

F. Decisions

The Board shall render a written decision or, when no decision is called for, make written findings and any application brought before them within 45 days after the date of the last hearing on said application. Every decision of the Board shall be based on stated findings of fact and every finding of fact shall be supported in the record of the hearing. The enumerated conditions required to exist for the authorization of a variance and the conditions for the granting of a special exception, shall be construed as limitations of the power of the Board to act. A mere finding of recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact and shall not be deemed compliance with this Ordinance. In exercising the above-mentioned powers, the Board may, in conformity with the

provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate. A copy of the final decision or findings must be delivered to the applicant personally or must be mailed not later than the day after the date of the report. All other persons interested in the result or who filed an appearance or testified during the Hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

G. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof.

H. Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Board, after hearing all the evidence presented upon an application or appeal under the provisions of this Ordinance, denies the same, the Zoning Hearing Board shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, a successor or assign for a period of one (1) year, except and unless the Zoning Hearing Board shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Hearing Board and adopted by the unanimous vote of the members present, but not less than a majority of all members.

I. Failure to Hold Required Hearing or Render Decision

If the Board fails to hold the required Hearing or fails to render a decision within the prescribed time periods, a decision shall be automatically rendered in favor of the applicant. However, the applicant may agree in writing to an extension of the 60 day and/or 45 day time requirements. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Township must give notice to the public of this decision within ten (10) days from the last day the Board could have met to render a timely decision.

J. Stay of Proceedings

An appeal to the Zoning Hearing Board shall automatically stop all affected land development. However, if the Zoning Officer or other appropriate agency certifies that such a halt could cause an imminent danger to life or property, then the development may only be stopped by a restraining order granted by the Zoning Hearing Board or by the court having jurisdiction, on petition, after notice to the Zoning Officer and any other appropriate agency.

K. Appeals

Any person aggrieved by any decision of the Board may appeal therefrom within 30 days to the Court of Common Pleas of Columbia County. (See Article X of Act 247 of 1968, as amended.)

L. Time Limitations

No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that they had no notice, knowledge, or reason to believe that such approval had been given.

# ARTICLE 11

## AMENDMENTS AND CONDITIONAL USES

### 1100 AMENDMENTS TO ZONING ORDINANCE OR MAP

The municipality may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. (See Appendix C of this Ordinance for an illustration of the amendment procedure.)

For Curative Amendments see Section 609.1, Procedure Upon Curative Amendment, under Article VI of Act 247 of 1968, as amended.

#### A. Review by Planning Commission

Every such proposed amendment or change, whether initiated by the Township Board of Supervisors or by petition, shall be referred to the Township Planning Commission and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) shall fail to file such report before the public hearing it shall be presumed that the Planning Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

#### B. Public Hearing

The Township Board of Supervisors shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) consecutive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days nor less than 14 days before the date of the hearing and the second ad shall appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

In addition, where the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points along the tract deemed sufficient by the Township to notify potentially interested citizens. The affected tract or area shall be posted at least seven (7) days prior to the hearing. Where the proposed amendment involves a Zoning Map change, notice of said public hearing shall be mailed at least thirty days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, except when a comprehensive rezoning is being proposed. For a comprehensive rezoning, each major area for which a change is proposed shall be conspicuously posted by the Township at points along the tract deemed sufficient by the Township to notify potentially interested citizens.

#### C. Opportunity to be Heard

At the public hearing, full opportunity to be heard shall be given to any citizen and all parties in interest.

D. Enactment of Amendment

The adoption of an amendment shall be by simple majority vote of the Township Board of Supervisors. The vote of the Supervisors shall be within 90 days after the public hearing. If the Supervisors fail to take action within 90 days, the proposed amendment shall be deemed to have been denied.

E. Notice of Enactment

Prior to taking action on a proposed new zoning ordinance or amendment, the Township Supervisors shall give notice of proposed enactment by publishing notice of the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Township Supervisors shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared or reviewed by the Township Solicitor, and setting forth all the provisions in reasonable detail. If the full text is not included:

1. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
2. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County office designated by the County Commissioners.

In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Township Supervisors shall, at least ten (10) days prior to enactment, re-advertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

F. Filing of Ordinance or Amendment

Within thirty (30) days of the enactment of a Zoning Ordinance or amendment, a copy of the ordinance or amendment shall be forwarded to the County Planning Commission.

**1101 CONDITIONAL USES**

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Secretary of the Township Board of Supervisors. The Supervisors shall then select a date and advertise for a Public Hearing on the proposal. In addition, the Supervisors shall forward a copy of the application to the Township Planning Commission for their review and recommendation. The Township Planning Commission shall conduct its review and make its recommendations within 45 days of receipt of such request. Within 90 days of receipt of a Conditional Use application, the Supervisors shall either approve or disapprove the proposal. In making Conditional Use approvals, determinations or decisions the Supervisors may attach such reasonable conditions and

safeguards as they deem appropriate to protect the public welfare and to implement the purposes of this Ordinance. (See Appendix D of this Ordinance for a chart illustrating this procedure.) All applications for such uses shall include a written statement describing the tract of land and its intended use and a site plan of the proposed development in accordance with the following criteria.

A. The Written Statement

The written statement shall include the following information:

1. location of the tract of land;
2. present use of adjoining tracts;
3. present use of the tract for which the conditional use is requested;
4. the type of conditional use for which the application is made;
5. a brief description of the type and extent of the activities;
6. an estimate of the total development cost of the conditional use; and,
7. the names of the applicant, the owner of the tract, the developer of the conditional use and the name of the person or organization who will operate the conditional use.

B. The Site Plan

The site plan shall be drawn to a scale sufficient to clearly show the features of the tract and shall include:

1. title block containing the name of the developer or landowner, date, scale and the name and profession of the preparer of the plan;
2. tract boundaries showing bearings and distances;
3. existing significant natural or man-made features of the site;
4. existing and proposed streets, rights-of-way, easements, means of access and setback lines;
5. existing buildings, sewers, water mains, culverts, transmission lines, fire hydrants on or adjacent to the site;
6. proposed grading and drainage plan;
7. proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences;
8. plans of any proposed sanitary sewer or storm sewer systems and water supply system; and,
9. location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or enclosed area of the tract.

C. Criteria for Conditional Uses

The Governing Body shall, in making decisions on each application for a Conditional Use, consider the following:

1. the purpose of the zone in which a requested conditional use is located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of land;
2. whether the specific site is an appropriate location for the use, structure or condition;
3. whether the use developed will adversely affect the neighborhood;

4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
5. whether adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use;
6. the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,
7. whether satisfactory provision and arrangement has been made concerning the following:
  - a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or catastrophe;
  - b. off-street parking and loading areas;
  - c. waste storage and collection;
  - d. utilities, with reference to locations, availability and compatibility;
  - e. screening and buffering with reference to type, dimensions and character;
  - f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,
  - g. required yards and open spaces.

D. Hearing Procedures

Before rendering their decision on a Conditional Use application, the Governing Body shall hold a public hearing. Said hearing shall be conducted in accordance with the criteria set forth herein for Zoning Hearing Board hearings. (Section 1002.) The burden of proof for presentation of the Conditional Use request shall rest with the applicant.

E. Decisions

The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based upon any provisions of the PA Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

Within 100 days after completion of the applicant's case in chief for a Conditional Use application the hearing shall be completed, unless extended for good cause upon application to the Court of Common Pleas, the Supervisors shall complete the hearing. Failure to complete the hearing shall be deemed to have been a decision in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required in the public notice provisions of this Ordinance. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.

Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. 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 no later than the day following its date.



## ARTICLE 12

### ADMINISTRATION AND ENFORCEMENT

#### 1200 ZONING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Zoning Officer who shall be appointed by the Township Board of Supervisors, hold no elective office in the municipality, may be compensated for the work and shall have the following duties:

- A. to receive and process applications for permits, certificates, variances, special exceptions, conditional uses, appeals and other applications required under the terms of this Ordinance;
- B. to prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- C. to issue permits for the construction, alteration and occupancy of all uses or buildings which are in accordance with the requirements of this Ordinance, within 15 days after receipt of an application for such a permit. In cases of applications for a Conditional Use, a Special Exception or a Variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board and in certain instances (i.e. a Conditional Use request) hearings before the Governing Body;
- D. to refuse applications of permits or certificates which do not meet the requirements of this Ordinance, within 15 days following receipt of such application. Such refusal shall be in writing and shall state the reasons for such action;
- E. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;
- F. to issue notice of violation to any person violating any provision of this Ordinance. Said written notice shall state the action that is deemed to be in violation. Duplicate copies of such notices shall be referred to the Zoning Hearing Board and to the Board of Supervisors. The Zoning Officer shall also issue citations where violations are not rectified;
- G. to maintain and update the official Zoning Map;
- H. to keep records of applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued, and make monthly report of same to the Township Supervisors;
- I. to identify, register, and list all nonconforming uses and structures existing at the effective date of this Ordinance and to make such list available for public inspection upon request (See also Section 900 E.);
- J. to perform such other duties as may be provided or made necessary by the terms of this Ordinance; and,

- K. to institute, after review with the Township Supervisors and Township Solicitor, civil enforcement proceedings with the appropriate District Justice on behalf of the Township as a means of enforcing this Zoning Ordinance.

## **1201 GENERAL PROCEDURE FOR ZONING PERMIT APPLICATION**

All persons desiring to undertake any new construction, structural alteration, or change in the use of a building or lot shall apply to the Zoning Officer for a Zoning Permit by completing the appropriate application form and by submitting the required fee. (In addition to meeting the requirements of this Ordinance, the applicant shall meet all other regulations or codes in effect in Mount Pleasant Township or as may be hereafter adopted. Nothing in this Ordinance shall exempt the applicant from obtaining any permits which may be required by such regulation.) The Zoning Officer shall then either issue or deny the Zoning Permit or refer the application to the Zoning Hearing Board or Governing Body for their consideration. After the applicant has received the Zoning Permit, they may proceed with the proposal as approved. Following completion of the project, the applicant shall apply to the Zoning Officer for a Certificate of Occupancy. If the Zoning Officer finds that the project has been completed in accordance with the terms of the Zoning Permit, a Certificate of Occupancy shall be issued thus allowing the premises to be occupied. (The specifics of each step in this process are discussed in Section 1202.)

## **1202 ZONING PERMITS AND CERTIFICATES OF OCCUPANCY**

### **A. Requirements of Zoning Permits**

A Zoning Permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use or change in use of a building or land; prior to the erection or alteration of signs except as specified in Article 7; prior to the change or extension of a non-conforming use or prior to development in any Floodplain District; except as listed below. (In some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)

Zoning Permits shall not be required for the following activities:

1. alterations when there is no increase in ground floor exterior dimension and no change in use;
2. general maintenance and repair to existing building or structures; including siding, roofing, painting, the addition of storm windows, and similar activities;
3. crop farming;
4. landscaping;
5. construction or erection of fences, unenclosed or uncovered patios, terraces, steps or other similar features;
6. placement or location of private utility lines so long as they do not cross or occupy public roads or right-of-way;
7. razing of buildings; and,
8. other activities or construction undertaken in strict conformance with the District Regulations (Article 3) which do not exceed \$500.00 in value (as determined by the Zoning Officer.)

B. Applications for Zoning Permits

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer. All applications for Zoning Permits shall be accompanied by plans drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any building existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as may be necessary to determine compliance with this Ordinance and all other pertinent regulations.

C. Proof of Compliance

It shall be the responsibility of the applicant in all cases to furnish adequate information and to certify that the proposed use will comply with all regulations, including performance standards that will comply with all regulations and that will permit carrying out the provisions of this Ordinance. Included in the information shall be a copy of a sewage permit when one is needed for the disposal of sewage from a proposed building. Also, if Labor and Industry regulations apply, the applicant shall supply evidence which shows that these regulations have been met.

D. Changes

After the issuance of a Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Zoning Officer. Requests for any such change shall be made in writing and shall be submitted to the Zoning Officer for consideration.

E. Placard

In addition to the Zoning Permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Zoning Permit, the date of its issuance, a description of the construction authorized and bear the signature of the Zoning Officer.

F. Time Limitations

Work on the proposed construction shall begin within six (6) months after the date of issuance of the Zoning Permit and shall be completed within 24 months after the date of such permit or the permit shall expire unless a time extension is granted in writing by the Zoning Officer. Time extensions shall be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to grant such a request. For the purpose of this Ordinance, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, and excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

G. Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all other applicable Township laws. The Zoning Officer shall make as many inspections as necessary to determine this compliance.

H. Requirements

No land shall be occupied or used and no building hereafter erected, altered or extended, shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Zoning Officer, stating that the buildings or proposed use thereof complies with the provisions of this Ordinance. The applicant shall notify the Zoning Officer upon completion of the permitted activity and the Certificate shall be issued within 15 days after the activity has been inspected and approved as complying with the provisions of this Ordinance and the issued permit. Once granted, the certificate shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants, or unless the permit must be renewed in accordance with Article 4 of this Ordinance.

I. Revocation of Permits

The Zoning Officer may revoke a Zoning Permit at any time if it appears that the application or accompanying plan is in any material respect false or misleading or that work being done upon the premises differs materially from that called for in the application. In such case, the person holding the permit shall immediately surrender it to the Zoning Officer. A report of such revocation shall also be submitted to the Township Board of Supervisors for whatever action they may deem necessary.

J. Temporary Permits

A temporary permit may be authorized by the Township Supervisors for a nonpermanent structure or use not generally permitted which it deems beneficial to the public health or general welfare, or necessary to promote the proper development of the community, provided that such structure or use shall be completely removed upon expiration of the permit without costs to the Township. Such permits may be issued for a period of time not to exceed 1 year, and may be renewed for no more than two (2) additional year periods.

**1203 VIOLATIONS**

Failure to secure a Zoning Permit when required hereunder or failure to secure a Certificate of Occupancy or failure to carry out the provisions of this Ordinance, shall be considered a violation of this Ordinance.

A. Notice of Violations

Whenever the Zoning Officer determines or suspects that there has been a violation of any provision of this Ordinance, the Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. be in writing, stating the location of the property in violation and the owner of record and any other person against whom action is intended;
2. identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance;
3. allow a reasonable time (not to exceed a period of 30 days) for the correction or abatement of the alleged violation;
4. be served upon the property owner or the agent, occupant, contractor or builder as the case may require, or be forwarded by certified (receipt requested) mail;
5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance;
6. notify the recipient of the right to appeal to the Zoning Hearing Board prior to the expiration of the time period set for response to the notice; and,
7. indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted or remedied as provided by this Ordinance.

When such notice has been served by the Zoning Officer, the violation shall be discontinued immediately.

#### B. Penalties

Any person, partnership or corporation who shall violate the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of 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 fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

The Columbia County 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.

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.

C. Remedies

In case any building or structure is erected, constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Zoning Officer may institute in the name of the Township, any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation or to prevent any illegal act, conduct, business or use in or about such premises.

**1204 FEES**

Fees for the issuance of Permits, Certificates for Ordinance Amendments, Special Exceptions or Conditional Uses, variances and other zoning actions shall be paid to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by Resolution of the Board of Supervisors.

## ARTICLE 13

### ENACTMENT AND MISCELLANEOUS PROVISIONS

#### **1300 INTERPRETATION, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township. The 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 land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinance, the provisions of this Ordinance shall control.

#### **1301 REPEALER**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed, including the Mount Pleasant Township Zoning Ordinance, enacted December 3, 1979. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

#### **1302 SEVERABILITY AND VALIDITY**

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part or application thereof shall be held illegal, invalid or unconstitutional, by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or applications. It is hereby declared to be the legislative intent of the Township Board of Supervisors, that this Ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.





## ARTICLE 14

### DEFINITIONS

#### 1400 INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, the plural the singular; the word "structure" shall include the word "building;" the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used;" and the word "shall" is mandatory and not optional. The word "auto" shall mean "automobile," "truck," "semi-trailer," "truck trailer," "motorized conveyance" or "motorized vehicle," except farm or construction equipment and machinery. The word "person" shall mean any individual, group of individuals, partnership, company, corporation, association, institution, cult, cooperative enterprise, or sect. In any provisions of this Ordinance prescribing a procedure, requirement, fine, penalty, imprisonment or combination thereof, the term "person" shall include the officers and directors of any corporation or legal entity having officers and directors and the requirements or effects and responsibilities imposed herein shall apply individually and collectively.

#### 1401 DEFINITION OF TERMS

**ABANDONED:** The visible or otherwise apparent discontinuance of a non-conforming use of a building or premises, or the removal of the characteristic equipment or furnishing used in the performance of a non-conforming use without its replacement by similar equipment or furnishings, or the replacement of the non-conforming use or structure.

**ACCESS DRIVE:** A durable, all-weather surfaced means, other than a street, which provides vehicular access from a street or public road to a lot; e.g. a driveway.

**ACCESSORY USE OR STRUCTURE:** A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

**ADULT BOOK STORE:** Any commercial establishment from which minors are to be excluded, and in which the retail sales of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions depicting nudity or sexual conduct is the primary or major purpose of the establishment.

**ADULT MOTION PICTURE THEATER:** An enclosed building used for the presentation of material distinguished or characterized by its emphasis on matter depicting, describing, or relating to sexual activities or anatomical areas for observation of the patrons therein.

**AGRIBUSINESS:** The direct sale of agricultural products or commodities primarily produced on the premises.

**AGRICULTURAL OPERATION:** An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and

aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities.

**ALTERATION:** Any major change or rearrangement in or addition to a structure.

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

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

**AREA, NET SITE:** The total area within the property lines, excluding external street rights-of-way.

**AUTHORITY:** A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L.382, No. 164) known as the "Municipality Authorities Act of 1945".

**AUTO SALVAGE OPERATION:** The accumulation, storage, dismantling, parts or components storage and resale, auto body compaction or shredding, trucking of wrecked or abandoned vehicles into the site or parts/components away to markets, and retail customer transactions.

**AUTOMOTIVE AND/OR MOTORIZED VEHICLE SERVICE STATION AND REPAIR SHOP:** A building or place of business where gasoline, and possibly oil and greases, batteries, tires and automobile and motorized vehicle accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where minor repair service may be rendered. (See also Garage Repair.)

**AUTOMOTIVE SALES FACILITY:** An open area, not including a street, used for the display, sale, or rental of new or used motor vehicles which are in operable condition and where no major repair work is done.

**BASEMENT:** That portion of a building partly underground, but having less than one-half of its clear height below the average lot grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes.

**BOARD:** The Zoning Hearing Board of Mount Pleasant Township.

**BUFFER STRIP:** A buffer strip is an open space of ground containing no man-made structures (except signs as permitted by the sign regulations and fences) which acts as a barrier to noise and visibility. Buffer strips shall be designed to meet specific dimensions provided under the provisions of this Ordinance.

**BUILDABLE AREA:** That portion of a lot bounded by the required front, side, and rear yards.

**BUILDING:** Any structure having a roof supported by columns or walls, which is used for the housing or sheltering of persons, animals or property.

**BUILDING COVERAGE:** That percentage of the plot of land area covered by the principal and accessory buildings (including covered porches, carports, and breeze-ways, but excluding open patios, parking or loading areas.)

**BUILDING HEIGHT:** The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, tanks, and similar projections.

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

**BUILDING SETBACK LINE:** A line parallel to the street line located at a distance which is equal to the front yard requirement for the district in which the lot is located, i.e. front yard setback.

**CAMPGROUND:** A tract or tracts of ground, or portion thereof, used for the purpose of providing space for trailers or tents for camping purposes, with or without a fee charged for renting or occupying such space.

**CARTWAY:** The area of a street within which vehicles are permitted, not including curbs, shoulders, sidewalks, or drainage swales.

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

**CENTER FOR LOCAL GOVERNMENT SERVICES:** The Governor's Center for Local Government Services located within the Department of Community and Economic Development.

**CLEAN FILL:** Uncontaminated, non-water-soluble, non-decomposable inert solid material used to level an area or bring an area to grade as an accessory use. The term as used herein does not include normal and customary soil, shale, gravel, stone and other aggregates or secondary product sold as a conventional business enterprise so long as those materials are free of any form of solid waste.

**CLEANFILL DISPOSAL:** Uncontaminated, non-water-soluble, non-decomposable inert solid material disposal, used to level an area or bring an area to grade as a principal land use. The term does not include material placed into or on waters or wetlands of the Commonwealth. The term as used herein does not include normal and customary soil, shale, gravel, stone and other aggregates or secondary product sold as a conventional business enterprise so long as those materials are free of any form of solid waste.

**CLUSTER DESIGN:** The layout of development in such a manner that the buildings on adjacent lots or a given site are grouped together to allow the remaining land to be used for recreation, common open space, and preservation of natural resources or protection of environmentally sensitive areas.

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

**CONDITIONAL USE:** A use permitted in certain districts, as provided for in Article 3, which may only be authorized by the Township Supervisors as set forth in Article 11 of this Ordinance.

**CONSISTENCY:** An agreement or correspondence between matters being compare which denotes a reasonable, rational, similar, connection or relationship.

**CONVERSION APARTMENTS:** Dwelling units created by the conversion of an existing dwelling into apartments for more than one (1) family without substantially altering the exterior of the building.

**COUNTY:** Columbia County, Pennsylvania.

**COUNTY COMPREHENSIVE PLAN:** A land use and growth management plan prepared by the County Planning Commission and adopted by the County Commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation.

**DAY CARE CENTER:** A private facility enrolling more than six (6) young children between the ages 2 and 6 years of age and where tuition, fees, or other forms of compensation for the care of the children is charged and which is licensed or approved to operate as a child day care center by the PA Department of Public Welfare.

**DECISION:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

**DESIGNATED GROWTH AREA:** A region within a county or counties described in a municipal or multi-municipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

**DETERMINATION:** Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) the governing body;
- (2) the zoning hearing board; or
- (3) the planning agency,

only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

**DEVELOPMENT OF REGIONAL SIGNIFICANCE OR IMPACT:** Any new land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving excavation or drilling operations.

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

**DISTRIBUTION CENTERS:** Establishments or places of business primarily engaged in the distribution of merchandise to retailers, wholesalers, or other professional users.

**DOCKS:** A structure, whether temporary or permanent, extending into a stream or other body of water for the purpose of securing a boat(s).

**DWELLING:** Any building, structure, or other shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons, as provided hereafter:

- a. **Dwelling, Single-Family Attached.** A building designed for and occupied exclusively as a residence for one family only and having a party wall on each side in common with an adjacent dwelling; i.e. a townhouse unit or garden apartment.
- b. **Dwelling, Single-Family Detached.** A detached building designed for or occupied exclusively by one family, except for a mobile home as defined below.
- c. **Dwelling, Two-Family Attached.** An attached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, un-pierced except for access to the outside or to a common cellar, i.e. duplex.
- d. **Dwelling, Mobile Home.** A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be jointly 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 is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include park trailers, travel trailers, recreational vehicles, and other similar types of manufactured homes placed on site for a period of time exceeding 180 consecutive days. (See also Section 402.)
- e. **Dwelling, Multi-Family.** A building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units; i.e. apartment buildings, condominiums, etc. For the purposes of this Ordinance, a multi-family housing development shall consist of more than one multi-family dwelling or structure.
- f. **Dwelling, Seasonal.** A dwelling intended for occupancy only occasionally during the year, including dwelling intended for summer or winter recreational use such as cottages, hunting cabins, and mobile homes. All seasonal dwellings shall be designed to adequately accommodate the proposed purposes and shall not include buses, sheds, garages or other such facilities or structures.
- g. **Dwelling, Foster Home.** A dwelling occupied by a family in which a child or children are housed and provided care as if they were a related family member(s) and which may include compensation by the Commonwealth or relatives for provision of such child care.

**DWELLING UNIT:** One or more rooms containing a kitchen or kitchenette, bedroom and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes. Each dwelling unit shall comply with the space requirements and occupancy limits as specified in Section 311. Travel trailers, recreation vehicles, facilities for transient lodging, etc. shall not be considered as dwelling units for the purposes of this Ordinance.

**EASEMENT:** For purposes of this Ordinance, a right-of-way granted for the limited use of land for public or quasi-public or specified private purposes.

**ENCLOSED USE:** A use which is located entirely within a structure.

**FAMILY:** One or more persons related by blood, marriage, adoption or guardianship, or unrelated persons occupying a single dwelling unit and living as a single household unit. (See also GROUP FAMILY HOUSEHOLD.)

**FAMILY CARE UNIT:** A Family Care Unit, as used herein, is intended to provide a place of residence only where some form of personal care or assistance in daily living is necessary, whether for reason of health, mental or physical disability, or age limitations in daily living capability. Nothing in this term or implementing provisions is intended to change the limitation of one dwelling unit per lot for persons not requiring family care.

**FARM VACATION ENTERPRISE:** The utilization of an existing family farm and farmstead for the business of hosting persons who wish to spend a vacation on a working farm, including the lodging, meals, and normal activities incidental to life on a farm, for which the farm owner is compensated in some form.

**FARM:** A parcel of land used for agriculture purposes or activities.

**FARM BUILDING:** Any building used for storing agricultural equipment or farm produce, housing livestock or poultry, or processing dairy products. Farm buildings shall not be considered dwellings nor may they be used for residential purposes.

**FENCE:** Any facility constructed of wood, metal, wire mesh, masonry blocks, or similar material or any landscaping which consists of plants located close together (i.e. a hedge row), erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purposes of this Ordinance, a fence shall not be considered a structure. (See also Section 503 C.)

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD FRINGE:** That portion of the 100 year floodplain outside the floodway, excluding areas shown as approximated 100 year flood zones on the Township's Flood Insurance Rate Map.

**FLOOD, ONE-HUNDRED YEAR:** A flood that in the average is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year.)

**FLOODPLAIN:** (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation. Such flooding has a one (1) percent chance of occurring each year (i.e. is likely to occur once every 100 years.) (2) an area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODPROOFING:** Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. (See Section 603 for a more detailed definition.)

**FLOODWAY:** The designated area of a floodplain as shown on the Township's Flood Insurance Rate Map that is required to carry and discharge the flood waters of a 100 year flood without cumulatively raising the flood elevation more than one (1) foot at any point.

**FLOOR AREA:** For the purposes of applying the requirements for off-street parking and loading, "floor area" in the case of office, merchandising, or service type uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public or customers, patrons, clients, or patients, including areas occupied by fixtures or equipment used for display or sales of merchandise. (See also HABITABLE FLOOR AREA.)

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

**FREEBOARD:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watersheds.

**GARAGE, PRIVATE:** An accessory building designed or used for the parking or storage of vehicles owned and used by the occupants of the building to which it is accessory and which is not a separate commercial enterprise available to the general public.

**GARAGE, REPAIR:** A building used primarily for making major repairs to motor vehicles, (especially automobiles, motorcycles, and/or snowmobiles) including overhauling, body work, refinishing and upholstering, as well as incidental servicing. (See also AUTOMOTIVE SERVICE STATIONS AND REPAIR SHOPS.)

**GENERAL CONSISTENCY, GENERALLY CONSISTENT:** That which exhibits consistency.

**GENERAL FLOODPLAIN:** That portion of the floodplain area for which no specific flood profiles exist and which is designated as approximated area on the Township's Flood Boundary and Floodway Maps.

**GOVERNING BODY:** The Board of Supervisors of Mount Pleasant Township.

**GROUP CARE FACILITY:** A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household, including but not limited to half-way houses, recovery homes, homes for orphans, foster children, the elderly, battered children and women, and specialized treatment facilities providing less than primary health care.

**GROUP FAMILY HOUSEHOLD:** A group of individuals not related by blood, marriage, adoption or guardianship, living together in a dwelling as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability, whether operated for income or profit by the owner occupant or contractually, either for profit or as a non-profit organization. (See also FAMILY.)

**GROUP QUARTERS:** A dwelling that houses unrelated individuals.

**HABITABLE FLOOR AREA:** Any floor area within a dwelling unit that is usable for living purposes, including area for working, sleeping, eating, cooking and recreation, or a combination thereof containing the minimum required openable window area with ventilation. Bathrooms, halls, floor area useful only for storage or utility purposes, such as closets, attic, or unimproved basement space shall not be considered habitable floor area.

**HAZARDOUS MATERIALS:** Any substance or mixture of substances having properties capable of producing adverse effects on the health or safety of a human being.

**HEARING:** An administrative proceeding conducted by a board pursuant to section 909.1.

**HOME OCCUPATION:** An accessory use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. (See Section 427.)

**INTERSTATE HIGHWAY SYSTEM:** That portion of the national system of interstate highways located within the Commonwealth as officially designated by the State and/or Federal Departments of Transportation.

**JUNK:** Any used or discarded material, including but not limited to waste paper, rags, rubber tires, metal, glass, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or the use or disposition of the same. For purposes of this Ordinance, the term junk shall not include hazardous wastes, industrial residual wastes, or municipal solid wastes as defined in the PA Solid Waste Management Act.

**JUNK DEALER:** A person engaged in the commercial activities supporting or directly involving the operation of a junkyard or auto salvage operation, including, but not limited to, buying, trading, sales, storage, dismantling, processing, and trucking of junk or wrecked or abandoned vehicles or parts and components.

**JUNK YARD:** An area of land, with or without buildings, used for storage (outside of a completely enclosed building), collection, and/or sale or used or discarded materials, including junk as defined above, with or without dismantling, processing, salvage, sale or other use or disposition of the same.

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

**LAND USE ORDINANCE:** Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the PA MPC.

**LOT:** A designated tract or parcel of land intended for transfer of ownership, use or improvement as a unit; land which is shown as a separate parcel on records of Columbia County.

**LOT AREA:** The computed area contained within the lot lines, excluding any street right-of-way.



**LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection.

**LOT DEPTH:** The distance measured from the front lot line to the rear lot line.

**LOT FRONTAGE:** The length of the front line measured at the street right-of-way.

**LOT LINES:** The property lines bounding the lot.

- a. **Lot Line, Front.** The line separating the lot from a street.
- b. **Lot Line, Rear.** The lot line opposite and most distant from the front lot line.
- c. **Lot Line, Side.** Any lot line other than a front or rear lot line, a side lot line separating a lot from a street is called side street lot line.
- d. **Lot Line, Street.** A lot line separating the lot from the street.

**LOT WIDTH:** The distance between the two side lot lines measured at the required setback line.

**LOT OF RECORD:** Any lot which individually or as part of a subdivision has been recorded in the office of the Columbia County Recorder of Deeds.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement or cellar area is not considered a building's lowest floor; Provided, that such enclosure is not built as to render the structure in violation of the applicable non-elevation design requirements of Section 603A.

**MANUFACTURING:** The act of producing, preparing or assembling finished products or goods from raw materials or component parts through the repetitious use of an established or set process.

**MARKET VALUE:** The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

**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.

**MINERALS:** Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

**MINERAL EXTRACTION OR SURFACE MINING OPERATIONS:** The extraction of minerals from the earth or waste or stock piles, or from pits or banks, including but not limited to: strip, drift, auger and open pit mining, dredging, quarrying, leaching, mountain top removal, box cutting, and activities related thereto.

**MOBILE HOME:** See DWELLING, MOBILE HOME.

**MOBILE 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 home which is leased to the occupant thereof.

**MOBILE HOME PARK:** A parcel of land under single ownership which has been planned for the placement of two (2) or more mobile homes, appurtenant structures or additions. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more park trailers, travel trailers, recreational vehicles, and other similar types of manufactured housing for a period of time exceeding 180 consecutive days.

**MODULAR HOUSING/MANUFACTURED HOUSING:** Housing units, whether for a single family or multiple family units, designed and manufactured in two (2) or more standard sections, which are trucked or shipped and joined into one (1) integral unit on the site. For purposes of this Ordinance, such housing must be placed upon a permanent foundation so that it cannot be separated for further towing, and shall not include mobile homes.

**MOTEL:** A series of attached or semi-attached dwelling structures which are designed to provide sleeping accommodations for automobile transients or overnight guests.

**MULTI-MUNICIPAL PLAN:** A plan developed and adopted by any number of contiguous municipalities, including a joint municipal plan as authorized by this act.

**MULTI-MUNICIPAL PLANNING AGENCY:** A planning agency comprised of representatives of more than one municipality and constituted as a joint municipal planning commission in accordance with Article XI, or otherwise by resolution of the participating municipalities, to address, on behalf of the participating municipalities, multi-municipal issues, including, but not limited to, agricultural and open space preservation, natural and historic resources, transportation, housing and economic development.

**MUNICIPAL AUTHORITY:** A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No. 164), known as the "Municipality Authorities Act of 1945", as amended.

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

**MUNICIPALITY:** Mount Pleasant Township, Columbia County, Pennsylvania; any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

**NEW CONSTRUCTION:** The construction, reconstruction, renovation, repair, extension, expansion, alteration, location, or relocation of a building (including mobile homes), structure, and/or improvements (such as street utilities, etc.).

**NONCONFORMING LOT:** Any lot which does not conform to the minimum width, depth, and area dimensions specified for the district in which said lot is located (including those lots existing prior to the enactment to this Ordinance.) (See Article 9, Nonconformities, for more detailed information.)

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

**NONCONFORMING USE:** A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.(See Article 9, Nonconformities, for more detailed information.)

**NON-DOMESTICATED ANIMAL SHELTER, KENNEL OR PRESERVE:** A tract of land and/or a structure or complex of facilities which are developed or converted to be used for the containment of animals other than ordinary and domesticated pets or livestock or poultry, including for example but not limited to mammals, reptiles, amphibians, such as bear, elk, deer, bobcat, weasel, mink, muskrat, skunk, cougar, tiger, alligator, monkey, snakes,, ferret, beaver, etc.

**NURSING HOME:** Any premises with sleeping rooms where persons are lodged and furnished with meals and/or nursing care.

**OBSTRUCTION:** Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or other matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream to the damage of life or property.

**OFFICIAL MAP:** A map adopted by ordinance pursuant to Article IV of the PA Municipalities Planning Code.

**OPEN SPACE:** A space not occupied by a structure, open to the sky, and on the same lot with the building or structure.

**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 or 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 a municipal zoning ordinance.

**PLANNING AGENCY:** A planning commission, planning department, or a planning committee of the governing body.

**PLANNING COMMISSION:** The Planning Commission of Mount Pleasant Township.

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

**PRE-CUT/PACKAGED HOUSING:** Building materials designed and manufactured as a complete package intended to be assembled on site into a residential dwelling unit(s). For the purposes of this Ordinance, such housing must be placed upon a permanent foundation.

**PRESERVATION OR PROTECTION:** When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

**PRIMARY HIGHWAY SYSTEM:** That portion of connected main highways located within the Commonwealth as officially designated, now or hereafter, by the State or Federal Departments of Transportation.

**PRIME AGRICULTURAL LAND:** Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services Columbia County Soil Survey.

**PRINCIPALLY ABOVE GROUND:** At least fifty-one percent of the actual cash value of the structure, less land value, is above ground.

**PRINCIPAL BUILDING:** A structure in which the principal use of the site is conducted.

**PRINCIPAL USE:** The primary purpose(s) for which a lot is occupied. (See Article 3.)

**PRIVATE PARK:** A park which provides outdoor recreational enjoyment and activity to the members of the organization which owns the facility or to the general public, usually on a fee basis. A private park may also include buildings and accessory structures.

**PROFESSIONAL OFFICE:** The office of a member of a recognized profession. A professional office shall be considered a home occupation when conducted from a residence, by a member of the resident family and when the office is only secondary to the residential use of the building.

**PUBLIC GROUNDS:** Includes:

- (1) parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- (3) publicly owned or operated scenic and historic sites.

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

**PUBLIC INFRASTRUCTURE AREA:** A designated growth area and all or any portion of a future growth area described in a county or multi-municipal comprehensive plan where public infrastructure services will be provided and outside of which such public infrastructure services will not be required to be publicly financed.

**PUBLIC INFRASTRUCTURE SERVICES:** Services that are provided to areas with densities of one or more units to the acre, which may include sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, parks and open space, streets and sidewalks, public transportation and other services that may be appropriated within a growth area, but shall exclude fire protection and emergency medical services and any other service required to protect the health and safety of residents.

**PUBLIC MEETING:** A forum held pursuant to notice under 65 Pa. C. S. CH.7 (Relating to open meetings).

**PUBLIC NOTICE:** Notice published once each week for two (2) consecutive weeks in a newspaper of general circulation in the municipality. Such notice shall state the date, time and place of the hearing and the particular nature of the matter to be considered. The first publication shall be not more than 30 days nor less than 14 days before the date of the hearing and the second publication shall be not less than seven (7) days prior to the hearing date.

**PUBLIC SEWAGE SYSTEM:** A system designed to treat the sewage wastes of more than one dwelling unit and which discharges the resultant outflow into a stream or other body of water. Such a system must be designed in accordance with DEP standards and be permitted by the Bureau of Water Quality of the Department of Environmental Protection. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.

**RECREATIONAL VEHICLE:** A portable or mobile vehicle used for temporary living or sleeping purposes, which stands on wheels. Included in this definition are travel trailers, truck campers, motor homes and similar types of vehicles. Such vehicles are permitted to be used only in campground areas or recreational vehicle parks in the municipality or on private individual parcels (but not for continuous occupancy).

**RECREATIONAL VEHICLE PARK:** A tract of land which is used for providing space for two (2) or more recreational vehicles.

**REGULATORY FLOOD:** The flood that has been selected to serve as the basis upon which the Floodplain Management provisions of this Ordinance have been prepared; the 100 year flood.

**REPORT:** Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, office, body or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RIDING ACADEMY OR BOARDING STABLES:** An establishment where horses are kept for riding or are stabled for compensation or are incidental to the operation of a club, association, ranch or similar establishment.

**ROOMING HOME:** A building containing a single-family dwelling unit and rooms for the boarding of up to five (5) persons for periods of time in excess of one (1) week.

**RURAL RESOURCE AREA:** An area described in a municipal or multi-municipal plan within which rural resource uses including, but not limited to, agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided, except in villages.

**SCREENING:** Screening is the provision of a barrier to visibility, glare, and noise between adjacent properties made of plant materials such as trees or shrubs which shall be of such species as will produce, within three (3) years, a visual screen at least six (6) feet in height. However, such plantings shall adhere to Section 503 D. and shall be broken at points of vehicular or pedestrian access or utility easements.

**SIGN:** Any object, surface, display, device or structure bearing lettering, pictorial or sculptured matter, designed for visual communication and used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of a government. (See Article for Sign Regulations.)

**SIGN AREA:** The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

**SIGN, BILLBOARD OR ADVERTISING SIGN BOARD:** A sign which advertises or directs attention to a commodity, business, industry, or activity which is sold, offered or conducted at a location other than on the lot upon which such sign is located. For the purposes of this Ordinance, billboards shall be freestanding structures, not including wall signs.

**SIGN, BUSINESS IDENTIFICATION:** A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted on the premises upon which such sign is located and may be affixed to either the ground or a wall of the business.

**SIGN, GROUND:** A freestanding sign supported vertically by one or more up-rights placed in or on the ground which may be designed to be movable. Such signs may advertise products or items offered for sale or that are directly related to the premises on which they are located, (e.g. business identification signs) or may advertise products or events located elsewhere, (e.g. billboards).

**SIGN WALL:** A sign attached to a wall or a part of a wall of a building or structure, not including billboards, which advertise products sold or directly related to the premises on which they are located, (e.g. business identification signs).

**SPECIAL EXCEPTION:** Uses permitted in a district as provided for in Article 3 which shall be approved by the Zoning Hearing Board as set forth in Section 1001 E. of this Ordinance.

**SPECIAL PERMIT:** A special approval needed for specific types of development being proposed to be located in any portion of the designated floodplain. (See Section 607 for a listing of the activities requiring special permits and details of such situations.)

**SPECIFIC PLAN:** A detailed plan for nonresidential development of an area covered by a municipal or multi-municipal comprehensive plan, which when approved and adopted by the participating municipalities through ordinances and agreements supersedes all other applications.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor or ceiling next above it.

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

**STREET LINE:** The line determining the limit of the adjoining street or road right-of-way, whether existing or contemplated.

**STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, that is principally located above-ground, and which may or may not be affixed to the land, excluding fences and poles, recreational equipment and other similar objects.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or the structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either (1) any project for improvement of a structure to comply with existing site or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of Historic Places.

**SUBSTANTIALLY COMPLETED:** Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to section 509) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**TOWNSHIP SUPERVISORS:** The governing body of Mount Pleasant Township.

**TRANSIENT LODGING FACILITIES:** A building or group of buildings under single management, containing both rooms and/or dwelling units available for temporary rental to transient individuals or families for up to 30 days.

**TRUCK TERMINAL OR FREIGHT STATIONS:** A structure or group of structures owned and/or operated by a trucking firm(s) intended to be used for loading, unloading, storage and/or transfer of truck-transported goods, including truck maintenance, and fueling facilities.

**USABLE AREA:** That portion of the lot or tract needed initially, and anticipated in the future, for the development pad for all principal and accessory structures and buildings plus all principal and accessory non structural use activities which require site disturbance and preparation. For purposes of Section 500 of this Ordinance this term shall not include land used for an access road or driveway which shall be required to meet the design standards which pertain from this Ordinance and from the pertinent Subdivision and Land Development Ordinance.

**USE:** The specific purpose of activity for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include a nonconforming use. (See also Principal and Accessory Uses.)

**VARIANCE:** A modification of the literal provisions of this Ordinance which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought. (See Section 1001 C. for additional details and criteria to be utilized when a variance is requested.)

**WATER SURVEY:** An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

**WHOLESALE ESTABLISHMENTS:** Places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers.

**YARD:** An open space which lies between the principal building or group of buildings and the nearest lot line as specified in Article 3 of this Ordinance. Such space shall be unoccupied and unobstructed from the ground upward except as may herein be permitted.

- a. **Yard, Front.** An open space which lies between the principal building or group of buildings and the front lot lines, unoccupied and unobstructed from the ground upward.
- b. **Yard, Rear.** An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
- c. **Yard, Side.** An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

**ZONING HEARING BOARD:** The Zoning Hearing Board of Mount Pleasant Township.

**ZONING MAP:** The official Zoning Map of Mount Pleasant Township, together with all notations, references and amendments which may subsequently be adopted. Said map is made a part of this Ordinance in Section 202 A.

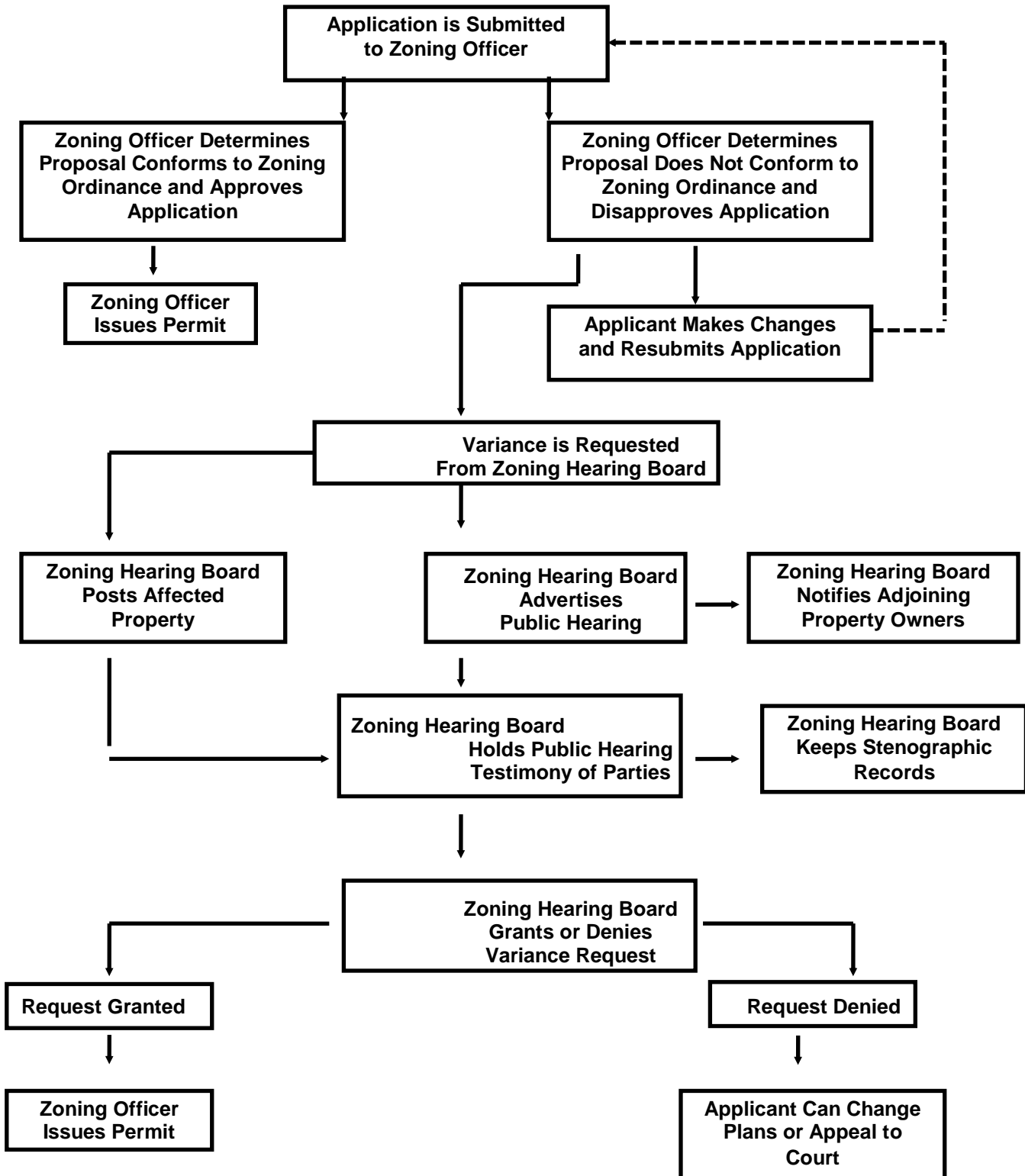
**ZONING OFFICER:** The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

**ZONING PERMIT:** A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the district in which it is located.



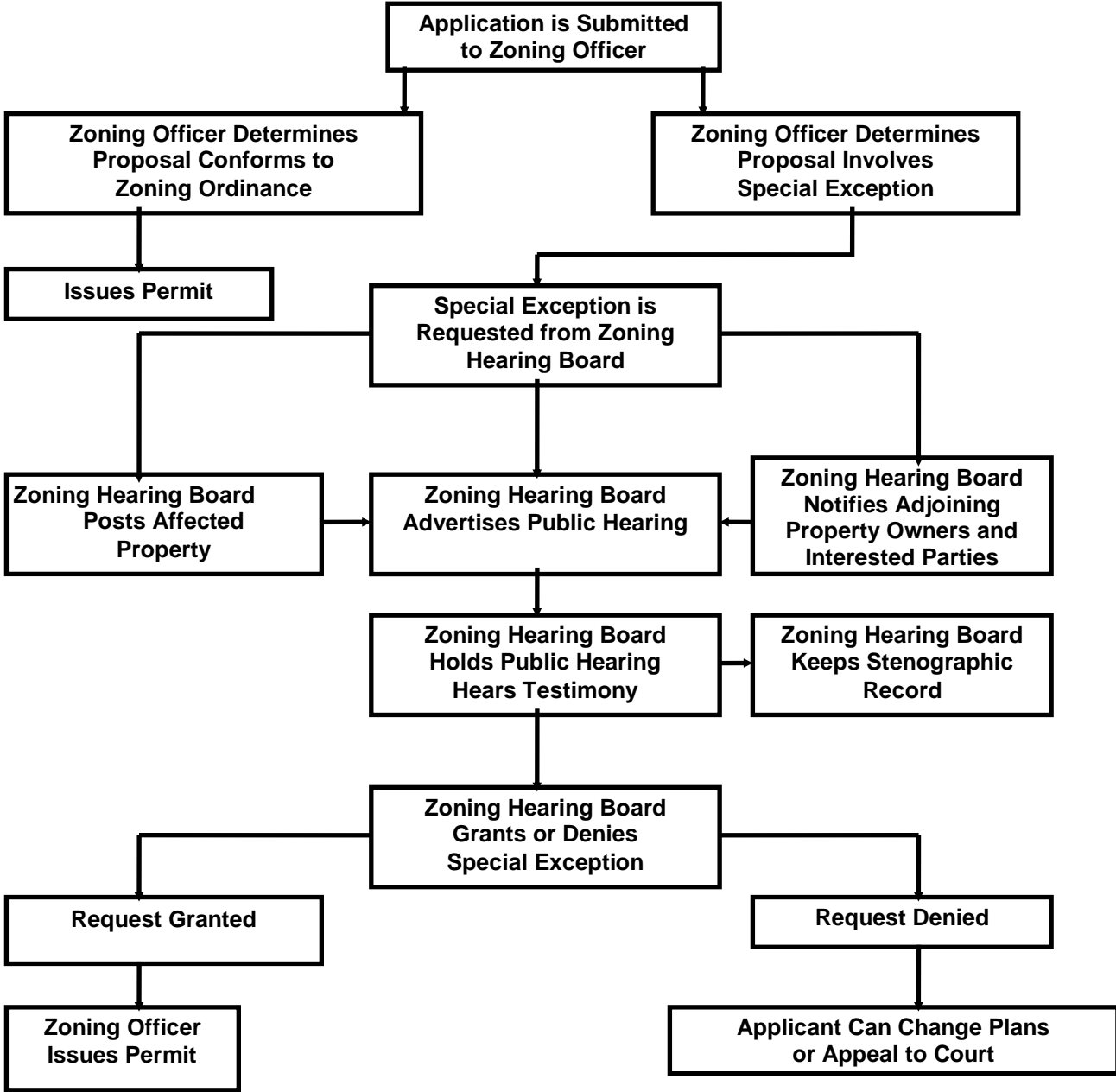
# APPENDIX A.

## VARIANCE PROCEDURE



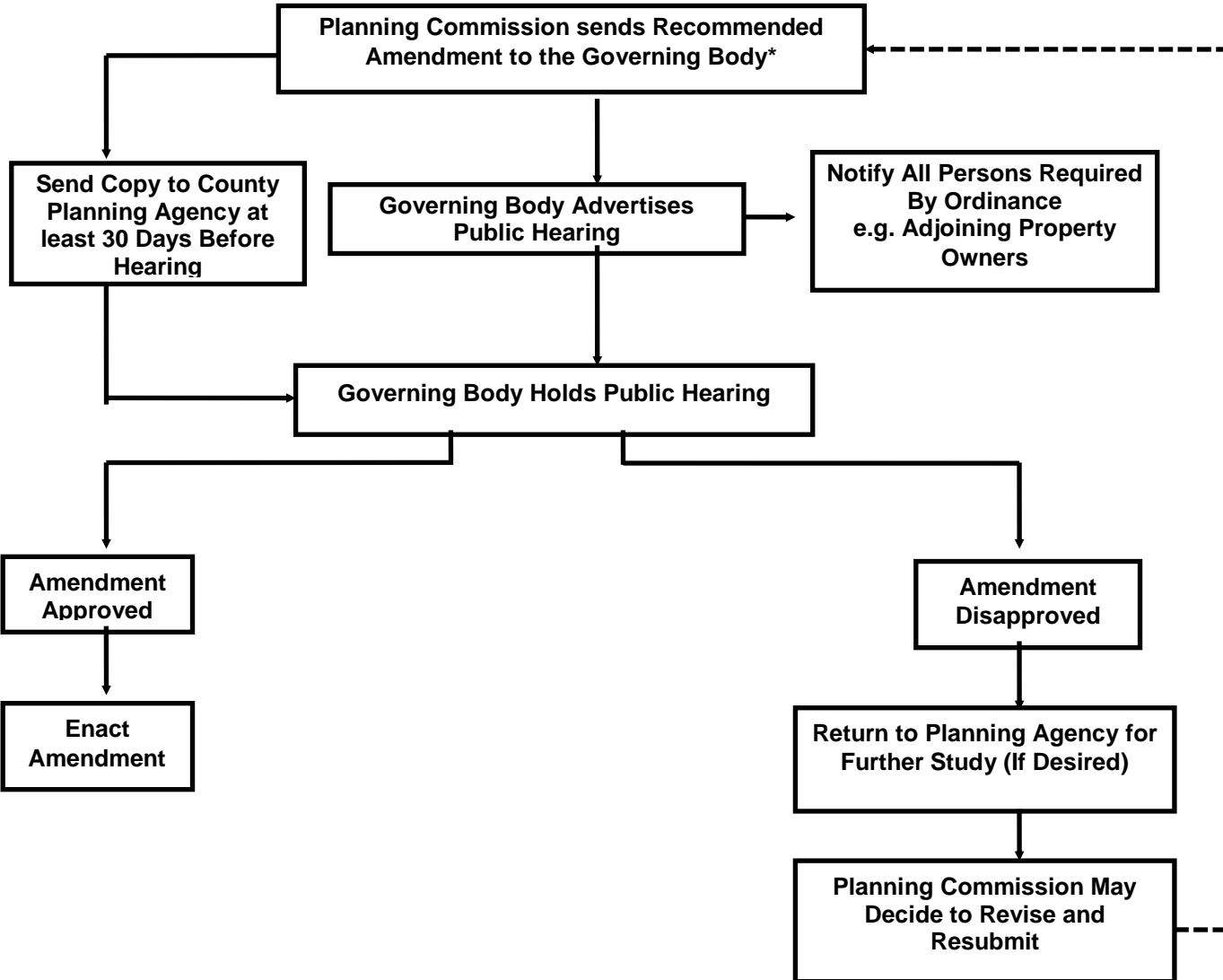
# APPENDIX B.

## SPECIAL EXCEPTION PROCEDURE



# APPENDIX C.

## ORDINANCE AMENDMENT PROCEDURE

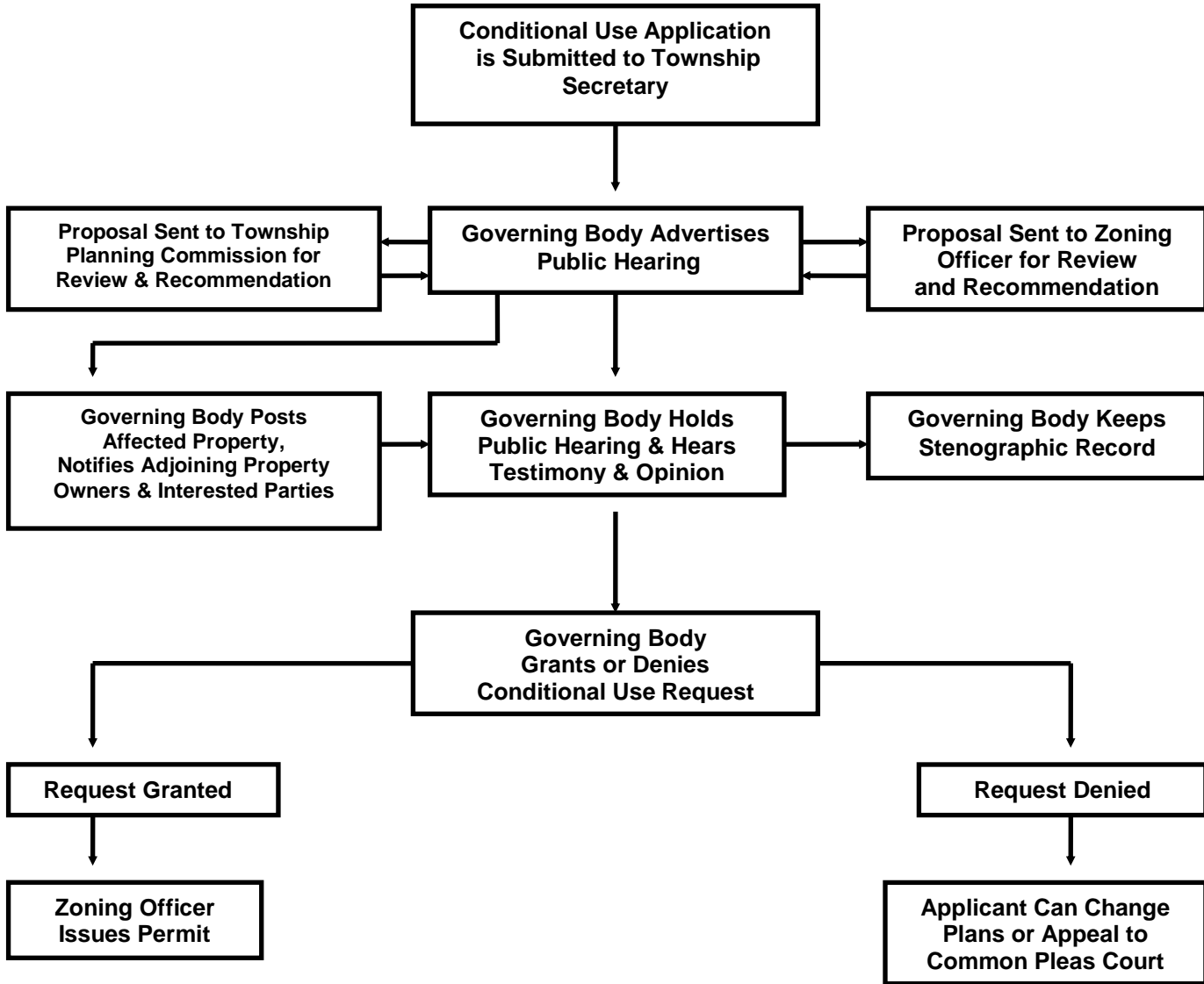


NOTE: See Section 609, PA MPC.

\* If the Amendment is prepared by someone other than the Planning Commission, the Governing Body must send the proposed Amendment to the Planning Commission for review and recommendation at least 30 days prior to the date of the Public Hearing. The process then resumes as outlined above.

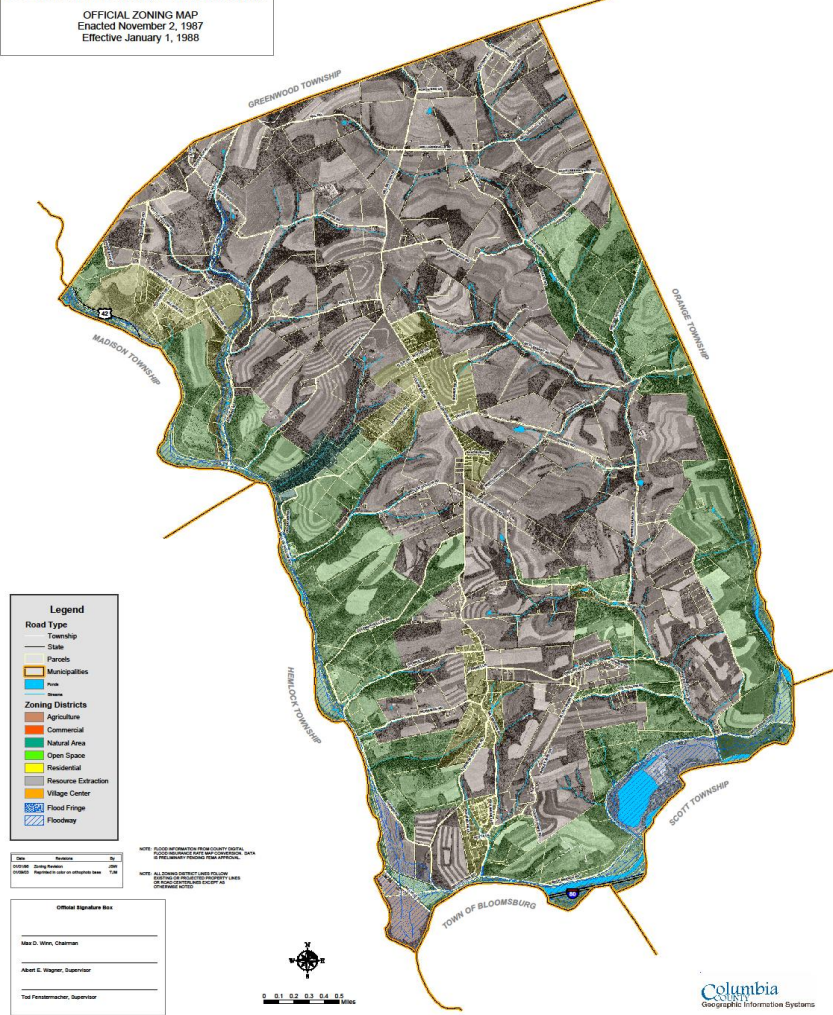
**APPENDIX D.**

**CONDITIONAL USE PROCEDURE**



**MOUNT PLEASANT TOWNSHIP  
COLUMBIA COUNTY, PENNSYLVANIA**

OFFICIAL ZONING MAP  
Enacted November 2, 1987  
Effective January 1, 1988



# MOUNT PLEASANT TOWNSHIP


COLUMBIA COUNTY, PENNSYLVANIA

## OFFICIAL ZONING MAP

ENACTED: NOVEMBER 2, 1987

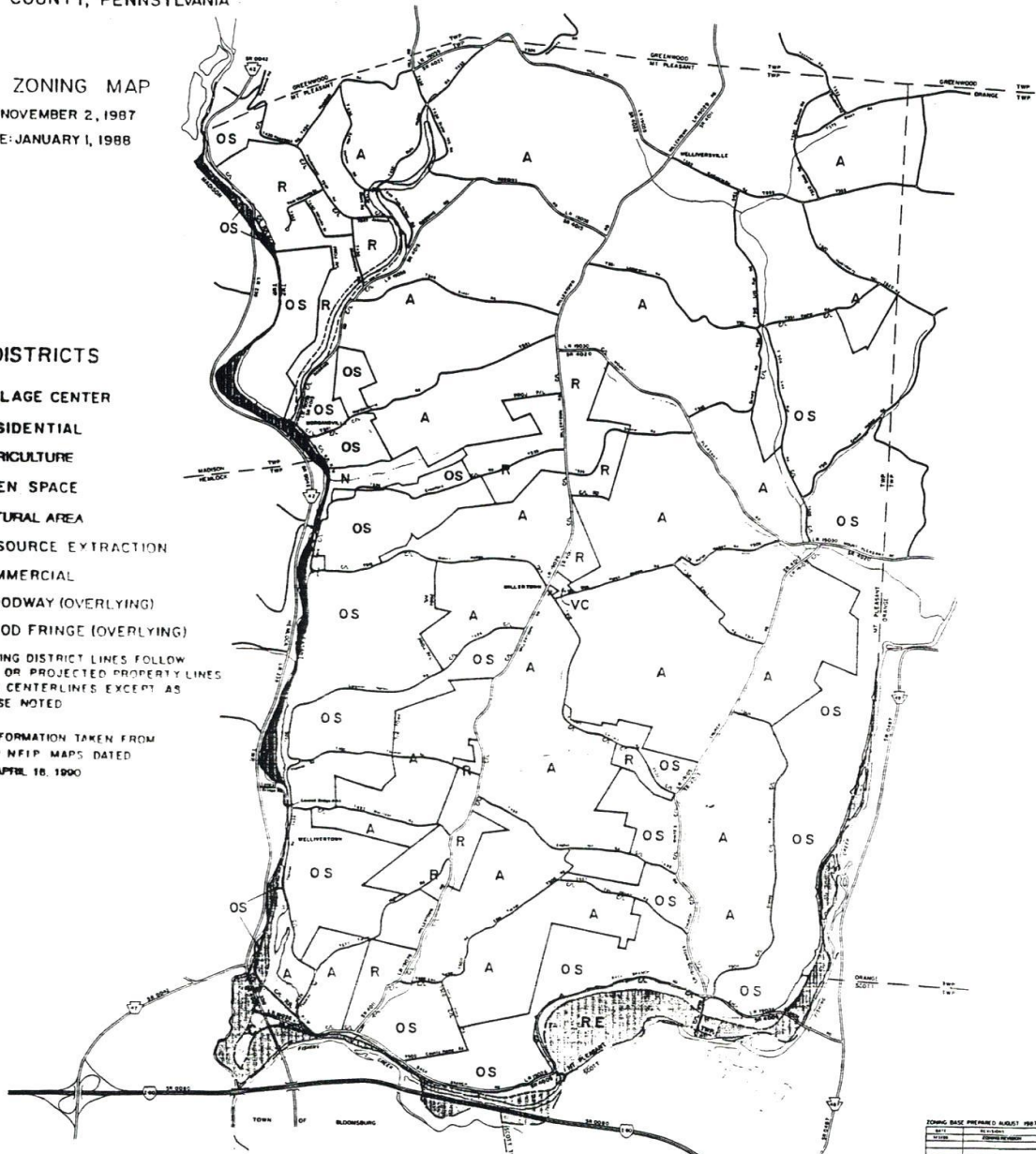
EFFECTIVE: JANUARY 1, 1988

### ZONING DISTRICTS









- VC VILLAGE CENTER
- R RESIDENTIAL
- A AGRICULTURE
- OS OPEN SPACE
- N NATURAL AREA
- RE RESOURCE EXTRACTION
- C COMMERCIAL
-  FLOODWAY (OVERLYING)
- FF FLOOD FRINGE (OVERLYING)

NOTE: ALL ZONING DISTRICT LINES FOLLOW EXISTING OR PROJECTED PROPERTY LINES OR ROAD CENTERLINES EXCEPT AS OTHERWISE NOTED

NOTE: FLOOD INFORMATION TAKEN FROM TOWNSHIP NFIP MAPS DATED APRIL 18, 1990

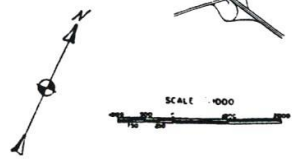


### LEGEND FOR GEOGRAPHICAL FEATURES

-  Legislative Routes
-  Interstate Routes
-  Township Routes
-  Creeks
-  Stream or Run
-  Ponds
-  Bridge
-  Covered Bridge

REVISIONS BY:  
 JERRY S. WALLS, AICP  
 WALLS & ASSOCIATES  
 1950 ELDON ROAD  
 MONTICELLO, PA 17754

DRAWN BY:  
 LARSON DESIGN GROUP  
 P.O. BOX 487  
 WILLIAMSPORT, PA 17703



ZONING BASE PREPARED AUGUST 1987		
DATE	BY	FOR

OFFICIAL ZONING MAP

JOHN E. TURNER, CHAIRMAN

JOHN R. GORDNER, VICE CHAIRMAN

BOYO C. LAYCOCK, JR. SECRETARY-TREASURER

