

Upon motion by Joseph S. Kujawa, seconded by Richard P. Figaski, the following Ordinance was duly enacted, 3 voting in favor of enactment, 0 voting against enactment.

**ZONING ORDINANCE
OF MILLCREEK TOWNSHIP
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2011-8

An Ordinance to amend, revise and restate Ordinance Nos. 2, 100 and 74-29, as amended, commonly known as the Millcreek Township Zoning Ordinance, amending and restating land use regulations in accordance with Section 601, et seq., of the Municipalities Planning Code and to implement the Township's Comprehensive Plan.

WHEREAS, the Board of Supervisors of Millcreek Township on April 4, 1949 enacted Ordinance No. 2, on September 10, 1958 enacted Ordinance No. 100 and on December 30, 1974 enacted Ordinance No. 74-29, all known as the Millcreek Township Zoning Ordinance; and

WHEREAS, the Board of Supervisors from time to time has enacted various ordinances amending and restating the Zoning Ordinance; and

WHEREAS, the Board of Supervisors, after thorough investigation, deems it necessary and appropriate for the promotion of the public health, safety and general welfare of Millcreek Township to provide for regulation of uses of land in the Township, including but not limited to height, use, size, location and number of stories of buildings and other structures, size and location of lots and other open spaces in relation to buildings, building setbacks and other matters, including implementation of the Township's Comprehensive Plan; and

WHEREAS, these changes were referred to the Planning Commission which, after public hearing and public notice, recommended that amendment, revision and restatement of said ordinances be enacted; and

WHEREAS, the Board of Supervisors has held public hearing after public notice for the purpose of hearing comments on the proposed amendments.

IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Millcreek, Erie County, Pennsylvania, and it is ordained and enacted, as follows:

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**ARTICLE 1
GENERAL PROVISIONS**

1.01 Titles

- 1.01.1 Short Title. This Ordinance shall be known and cited as the Millcreek Township Zoning Ordinance.
- 1.01.2 Long Title. An Ordinance of Millcreek Township, Erie County, Pennsylvania to establish zoning regulations for the use of land, structures, open spaces, watercourses and other bodies of water; defining and regulating the size, height, bulk, location, erection, construction, repair, maintenance, alteration, demolition, area, intensity of use and dimensions of land, structures, open spaces and bodies of water for agricultural, business, industrial, residential, public service, environmental or other purposes; the density of population and intensity of use; the provision of design specifications and performance standards; the percentage of lots which may be occupied by buildings; size of yards and open spaces; the establishment of legislative, administrative, enforcement and appeal procedures; prescribing fines and remedies for violations; and including severability and repealor clauses.
- 1.01.3 Headings and Titles. The headings and titles of this Ordinance are placed herein for convenience only, and shall not be construed or interpreted as limiting the subject matter following the said headings or titles.

1.02 Relationship to the Comprehensive Plan

This Ordinance is enacted to promote an orderly plan of development according to the goals, objectives and recommendations of the Millcreek Township Comprehensive Plan, as amended and updated (the "Comprehensive Plan"). The Comprehensive Plan includes data on existing conditions with reasonable consideration of the existing character of the various uses within the Township and the respective suitability of particular land uses.

1.03 Community Development Objectives

The general purposes, which are the basis for the provisions and regulations of this Ordinance, are set forth in the Millcreek Township Comprehensive Plan and in Sections 603 and 604 of the Municipalities Planning Code, as amended. The zoning regulations and districts set forth in this Ordinance are made in accordance with the Comprehensive Plan for the general welfare of the Township and are intended, but not limited, to achieving the following objectives:

- 1.03.1 To implement the policy goals and strategies of the Millcreek Township Comprehensive Plan (2002 Update), as may in the future be amended.
- 1.03.2 To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 1.03.3 To promote and facilitate coordinated and practical community development in relation to infrastructure facilities.

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- 1.03.4 To promote, protect and facilitate any or all of the following: the public health, safety, morals and general welfare; coordinated and practical community development; the proper density of population; emergency management preparedness and operations; airports and national defense facilities; the provisions of adequate light and air; access to incident solar energy; provision of police and fire protection and emergency medical services; vehicle parking and loading space; transportation, water and sewage service; schools, recreational facilities and public grounds; provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural, business and industrial use; preservation of the natural, scenic and historic values in the environment; preservation of and access to forests, open spaces, recreation areas and scenic areas; preservation of steep slopes, wetlands, aquifers and floodplains; and other public requirements.
- 1.03.5 To provide for all appropriate land uses necessary to the community, considering attractiveness and function, and to encourage environmental consideration and discourage conflicts among the various uses.
- 1.03.6 To encourage high quality development and redevelopment which minimizes negative environmental impacts and creates developments which are fiscally sound.
- 1.03.7 To manage development so that growth does not overtax existing infrastructure, including streets and sewer, water and storm sewer facilities.
- 1.03.8 To minimize negative environmental impacts of transportation improvements.
- 1.03.9 To provide for the use of land within the Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family, two-family and multi-family dwellings and manufactured homes and mobile manufactured home parks; provided, however, that this Ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.
- 1.03.10 To provide affordable and attractive housing to all existing and future residents of the Township.
- 1.03.11 To allow for and encourage various types of affordable housing that appeals to all income levels.
- 1.03.12 To promote the maximum availability and usage of appropriate commercial, office and industrial properties within the Township which will provide for growth of the local economy.
- 1.03.13 To recognize, preserve and protect the historic and cultural resources of the Township as a means for enhancing its visual character and improving the overall quality of life of Township residents.
- 1.03.14 To provide standards to control the amount of open space and impervious surfaces within a development and to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.
- 1.03.15 To encourage future land use and development to complement a logical, harmonious and efficient pattern of future Township growth.

- 1.03.16 To support and encourage order and beauty in the development of Millcreek Township's environment for the convenience, of pleasure and enjoyment of present and future citizens and residents through sound land development practices and the provision of adequate public utilities and facilities.
- 1.03.17 To encourage future residential use to occur in a harmonious arrangement within compact neighborhood units.
- 1.03.18 To guide commercial development in such a way as to minimize adverse influences on adjacent streets and infrastructure or land uses; to maintain and protect existing commercial uses; and to encourage new commercial facilities to locate in functionally designed centers with safe and adequate street and highway access.
- 1.03.19 To protect property uses and values to insure a suitable, attractive and efficient community environment.
- 1.03.20 To encourage developers to incorporate adequate public facilities, open spaces and recreation areas to incorporate adequate public and private facilities and open spaces in neighborhood design.

1.04 Applicability

The provisions of this Ordinance shall apply to all zoning districts, lots, uses, buildings, structures, land developments and subdivisions within the municipal boundaries of Millcreek Township, Erie County, Pennsylvania.

1.05 Interpretation

The provisions of this Ordinance shall be construed and interpreted to constitute the minimum requirements for the promotion of the public health, safety and welfare.

- 1.05.1 Relationship with Other Ordinances, Rules, Regulations and Permits. This Ordinance is not intended to interfere with, abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued, pursuant to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is this Ordinance intended to interfere with, abrogate or annul any easement, covenant or other agreement between parties, subject to the provisions of Section 1.05.2.
- 1.05.2 Restrictions in Ordinance to Control. Where this Ordinance imposes greater restrictions upon the use of a building, structure or land, upon the bulk, height or size of a building or structure, coverage of lots, establishes performance standards and regulations or requires larger open spaces than is or are required by other ordinances, regulations or permits or by easements or agreements, the provisions of this Ordinance shall govern.
- 1.05.3 Greater Restrictions Elsewhere. Where any other ordinance, rule, regulation, permit, easement, covenant or agreement imposes greater restrictions than those set forth in this Ordinance, such other restrictions shall govern.

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- 1.05.4 Construction and Other Standards. Specific standards governing construction as are established in the Uniform Construction Code, the Public and Private Improvements Code, the Subdivision and Land Development Ordinance and other ordinance enacted by the Township or other governmental entity shall govern actual construction, this Ordinance to govern administration and the submission of and action on applications for zoning permits and certificates.
- 1.05.5 Relationship to Development Regulation. Where regulations established in this Ordinance are also established in the Subdivision and Land Development Ordinance or other ordinance applicable to regulation of land developments and subdivisions, the Board of Supervisors in the course of its regulation and action on a plan application shall have authority to address such matters.
- 1.05.6 Amendment and Restatement. This Ordinance constitutes and is intended to be a comprehensive amendment and restatement of the Millcreek Township Zoning Ordinance, first enacted as Ordinance No. 2 on April 4, 1949, amended and restated by Ordinance No. 100 enacted on September 15, 1958 and by Ordinance No. 74-29 enacted on December 30, 1974, including all amendments thereto enacted prior to the effective date of this amended and restated Ordinance. All regulations in this Ordinance shall be deemed to have been first enacted as of the effective date of the ordinance first establishing such regulation(s).
- 1.05.7 Incorporation of Regulations in Individual Ordinances. This Ordinance incorporates, amends and restates regulations previously established in ordinances other than the Zoning Ordinance or amendments thereto. Regulations from such ordinances so incorporated herein shall be deemed effective from the date of such ordinances' enactment.
- (1) Commencing with the effective date of this Ordinance, the use of land as a junkyard shall be authorized as a use on special exception under Article 8 of this Ordinance. Such uses authorized and permitted prior to the effective date of this Ordinance under the Junkyard Ordinance (No. 61-6), enacted September 11, 1961, shall continue to be authorized and, from the effective date of this Ordinance, shall adhere to standards as incorporated and amended in Article 8 of this Ordinance, any future expansion or alteration of a preexisting use to be deemed an application for use on special exception under Article 8. Subject to the provisions of this Section 1.05.7, the Junkyard Ordinance shall be repealed.
 - (2) This Ordinance incorporates regulations formerly established in such ordinances as the Sign Ordinance (No. 88-21). It is intended that enactment of this amended and restated Ordinance shall repeal Ordinance No. 88-21.
 - (3) Incorporation in this Ordinance of regulations formerly established in other ordinances, generally, shall repeal such other ordinances insofar as their regulations are incorporated herein.

1.06 Compliance

No structure shall be located, erected, demolished, constructed, moved, altered externally, converted or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this Ordinance, and the subsequent lawful issuance of all permits and certifications required by this Ordinance.

1.07 Uses For Which No Provision Is Made

Whenever, in any district established under this Ordinance, a use is not specifically authorized and an individual makes an application to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use. The use may be authorized if it is similar to and compatible with uses permitted or authorized in the district and in no way is in conflict with the general purpose and intent of this Ordinance or any provision permitting or authorizing the same; provided, that the same shall comply with and follow all requirements of this Ordinance.

**ARTICLE 2
DEFINITIONS**

2.01 Word Usage

The following rules of construction shall apply to this Ordinance:

- 2.01.1 Words used in the present tense shall include the future.
- 2.01.2 The singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- 2.01.3 Reference to one gender shall be deemed to include the other.
- 2.01.4 The words "shall" and "must" are intended to be and shall be deemed to be mandatory. The word "may" is permissive.
- 2.01.5 The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and/or "occupied for."
- 2.01.6 The words "includes" and "including" shall not limit the term to the specified example, but are intended to extend its meaning to all other instances of similar kind and character.
- 2.01.7 The particular shall control the general.
- 2.01.8 If there is a difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

2.02 Terms Defined Elsewhere

This Ordinance intentionally does not include definition of terms that are established in the Pennsylvania Municipalities Planning Code, the Millcreek Township Subdivision and Land Development Ordinance, the Millcreek Township Public and Private Improvements Code, the Millcreek Township Stormwater Management Ordinance and the Millcreek Township Municipal Waste and Recycling Ordinance. Where not defined in this Ordinance, definitions of terms adopted in the Municipalities Planning Code and the ordinances referenced above are expressly adopted and shall control.

2.03 Undefined Terms

Where not defined in this Ordinance or in the statute and ordinances referenced in Section 2.02 or in other applicable Pennsylvania statutes or Township ordinances, terms shall be given their common or ordinary meaning.

2.04 Definitions

As used in this Ordinance, the following terms shall have the meanings indicated below:

Accessory Structure - A detached structure or building customarily incidental and subordinate to the principal structure or use of the lot on which it is located.

Accessory Use - A use customarily incidental and subordinate to the principal use of the lot.

Adult Entertainment - Shall mean and include:

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

Adult Motel - A hotel, motel, inn or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on and/or depiction of descriptions of specified sexual activities or specified anatomical areas. This use shall be deemed included within the definition of an adult-oriented establishment.

Adult-Oriented Establishment - The term includes, without limitation, the following establishments when operated for profit, whether direct or indirect: (1) Adult bookstores and/or video stores; (2) Adult motion picture theaters; (3) Adult mini-motion picture theaters; (4) Adult drive-in movie theaters; (5) Adult motels; (6) Massage parlors; (7) Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member; and/or (8) An adult entertainment studio or premises that is or are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

For purposes of this term:

- (1) "Motion pictures" shall include material, chat rooms and other material available through the Internet and motion pictures, videos DVDs and/or any other visual or auditory medium available through cable, satellite, television, communications services or other source or other television or communications services on computers or equipment used in the establishment.
- (2) The terms booths, cubicles, rooms, studios, compartments or stalls, for purposes of defining adult-oriented establishments, do not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee and which are not open to any persons other than employees.

Agricultural Activities - Activities including, but not limited to, livestock and poultry raising, field, row and tree crops, forest and tree products, sale of products produced on the premises and other customary farm structures. The term does not include farm-oriented commercial or industrial activities or operations, such as food or livestock processing plants, holding pens, slaughterhouses or similar uses which handle products not produced on the immediate premises.

Alternative Tower Structure - This term means and shall include generally man-made trees, clock towers, tall steeples, light poles and similar alternative design that camouflage or conceal the presence of antennas on towers.

Amusement Park - An establishment existing primarily for entertainment purposes and offering rides and exhibits for a fee.

Antenna Height - The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is located on a sloped grade, then the average between the highest and the lowest grades shall be used in calculating height. This term shall apply as well to the height of any other structure or facility mounted upon a support structure.

Antenna Support Structure - This term means and shall include generally any pole, telescoping mast, tower, tripod or any other structure which supports a device used in the transmitting or receipt of radio frequency energy, including but not limited to Communications Antennas.

Apartment - A room or suite of rooms in a multi-story, multiple-family dwelling, which is used as a single housekeeping unit and which contains complete kitchen, bath and toilet facilities permanently installed.

Apartment, High-Rise - an apartment building three (3) stories or greater in height. A development shall be deemed to be a 'high-rise' development if it includes one or more high-rise apartment buildings."

Arcade - Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically-controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time. Authorized as an accessory use to Amusement Park, Mini-Motion Picture Theater or Theater.

Architect - An architect registered by the Commonwealth of Pennsylvania.

Architectural Projection - Any projection, except signs, which is intended for occupancy and which extends beyond the face of an exterior wall of a building.

Assisted Living Facility - See *Continuing Care Facility*.

Automobile Graveyard - The storage of two or more junked, wrecked and/or nonoperating vehicles on any premises; provided, that this shall not include the storage of wrecked automobiles in a proper commercial zoning district in connection with an automotive service or repair business, so long as such wrecked vehicles are stored merely to await repair thereof in the immediate future.

Automotive Detail - Any building, premises or land in which or upon which a business or individual performs or renders a service involving the detailing and servicing of an automobile or other motor vehicle. Detailing and servicing shall include any cleaning, buffing, striping, glass replacement and audio installation or repair, but shall not include any service defined as "automobile repair."

Automotive Service Station - A building, premises or portions thereof which is or are used, arranged, designed or intended to be used for the retail sale of gasoline or other fuel for motor vehicles, boats or aircraft, as well as for automobile and light truck repair, including State inspection.

Awning - A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid and rigid materials on a supporting framework.

Background Area of Sign - The entire area of a sign or building wall on which copy can be placed, including framing, border and trim, but not including structural supports.

Bath House - An establishment or business that provides the services of baths or spas of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed but no specified sexual activity occurs. This term shall be deemed included within "adult-oriented establishment."

Bed and Breakfast Inn - An owner-occupied single-family dwelling that contains not more than three guest bedrooms in which short-term lodging not exceeding seven (7) consecutive days or nights is provided for compensation and in which meals for lodgers may also be provided. This use shall not include group residence facilities.

Book and Video Store - A retail establishment devoted primarily to selling or renting any of the following: newspapers, magazines, books, other printed material and video recordings for distribution, purchase, observation or review by patrons therein.

Bottle Club - An establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Liquor Code. The permissibility of a use of land involving to any extent a bottle club shall be determined according to the principal intended use.

Buffer Yard - A strip of land, a portion of which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall, fence or sign in compliance with this Ordinance.

Buildable Area - The area of a lot remaining after the minimum yard and open space requirements of this Ordinance have been met. See Figure 2 in the Appendices.

Building Facade - That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the building elevation. With respect to signs, the term includes the entire building front, including the parapet or any portion of the building sides or rear which face a public street or a parking area.

Building Floor Area - The sum of the gross horizontal areas of all floors of a building or structure and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living sleeping or business areas, but including the area of roofed porches and roofed terraces.

Building Height - A vertical distance measured from the average ground level at the sides of the building to the extreme high point of the building exclusive of chimneys and similar fixtures. See Appendix.

Building Material Facility/Lumberyard - A facility for the sale of home, tools, hardware and construction materials such as brick, lumber, concrete, piping and other similar materials, either within or without an enclosed building.

Building Setback Line - An established line within a property defining the minimum required distance between the face of any building or structure to be erected and the established property line. The face of the building includes basements, decks, sunrooms, foyers, porches, patios with footers, dormers, and any other solid projections and solid entrances. Walks, terraces, uncovered steps, stoops or chimneys attached to a structure are exempt. See Figure 2 in the Appendices.

Bulk Fuel Storage - A place for storage of petroleum and other fuels usually transported in large volumes rather than in packages or boxes.

Business Services - Shall mean and include any commercial activity providing services such as financial advice, stock or bond brokerage services, insurance sales and service, real estate services, utility sales and services, court reporting services, cell phone and communications services, employment and/or recruiting services, small copy, printing and video services, shoe repair, watch repair, valet or courier service and whose principal operation does not involve on-site retail sales.

BYOB Club - Any facility operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board wherein patrons may consume alcoholic liquors, alcohol or malt or brewed beverages which said patrons have carried or brought into the premises. The term shall not include a licensee under the Liquor Code. The permissibility of a use of land involving to any extent a bottle club shall be determined according to the principal intended use.

Canopy - A shelter, constructed of any material, projecting from but not necessarily supported by the building and which includes awnings or similar devices.

Car Wash - Any building or premises or portion thereof used for washing automobiles and light trucks.

Certificate of Occupancy - a certificate issued by the building code official under the Pennsylvania Construction Code as adopted by Millcreek Township upon completion of construction of a building, structure or addition or alteration thereof, which authorizes occupancy of the premises.

Cluster/Cluster Development - As defined in the Subdivision and Land Development Ordinance.

Commercial Message - Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Communications Antenna - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, weather radar or any other wireless communications signals, including, without limitation, omni directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such service. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment, including, without limitation, ham or citizen band radio antennas.

Communications Equipment Building – An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty square feet.

Communications Tower – A structure other than a building, such as a monopole or self-supporting tower, designed and used to support communications antennas. Guyed towers shall not be within this term and are not permitted.

Conservation Development/Design - a concept of design and site planning in which specific features of land proposed for development are identified and analyzed, with development designed to protect and preserve special features and open space and reduce the portion of the parcel consumed by streets and lots while allowing for density of development similar to that allowed in the zoning district.

Construction Permit - A permit issued by the building code official under the Pennsylvania Construction Code, indicating that proposed construction, alteration or reconstruction of a structure or other work regulated by the Construction Code is in accordance with the Construction Code authorizing the applicant to proceed with such work or activity. This term shall be deemed to include “building permit” or “UCC permit.” Such permit is distinct from a “Zoning Permit” and is not issued, administered or reviewed under this Ordinance.

Continuing Care Facility – As defined in current State licensee requirements, a residential facility or development designed, operated and maintained for adults, which may also include “skilled nursing,” “intermediate care,” “personal care,” or “assisted living” facilities.

Convenience Store – A retail establishment with a sales area of 2,000 square feet or less offering for sale food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing and the sale of liquefied petroleum gas and/or vehicle fuel, but shall not include the repair or service of vehicles. Convenience stores shall not exceed more than four (4) fuel islands or more than eight (8) fueling positions. See “Retail Store Selling Vehicle Fuel” for use involving additional fuel islands and/or fueling positions.

Convenience Store, Neighborhood – A retail establishment with a sales area of 2,000 square feet or less offering for sale food products, household items, newspapers, magazines or freshly prepared foods that may be available for on-site or off-site consumption, including all accessory activities authorized in a convenience store excluding the sale of liquefied petroleum gas and/or vehicle fuel. This use shall not include any fuel islands or fueling positions and the sale of vehicle fuels is expressly prohibited.

Copy/Sign Copy - Any letter, number, symbol, figure, character, mark, plan, design, picture, stroke, stripe, trademark or combination thereof, either permanent, alternating or removable.

Copy Area of Sign - The actual area of the sign copy applied to any background. Shall be computed by straight lines drawn tangent to copy extremities encompassing individual letters, words or graphic elements.

Correctional Facility - a publicly- or privately operated facility housing persons awaiting trial, serving a sentence after being found guilty of a criminal offense, being within the jurisdiction of a Federal, State or local probation, parole or corrections agency and/or receiving treatment other than at a hospital while under the jurisdiction of such authority or agency. The term shall include but not be limited to jails, prisons, juvenile detention centers, work release centers, pre-release centers and treatment centers.

Day Care Center - A facility licensed by the State of Pennsylvania, located within a building not used as a dwelling unit, for care during part of a 24 hour day, of children under the age of 16 or handicapped or elderly persons.

Density - The maximum number of dwelling units per acre of developable land in a development.

Developable Land - That land proposed for development which excludes therefrom all portions thereof (1) dedicated or to be dedicated or devoted for use as public or private streets and/or for interior traffic circulation by other means, (2) dedicated or to be dedicated or devoted to use as public or private improvements, including but not limited to stormwater management improvements, (3) defined by the Pennsylvania Department of Environmental Protection as wetlands, (4) defined by appropriate Federal or State agencies as being within a 100-year floodplain and (5) having a slope in excess of twenty-five percent (25%). Where land proposed for development involves other factors prohibiting or rendering impractical development of areas due to particular easements or other circumstances, the Board of Supervisors shall have authority to deem such areas of the parcel non-developable.

Distribution Facility - Any premises or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

Distribution Warehouse Center - An establishment primarily engaged in the receipt, storage and distribution of goods, products, cargo and materials, including trans shipment by air, rail or motor vehicle.

Drive-Through Facility - An facility which offers in-car service or take-out service for a permitted use in a nonresidential zoning district, including but not limited to financial institutions, food stores, restaurants and drugstores, but not including drive-in theaters. This term generally refers to an accessory use or manner of conducted a permitted use and is not intended as a distinct form of use.

Duplex/Duplex Dwelling - A detached building containing two dwelling units attached side-to-side, with separate entrances and separated by an unpierced party wall. Includes "two-family dwelling."

Dwelling - Any building, structure, or portion thereof which is occupied as, designed or intended for occupancy as, a residence having one or more dwelling units, but not including hotels, motels and/or continuing care facilities.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Eating and Drinking Establishment - An establishment designed and operated for the express purpose of providing food and beverage service within the confines of a structure and generally excluding any encouragement, orientation or accommodation of services or products to the patrons' vehicles, on or within the premises.

Eaves - The lowest horizontal line of a sloping roof.

Educational Institution - A structure, part of a structure or structures designed and used for training and teaching of children, youths or adults, including laboratories appurtenant thereto.

Enforcement Notice - A notice as provided in Section 616.1 of the MPC and/or this Ordinance and/or the Millcreek Township Ordinance Enforcement Notice, sent by the Township to the owner or occupant of record of a parcel on which a violation of this Ordinance has occurred.

Erect - To build, construct, attach, hang, suspend, affix, alter, structurally repair, remove, relocate, add to, demolish, renew. With respect to signs, includes painting on a wall or any other background surface.

Essential Communications Antenna - Any communications antenna owned or operated exclusively by an agency or authority of the Township or Commonwealth of Pennsylvania or any police, fire, emergency medical or emergency management agency or any public utility whose rates are regulated, and are providing a service regulated by the Pennsylvania Public Utility Commission.

Essential Services – The erection, construction, alteration or maintenance, by public utilities regulated by the Pennsylvania Public Utility Commission or municipal or other governmental agencies, of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential buildings, excluding communications towers and communications antennas as defined in this Ordinance.

Family - An individual or two (2) or more persons related by blood or marriage living together; or a group of individuals of not more than three (3) persons, not related by blood or marriage, but living together as a single housekeeping unit (exclusive of any natural born or adopted children of an adult resident). In each instance the family shall be understood to include the necessary servants. The foregoing restrictions do not apply to persons with disabilities as defined in the Fair Housing Act, 42 U.S.C. 3601, et. seq.

Financial Institution - Any commercial institution that lends money or engages in a finance-related business, including but not limited to stock brokerage firms, securities firms, banks, credit unions and savings associations.

Floodplain Area - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodway - The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Floor Area, Retail Net – All that space used by customers and retail employees to consummate retail sales, and to include display areas used to indicate the variety of goods available for sale but not to include office space and other general administrative areas.

Freight Terminal - The premises and building(s) where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

Fuel Dispenser - A device which dispenses vehicle fuel and/or kerosene and which may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.

Fuel Island – A concrete platform on which fuel dispensers are located.

Fueling Position – A location at which a single vehicle may be fueled from a fuel dispenser.

Glare – The effect produced by brightness sufficient to cause annoyance, discomfort, distraction or loss in visual performance and/or visibility.

Gross Floor Area ("GFA") – The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Group Residence Facility – an establishment that provides in a family setting or environment room, board and care to persons who are mentally retarded and/or physically handicapped, dependent children under the age of 18 years or individuals over 62 years of age who are in need of supervision and specialized services limited to health, social and/or rehabilitative services provided by a governmental agency, its licensed or certified agents or a responsible and licensed nonprofit social service corporation. Supervision shall be provided by responsible adults whose number shall be determined and certified by the sponsoring agency, at least one responsible adult to be available for the residents on a 24-hour per day basis while residents are on the premises. Such establishment must inherently function as a single housekeeping unit and not as an institution; shall not bear exterior signage and shall not allow or engage in activity, including extend of parking, not customary for other uses in the particular zoning district. This category shall not include facilities for delinquent children, persons 18 or more years of age released from or under the jurisdiction of a criminal court, government bureau of corrections or similar institution or agency, persons suffering from communicable or publicly transmittable diseases or otherwise not within the specific definition set forth above. Under this definition, the number of "residents shall be deemed to include resident clients, staff residing in the premises or assigned per shift and family of staff who reside in the premises, either temporarily or permanently. Persons receiving treatment under Article III (Involuntary Examination and Treatment) and/or Article IV (determinations affecting those charged with a crime or under sentence) shall not be eligible for residence in a group residence facility. Mentally retarded individuals shall be certified by Erie County Mental Retardation authorities as being capable of residing in such a facility. This definition shall be strictly interpreted.

Health Club - Any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy, aerobics and physical fitness services (e.g., aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

Heavy Industry/Manufacturing - Manufacturing that includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs and products that due to the nature of the materials, equipment or process utilized, is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

Height - Unless otherwise provided, the vertical distance measured from ground level to the highest point of a building, structure or other object, including all appurtenances thereto or thereon. With respect to buildings, structures and/or towers of any type, height includes highest point, including antennas, facilities or structures of any type which are mounted on the building, structure, facility or tower.

Height of a Sign - The vertical distance measured from the highest point of a sign to the grade of the adjacent street.

Home Occupation - An accessory use of a service character customarily conducted within a dwelling by the residents, not meeting all standards of a no-impact home-based business, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small nameplate or such signage as is expressly authorized in this Ordinance, and in connection therewith there is not involved the keeping or exhibition of stock-in-trade:

- (1) The office of a physician, surgeon, dentist, architect, lawyer or other professional person, each with not more than one paid assistant, shall be deemed to be a home occupation. Instructions in violin, piano or other individual musical instruments, limited to a single person at a time, shall be deemed a home occupation. The occupations of dressmaker, watchmaker, milliner, seamstress, typist or other persons who offer skilled services to clients and are not professionally engaged in the purchase or sale of economic goods and who have not more than one paid assistant shall be deemed to be home occupations.
- (2) Dancing instruction, band instrument instruction in groups, personal, business and professional services, funeral homes, continuing care facilities and retail sales establishments or businesses of any kind not listed above are not home occupations.

Hospital - An institution providing acute medical or surgical care and treatment for sick or injured humans, as defined in the current State licensure requirements. The term includes outpatient surgical and treatment facilities not constituting a "Correctional Facility," sanitarium, clinic, "Continuing Care Facility" and any other place for the diagnosis, treatment or other care of human ailments.

Hotel - A facility offering transient lodging accommodations to the general public and which may provide additional services, such as restaurants, meeting rooms and recreational facilities.

Industrial Park - An area of land arranged and / or constructed in accordance with a plan for a group of industrial purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses.

Industry - The processing of raw materials or the manufacture of materials or products.

In-Law Apartment - A separate living space within a single family dwelling unit consisting of separate sleeping, cooking and bathroom facilities and which is to be occupied by an in-law of, in-laws of or a member of the family unit occupying the main portion of the dwelling.

Intermediate Care Facility - A facility which provides nursing care and related medical and/or other personal health services to persons on a planned program of care and administrative management, supervised on a continuous 24-hour basis in an institutional setting, as defined in current State licensure requirements. This use shall be deemed encompassed within the term, "Continuing Care Facility."

Junk - Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal or other use or disposition; includes any discarded material or article, including but not limited to scrap metal; scrapped, abandoned or junked motor vehicles; the storage of motor vehicles which are not operable but which are being stored so that their parts can be removed; tires; vehicle parts; machinery; equipment; glass; paper; containers; rags; metal; building materials; household appliances; brush; wood; lumber; food waste; garbage; solid waste; leaf, grass and tree or shrubbery waste or recyclable materials. The term does not include municipal waste, recyclable materials and leaf waste kept in a proper container for the purpose of prompt and proper disposal.

Junkyard - Any area, lot, land, parcel, building or structure, or part thereof, used wholly or in part for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap and discarded goods, materials, machinery or two or more unregistered and/or inoperable motor vehicles or other types of junk.

Kennel - A use of land and structures in combination under which four or more domestic animals or pets six months or older are groomed, bred, trained and/or boarded for compensation. A use meeting the definition of "pet grooming" is not intended to be a "kennel."

Kennel Accessory - a use in conjunction with and accessory to the principal use of a veterinary clinic or animal hospital which includes the interior housing only for animals under treatment and no outdoor operations or boarding for compensation.

Landscape Architect - a landscape architect registered by the Commonwealth of Pennsylvania.

Lawn and Garden Center - A commercial operation offering for retail sale plants, flowers, lawn and garden supplies and other items which may include a nursery or greenhouse so long as that use is accessory to the principal commercial use, but does not include bulk sales of stone, bark and other materials piled or stored outside or the use of high lifts.

Lawn and Garden Supply Facility - a lawn and garden center which also includes sale in bulk of stone, bark and other materials, repair services of more than an incidental nature and/or regular use of high lifts, loaders in the conduct of its sale and distribution activities.

Light Industry/Manufacturing - Manufacturing that includes the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products that by the nature of the materials, equipment and process utilized, is considered to be clean, quiet, and free of any objectionable or hazardous elements.

Loading Space - A space within the main building or on the same lot therewith providing for the standing, loading or unloading of vehicles.

Lot Area - The total area within the lot lines of a single lot not including any portion of a dedicated street right-of-way. See Figure 2 in the Appendices.

Lot, Corner - A lot that has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than 135 degrees.

Lot Coverage - The area of a lot or parcel that is covered by principal and/or accessory buildings or structures. See Appendix.

Lot Depth - The average distance between the street right-of-way and the rear lot line, measured perpendicular or radial to the right-of-way. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

Lot Frontage - That side of a lot abutting on the street right-of-way.

Lot, Interior - A lot where the side property lines do not abut a street.

Lot Line – A line bounding a lot that divides one lot from another or from a street or any other public or private space. See Figure 2 in the Appendices.

Lot Width – The mean horizontal distance across the lot, between the side lot lines, measured at right angles to the depth.

Maintenance – With respect to signs, the cleaning, painting, repair, refurbishing or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, illumination or structure of the sign.

Manufactured Home - Any single-family home that is built in a factory to the HUD Code and transported on its own wheel, axle and/or chassis system and installed on a building site, whether or not wheels and axles are removed during siting. This term shall be deemed to include “mobile home,” “modular home” and all other equivalent terms, especially when located within a manufactured home park.

Manufactured Home Park - A development or area under single ownership comprising at least five contiguous areas of land where owners of manufactured homes place their manufactured homes on rented land space or owners of land place manufactured homes for rental of the home and space by others for non-transient use.

Marquee - A permanent, roofed structure attached to a building and projecting over public property or a pedestrian walkway. A marquee is neither an awning nor a canopy.

Massage Parlor - An establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body and all forms of physiotherapy, unless operated by a medical practitioner, professional therapist or chiropractor licensed by the Commonwealth of Pennsylvania. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Mini-Motion Picture Theater - An enclosed building with a capacity for less than fifty (50) persons used for presenting visual material, in any form or media, for observation by patrons therein.

Mini-Warehouse - A building consisting of self-contained, self-storage spaces, where each unit is not greater than 500 square feet and the units are rented for the storage of business and household goods. The same prohibitions governing self-storage facilities shall apply.

Mixed Occupancy – Occupancy of a building or land for more than one use.

Monopole - An antenna or other facility support structure consisting of a single pole or spire constructed without guy wires or ground anchor.

Motel – a structure in which lodging is provided for the accommodation of guests, offered to the public for compensation, which includes an office supervised by a person in charge at all hours with a majority of all rooms having direct access to the outside. “Motel” does not include boarding house, lodging house, rooming house, group residence facility or continuing care facility.

Motion Picture Theater - An enclosed building with a capacity for fifty (50) or more persons used for presenting visual material, in any form or media, for observation by patrons therein.

Multi-family Dwelling – A dwelling or group of dwellings on one lot containing separate living quarters that is designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units. Such buildings shall consist of the following types, Apartment Building, Garden Apartment and Row House

Multiple-Establishment Center - A group of uses consisting of three or more non-retail establishments forming a cohesive group of uses in a single building having direct access to the outdoors or in a group of two or more buildings arranged and constructed on a lot or site according to a plan and sometimes having common parking.

Municipalities Planning Code (MPC) - The Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, et seq., as amended.

No-Impact Home-Based Business – A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with the residential use. Such business or commercial activity must satisfy all of the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling of inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including but not limited to parking, signs and lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odor or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

Nonconforming Lot - A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Nonconforming Sign - Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height, or size with the regulations of the district in which such a sign is located.

Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or amendment previously or in the future enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment.

Nonconforming Use - A building or use of land lawfully existing on the effective date of this Ordinance which does not completely conform to the use regulations for the zoning district in which it is located.

Nonoperating Vehicle - A vehicle which does not have the current registration plate or the current valid inspection sticker.

Office/Business Park - An area of land arranged and/or constructed in accordance with a plan for a group commercial or business office purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants or other such regulations controlling or restricting uses. All land involved in an Office Park or a Business Park must be owned by a single owner and the Park must be developed as a single entity.

Open Porch - A roofed, open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood, or other material more than thirty (30) inches above the floor thereof, except the necessary columns to support the roof.

Open Space - land not developed for residential, agricultural, business or industrial use but instead designated for preservation or development as private or public recreation and park areas under a conservation easement or otherwise. Within this general term, "common open space" is land within or related to a development designated and intended for the common use and enjoyment of residents of that development; "private open space" is that common open space held in common ownership, the use of which normally is limited to occupants of a single dwelling or lots within a development; and "public open space" is that dedicated to and accepted by the Township or other public agency and maintained by it for the use and enjoyment of the general public.

Overlay District - An area of the Township subject to the regulations set forth in Article 5 of this Ordinance.

PaDEP - The Pennsylvania Department of Environmental Protection.

Parapet - The portion of a facade or wall that is raised above the roof.

Patio - shall mean a portion of a structure which may or may not be partially or totally enclosed by a roof and one or more walls.

Pennsylvania Construction Code - the Pennsylvania Construction Code established pursuant to Act 45 of 1999, as amended, and as adopted by Millcreek Township by Ordinance No. 2004-9, as amended ("UCC Ordinance").

Permit - A document issued by Millcreek Township authorizing an applicant to undertake certain activities.

Person - An individual, partnership, public or private association or corporation, limited liability company, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Personal Care Facility - A premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 consecutive hours for more than three adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet or medication prescribed for self administration but who do not require hospitalization or care in a skilled nursing or intermediate care facility, as defined in current state licensure requirements. Where conducted in a residential dwelling otherwise meeting requirements for a "Group Residence Facility," shall be deemed a Group Residence Facility.

Personal Services - Any commercial activity conducted for profit which primarily offers services to the general populace, these including barber shops, beauty shops, manicure or pedicure salons, nail salons, therapeutic massage establishments, tanning salons and similar services and activities which are related to the personal needs of people.

Personal Support Services for a Continuing Care Facility - Services provided to residents of a continuing care facility, located within a main building, such as beauty shop, barbershop, gift shop, pharmacy, bank, and laundry and cleaning services and facilities. Shall be authorized and conducted as a use accessory to the permitted use as a continuing care facility.

Personal Wireless Services - Includes commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, and shall be deemed included generally within communications.

Pet Grooming Establishment - a business activity that is operated and conducted within an enclosed premises and includes and is limited to the grooming and/or washing of pets and/or domestic animals and which shall not include any training or boarding of animals and/or any outdoor activities.

Pharmacy/Drug Store - A retail store which primarily sells prescription drugs, patent medicines, non-prescription medications, surgical and other supplies and health and beauty products.

Premises - A separate lot or tax parcel with individual frontage abutting the street line. A premises may include more than one occupancy as in an office complex or shopping center.

Principal Structure - The structure or portion thereof housing the main use of the land.

Private Garage - A garage for housing only with a capacity for not more than three (3) motor vehicles. A garage exceeding a three (3) vehicle capacity, intended primarily for housing of cars belonging to the occupants of the premises, shall be considered a private garage if the lot whereupon such garage is located contains not less than 1,500 square feet for each vehicle capacity.

Private Recreation - Developed or undeveloped open spaces and/or structures and facilities which are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

Professional Services - Shall mean and include offices of professionals offering and providing legal, medical, dental, engineering, accounting, architectural, insurance, financial, appraisal, optical, land surveying, landscape architectural and like services.

Public Garage - A building structure or any portion thereof used for housing or repairing motor vehicles, including rooms for storing, exhibiting or showing cars for sale.

Public or Private School - shall mean and include public and private schools for the education of young children up to and including senior high school. This term shall be deemed included within the term “educational establishment,” but educational uses other than those of a Public or Private School are not permitted in a Residential zoning district.

Public/Public Utility Buildings and Structures - shall mean and include a building or structure to be constructed, owned and operated by a federal, state, municipal or school public entity (including authorities) or a public utility regulated by the Pennsylvania Public Utility Commission.

Public Recreation - Developed or undeveloped open spaces and / or structures and facilities that are provided by a governmental body for public use for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

Public Utility – The Millcreek Township Water Authority, the Millcreek Township Sewer Authority, the Erie City Water Authority, or their respective successors and assigns, or any supplier of utility services regulated by the Pennsylvania Public Utility Commission.

Public Utility Facilities – All of the buildings, wells, dams, reservoirs, plant and equipment of a public utility, including all tangible and intangible real and personal property without limitation, and all means and instrumentalities in any manner owned, leased, licensed, used, controlled, furnished or supplied for, by or in connection with the business of any public utility.

Public Utility Transmission Tower – A structure owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Radio and Television Broadcasting Studio – A studio engaged in transmitting oral and visual programs to the public, but not including the transmitter and/or antennas for such broadcasting.

Recreation Open Space - that area of land suitable for the development of specific active recreation facilities for leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball and softball fields, soccer fields, football fields, tennis, basketball, volleyball and other court games, hockey facilities, multi-purpose fields and community swimming pools and attendant facilities.

Recreational Use – The use of land, buildings and structures for leisure-time activities, including but not limited to amusements. Amusement arcades, athletic health spas, clubs, country clubs, dancing or music studios, golf courses, race tracks, riding academies swimming clubs, and ski resorts. Such facilities may be opened to anyone without restrictions, except for rules, fees, and standards of conduct and use, may be privately operated for profit, or they may be private and limited as to users.

Recreational Vehicle – A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or units include but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, autos, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all-terrain vehicles, go-carts, boats, boat trailers, and utility trailers. A tent, travel trailer, pick-up camper or motor home shall be considered a Recreational Vehicle and for the purpose of this Ordinance shall be further defined as follows: (a) An Independent Unit is one containing a built-in toilet, lavatory and kitchen sink which is connected directly to the park water supply and sewage system or to permanently installed tanks, except if the same is occupied between December 1 and March 1; and (b) Dependent Unit - any other unit.

A Recreational Vehicle does not include a manufactured or mobile home, industrialized housing and/or any incidents of long-term or permanent residence, including but not limited to skirting, removal of wheels, sheds, etc.

Recreational Vehicle Park - A plot of ground designed and laid out solely for occupancy by Recreational Vehicles and/or tents, to be used as living quarters on a temporary basis. Also: Campground

Recyclable Materials Collection Facility – A center for the acceptance of recyclable material from the public by donation, redemption, or purchase.

Recyclable Materials Processing Facility – A facility employing a technology this is a process that separates or classifies municipal waste and creates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include transfer facilities, municipal waste landfills, composting facilities or resource recovery facilities.

Religious Establishment - A building used as a place of religious worship and teaching, which may include schools, day care centers, auditoriums, residences for persons serving the particular facility and recreational facilities.

Research and Development - A structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor. Such use shall be categorized as Light Industrial or Heavy Industrial dependent upon the specific nature of its operations.

Retail Business Establishment - A commercial use involving the sale of commodities and services directly to consumers. This term is intended to encompass all uses involving retail sales that are not specifically provided for or are not generally equivalent to uses that are specifically provided for. Where a use is specifically provided for, that specific provision shall control. In uses such as bakeries, candy stores, grocery stores and florists, accessory uses may include the baking or making products solely for the purpose of retail sale on that premises so long as all such activities are conducted indoors. In uses such as sale of auto parts, accessory uses may include the installing or assisting with installation of purchased items is authorized so long as all activities are conducted indoors.

Retail Store Selling Vehicle Fuel - A retail establishment with a sales area of 5,000 square feet or less otherwise meeting the criteria for a Convenience Store that has more than four (4) fuel islands or more than eight (8) fueling positions on the premises.

Right-of-way - land dedicated, reserved and/or accepted for use as a road, street, alley or crosswalk.

Roof Line - The uppermost line of a roof of a building or, in the case of an extended facade or parapet, the uppermost height of said facade or parapet.

Row/Townhouse Dwelling - A dwelling or building, designed for or occupied by three or more families living independently of each other, divided by party walls into distinct and non-communicating units. Buildings shall not exceed 3 stories in height. Each dwelling unit shall have direct access to the outdoors. This term includes triplex and quadruplex dwellings.

Self-Storage Facility – An establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and/or retail materials and/or products shall not be permitted.

Self-Supporting Tower - A tower that is free standing and not guyed or anchored with cables. This term shall include monopoles, three- and four-sided steel lattice towers and other tower structures that include their own support and are free-standing.

Setback - Generally, the distance of separation between a building and a street, other building or other feature. Where used generally in this Ordinance, setbacks are intended to apply to buildings, including principal and accessory buildings. Other than structures attached to a building (which shall comply with the general setback regulations), setbacks are not intended to apply to structures that are not buildings unless and to the extent that such setback regulations are expressly provided in this Ordinance. Structures as to which this Ordinance does not impose setbacks include, but are not limited to fences, playground equipment, HVAC units, driveways, sidewalks, basketball hoops, concrete or paved pads and at-grade patios.

Shopping Center - One or more retail stores and other authorized uses in the zoning district in which it is an authorized use, developed as a single entity on a site, whether developed at one time or in phases by different owners. Shopping centers shall be categorized as follows:

Community Shopping Center - A shopping center having from 50,000 to 300,000 square feet ("SF") of gross floor area ("GFA").

Neighborhood Shopping Center - A shopping center having less than 50,000 SF of GFA.

Regional Shopping Center - A shopping center having more than 300,000 SF of GFA.

Sign - Any device, fixture, placard or structure that uses any color, form graphic, illumination, symbol or writing to identify and communicate, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public. A sign shall be deemed to include its frame and/or structure. Types of signs include:

Abandoned Sign - A sign which no longer advertises a bona fide business or activity and/or for which no legal owner can be found.

Animated/Moving Sign - Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation. This shall include any sign which uses movement or change of lighting to depict action or create a special effect or scene. For the purposes of this Ordinance, this definition shall not be meant to include public service signs such as "time and temperature" signs, changeable copy signs, revolving and rotating signs or signs which, through reflection or other means, create an illusion of flashing of intermittent light.

Awning or Canopy Sign - A sign on an awning or a canopy (see their definitions above).

Billboard/Commercial Outdoor Advertising Sign - A permanent off-premises sign erected, maintained or used for the purpose of providing copy area for advertising messages for rent or lease.

Building Sign - Any sign attached to any part of a building (i.e., not a free-standing sign).

Changeable Copy Sign - A sign or portion thereof with characters, letters and/or illustrations which can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a Time and Temperature portion of a sign and not a Changeable Copy Sign for purposes of this Ordinance. This term includes public service information, displays or any sign which features automatic, manual or other switching or changing of its message content.

Construction/Development Sign - A type of temporary sign which is intended to advertise the name of a project or development and/or the contractor, architect, engineer, financier, etc.

Directional/Information Sign - Any on-premises sign generally informational, that has a purpose secondary to the use of the lot or site on which it is located, such as "No Parking," "Entrance," "Exit," "One Way," "Loading Only," "Telephone" and other similar directives, and provided that such sign does not exceed 4 square feet. Directional/ informational signs shall be located only in conjunction with site drive entrances and/or internal traffic drive aisles.

Electronic Display Sign - means an on-premises sign, or portion thereof, that displays electronic static images, static graphics or static pictures, with or without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights, including but not limited to light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message is displayed. Each message shall remain static for a minimum of eight (8) seconds, and the change sequence shall be accomplished instantaneously. Electronic display signs include computer-programmable, microprocessor-controlled electronic or digital displays. Electronic display signs shall not be deemed to include animated images or graphics, audio components, scrolling messages or video moving images similar to television images.

Electronic Message Center - means an on-site non-temporary sign which uses light bulbs, light emitting diodes, computers or other means to spell out and/or change messages or display of advertisement or announcement.

Freestanding Sign - Any sign supported by structures or supports that are placed on or are anchored in the ground and that are independent from any building or other structure. Also referred to as a pole sign.

Ground Sign - A sign supported by uprights or braces in or upon the ground surface, with not more than 12 inches clearance from finished grade and that is independent from any building or other structure. A ground sign is a freestanding sign.

High-Rise Sign - A freestanding sign having a maximum height of 80 feet.

Illuminated Sign - A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign or a component of its structure.

Interior Sign - Any sign, except a window sign, placed within a building regardless of whether its message is visible to the exterior of the building. Except for such window signs, interior signs are not regulated by the provisions of this Ordinance.

Monument Sign - A sign in which a stone or brick structure is used to mount the sign area on, in or as an integral part of such structure. The permissible sign area of such sign shall begin at a height not greater than 4 feet above normal grade.

Nonresidential Subdivision Identification Sign - A sign used to identify the name of a non-residential development of three or more lots for non-retail use, containing no commercial message and located at the principal entrance(s) of such subdivision, such as an office park, industrial park, medical center or business park.

Off-Premises Signs - A sign directing attention to a business, person, commodity, or service not necessarily sold or located upon the premises where the sign is located, e.g., billboards and commercial outdoor advertising.

On-Premises Sign - A sign which carries only messages strictly incidental to a lawful use of the premises on which it is located. Such signs may include but not be limited to messages indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm, or corporation occupying the premises.

Portable Sign - Any sign not permanently attached to the ground or other permanent sign, or one designed to be transported (including but not limited to transportation by means of wheels, signs converted to "A" or "T" frames, sandwich board signs, balloons used as signs, umbrellas used for advertising and/or signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business).

Pre-Occupancy Sign - A sign used to identify the coming of a new business or an intent to hire for a new business.

Projecting Sign - A display sign which is attached directly to the building wall, and which extends more than 15 inches from the face of the wall.

Promotional Sign - A type of temporary sign which is intended to promote or advertise a business or commercial event, public gathering, or nonprofit and charity sponsored event.

Real Estate Sign - A temporary sign pertaining to the sale, lease, or rental of the property upon which it is located.

Residential Development Identification Sign - A sign used to identify the name of a residential development which contains no commercial message is and located at the principal entrance(s) of such development.

Roof Sign - A sign erected upon the roof or parapet of a building, the entire face of which is situated above the eaves or highest architectural point of the building to which it is attached, and which is wholly or partially supported by said building

Rotating Sign - A type of freestanding sign which rotates 360 degrees.

Suspended Sign - A sign that is suspended from the under side of a horizontal plane surface and is supported by such surface.

Temporary Sign - Any sign that is used only temporarily and is not permanently mounted.

Time and Temperature Sign - A display containing illuminated or reflective numerals switching alternately to show the time and temperature.

Unlawful Sign - A sign which does not meet the requirements of this code and which has not received legal non-conforming status.

Vehicular Sign - Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity during all or part of the day. Vehicular signs shall not include business logs, identification or advertising on vehicles primarily used for other business purposes. Vehicles of any kind upon which a sign has been painted will be subject to the restrictions regarding temporary and portable signs as they apply to the location of the vehicles when parked on a business' own premises.

Wall Sign - A sign which is painted on or attached directly to a fence or on the surface of approved building walls, and which extends not more than 15 inches from the face of the fence or wall. Includes fascia sign.

Window Sign - A sign affixed to or within 12 inches of the interior surface of a window with its message visible to the outside of said window surface.

Single-family Dwelling – A detached building designated for, or occupied exclusively as, a residence by one family and containing not more than one dwelling unit.

Skilled Nursing Facility – See *Continuing Care Facility*.

Small Wind Turbine Device - shall mean and include small wind turbine devices, wind generators and systems producing from 1 to 100 kWh of electricity and which are designed and used solely to generate power to serve a principal and/or accessory building located on the lot on which said device is situated (without regard to any excess power generated going to a power grid). This term does not include “wind energy conversion system.”

Specified Anatomical Areas – Shall mean and include:

- (1) Less than completely and opaquely covered:
 - (I) human genitals or pubic region;
 - (ii) buttocks; or
 - (iii) female breasts below a point immediately above the top of the areola.
- (2) Human male genitals in a discernible turgid state, even if opaquely covered.

Special Event of a Temporary Nature - shall mean and include the temporary use of land and/or structures not situated in a Residential District for specially scheduled events of a temporary and short-term nature, including but not limited to fairs, festivals, circuses, concerts and the like, where the actual use, exclusive of one day each for preparation and cleanup, shall not exceed 5 days.

Specified Sexual Activities – The term includes any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

The term does not include any of the following:

- (1) Medical publications or films or bona fide educational publications or films.
- (2) Any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.
- (3) Any news periodical which reports or describes current events and which from time to time publishes photographs of nude or seminude persons in connection with the dissemination of the news.
- (4) Publications or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or semi-nudity is indigenous to the people.

Street/Road - See Subdivision and Land Development Ordinance for definition, classifications.

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

Structure – Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Studio, Dancing or Music – The use of a premises by a teacher of music and / or dance where students are taught these arts for a fee and where more than one student may be taught in a class at one time. This term is synonymous with “Dancing School” and “Music School” and similar terms.

Telephone Exchange Building – A building and equipment therein, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, but in a residential district not including public business facilities, storage of outside plant materials, trucks or repair facilities, or housing for outside repair crews.

Temporary Storage Facility - shall mean and include any structure, including but not limited to tractor trailer box units, covered and completely enclosed trailer units, which is designed, used and/or intended for use for the temporary storage of items and/or materials.

Temporary Structure - Any structure which is erected to be in place for not more than 12 months, including but not limited to, tents, air-supported structures, portable bandstands, reviewing stands, bleachers, storage facilities, mobile office units, construction sheds, sales offices for lots or dwellings or other structures of a similar character.

Through Lot - An interior lot having frontage on two streets.

Tower - A structure other than a building, such as a monopole or self-supporting tower, designed and used to support any facility or another structure, other than communications antennas. Guyed towers shall not be deemed within this term and are not permitted. This term shall be broadly interpreted so as to include without limitation all such structures.

Treatment Center - a use, other than a prison, which provides housing, treatment, rehabilitation and/or counseling to persons under the jurisdiction or control of any Court, parole, probations or corrections agency. The term shall not apply to a hospital providing acute or needed medical treatment to a person not placed in such facility other than for such acute treatment.

Truck Terminal - Land and buildings used primarily for the storage and maintenance of trucks and/or trailers and to transfer freight from one truck and/or trailer to another. The terminal shall not be used for storage of freight. The terminal may include storage areas for trucks and buildings for the repair of trucks associated with the terminal.

Turbine - any of various machines in which the kinetic energy of a moving fluid is converted to mechanical power by the impulse or reaction of the fluid with a series of buckets, paddles or blades arrayed about the circumference of a wheel or cylinder.

Turbine Height - the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

UCC Ordinance - Millcreek Township Ordinance No. 2004-9, as amended, which adopted the Pennsylvania Construction Code.

Use - Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land.

Use Permit/Certificate - A permit issued upon a change in use of a structure or a parcel of land or upon request therefore which certifies that the premises complies with the provisions of this Ordinance and which may be used for the purposes set forth in such permit.

Vehicle Sales, Rental and Service - A facility for the sales, rental, service (including oil and tire changes) and washing of automobiles, trucks, buses, boats and marine equipment, motorcycles, campers, motor homes, recreational vehicles and other vehicles, but not including heavy equipment.

Vehicle Fuel Service Station - An establishment where the principal use is the retail sale of gasoline, oil, or other motor vehicle fuel and no more than fifteen (15) percent of the floor area is used for convenience and variety goods. The premises may include as an accessory use only, facilities for polishing, detailing, greasing, washing, or otherwise cleaning, servicing, or repairing motor vehicles, but does not include liquefied petroleum gas distribution facilities.

Veterinary Clinic/Animal Hospital - A structure or use for the treatment, housing, and indoor boarding of domestic animals being treated [see "kennel (accessory)"], including but not limited to horses, cattle, dogs, cats, rabbits, and fowl.

Warehouse - A structure primarily used for the storage of goods and materials.

Wind Energy Conversion System (WECS) - shall mean and include any device such as a wind charger, wind turbine or windmill and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. This term does not include “small wind turbine device.”

Wind Turbine - a wind energy system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

Yard - An open space at grade between the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. Types of yards regulated in this Ordinance include:

Front Yard - A yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a horizontal distance that is equal to the depth of the required front yard.

Rear Yard - A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a horizontal distance that is equal to the depth of the required rear yard.

Side Yard - An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line.

Yard Sale - A sale of limited duration conducted from the yard, porch or garage of a single family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch or garage sales shall be considered an accessory use and not a home occupation, and shall be limited to not more than six (6) days or any part of a day in a calendar year.

Zoning Approval - Approval under the provisions of this ordinance certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this ordinance.

Zoning Officer - The person appointed by the Millcreek Township Supervisors, having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer this ordinance and such other ordinances that may be assigned by the Township Supervisors.

Zoning Permit - A permit issued that indicates that a proposed use, building, structure or activity is in accordance with the provisions of this Ordinance and other applicable ordinances and regulations of the Township, and which authorizes the applicant to proceed with such use, construction or other activity. The Zoning Permit shall be the means by which the Township regulates use or activities other than construction and other actions expressly regulated by the Pennsylvania Construction Code but which otherwise govern such activities. Action on a Zoning Permit that relates to regulations of this Ordinance shall be subject to appeal under this Ordinance. Action on a Zoning Permit that relates to regulations under other laws or ordinances shall be subject to review as specified in such laws and other ordinances.

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**ARTICLE 3
ESTABLISHMENT OF ZONING DISTRICTS, MAP AND GENERAL REGULATIONS**

3.01 Establishment of Zoning Districts

For the purposes of this Ordinance, Millcreek Township is divided into the following zoning districts, such zoning districts as set forth and shown on the Township Zoning Map which is made a part of this Ordinance:

3.01.1 Use Districts

- RR Rural Residential District
- R-1 Single Family Residential District
- R-2 Low Density Residential District
- R-3 Medium Density Residential District
- R-4 High Density Residential District
- C-1 Local Commercial District
- C-2 General Commercial District
- C-3 Highway Commercial District
- C-4 Regional Commercial District
- RC Resort Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- I-3 Industrial Park District
- MO Mixed Occupancy District

3.02 Establishment of Overlay Districts

In addition to the zoning districts, this Ordinance establishes overlay districts (Article 5) as follows:

- FP Floodplain Areas
- LF Lakefront Areas
- OP Office/Business Parks
- TND Traditional Neighborhood Development

3.03 Establishment of Township Zoning District Map

A map entitled the "Millcreek Township Zoning Map" is hereby adopted as part of this Ordinance that identifies the boundaries of the zoning districts. The Township Zoning Map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if they were all fully set forth or described herein. The original, properly attested zoning district map shall be available for examination at the Township office and shall be reviewed annually by the Board of Supervisors and amended as deemed necessary by the said Board.

3.04 District Boundaries

- 3.04.1 General Intent. The district boundaries on the Township Zoning District Map are intended to follow property lines; centerlines of streets, water courses or railroads; other definable physical features; or measured distances from property lines, centerlines or identifiable physical features.
- 3.04.2 Split Lot Zoning. Where a district boundary line divides a lot held in single or separate ownership, resulting in differing and nonuniform requirements for the lot, the following provisions shall apply:
- (1) Where the lot is large enough to be subdivided into two or more lots, each within a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require a subdivision.
 - (2) In instances in which the Zoning Hearing Board upon appeal being filed finds that the above standards create an undue hardship, the Board has jurisdiction to grant such relief as deemed necessary in the circumstances.

3.05 Zoning District Regulations

The provisions of this Ordinance apply to all zoning districts and all lots and, excepting only where otherwise stated, to all uses.

3.06 Application of Regulations

- 3.06.1 No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations specified for the zoning district in which it is located.
- 3.06.2 No yard or open space provided around any building to comply with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, and no yard or open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- 3.06.3 Uses in each zoning district shall be defined and interpreted according to the definitions set forth in Article II of this Ordinance. For those uses not specifically defined in this Ordinance, their meanings shall be according to the common meaning of the term(s).
- 3.06.4 Where regulations in this Ordinance are also set forth in the Subdivision and Land Development Ordinance or other ordinance, the Board of Supervisors in acting on a development plan shall have authority to enforce and grant modifications or variances from said regulations in accordance with that other ordinance.
- 3.06.5 Uses which are expressly authorized in the Municipalities Planning Code are incorporated in this Ordinance by reference without being restated.

3.07 Lot, Yard and Height Requirements

3.07.1 Minimum Lot Sizes: Density of Development.

- (1) Where the lot is served by public sewer and public water, the maximum density of development per developable acre of land and minimum lot size in the RR, R-1, R-2, R-3, MO Mixed Occupancy and R-4 Residential zoning districts are as follows:

<u>Zoning District</u>	<u>Min. Lot Area Per Unit</u>	<u>Max. Density Per Dev. Acre</u>
Rural Residential	100' x 150' (15,000 SF)	2.5
R-1 Residential	60' x 120' (7,200 SF)	4.25
R-2 Residential	80' x 120' (9,600 SF)	6.0
R-3 Residential	50' x 100' (5 acres total Park area)	8.5
MO Mixed Occ.	40' x 100' (4,000 SF)	8.0
R-4 Residential	100' x 150' (15,000 SF total)	See below

Where development has sole access upon one or more State highways or Township arterial or urban collector streets: 8.0

Where high-rise apartment development has sole access upon one or more State highways or Township arterial or collector streets: 11.0

Where development has access upon a Township street other than one developed as an arterial or urban collector street: 7.0

- (2) Non-Residential Zoning Districts. Minimum lot size in all non-residential zoning districts, excluding the I-3 district, shall be 7,500 square feet of developable land. The minimum area of an I-3 Industrial Park shall be 50 acres and the minimum size of any lot within an Industrial Park shall be one acre of developable land.

3.07.2 Minimum Lot Widths and Depths.

- (1) Where the lot will be served by public water and public sewer, absent modification in plan approval, the minimum width and depth of lots shall not be less than:

<u>Zoning District</u>	<u>Minimum Width</u>	<u>Minimum Depth</u>
RR Residential	100'	150'
R-1 Residential	60'	120'
R-2 Residential	80'	120'
R-3 Residential	50'	100'
R-4 Residential	100'	150'
All Commercial districts	50'	120'
Light and Heavy Industry	50'	150'
Industrial Park	200'	218'
MO Mixed Occupancy	40'	100'

3.07.3 Adjustments Where Private Water and/or Sewer Provided.

- (1) Where both water supply and sewage disposal is to be provided on a lot in any zoning district:
 - (i) The minimum lot area shall be 20,000 square feet; and
 - (ii) The minimum lot width at the right of way line shall be 100 feet.
- (2) Where public water will serve the lot in any zoning district but on-lot sewage disposal is provided:
 - (i) The minimum lot area shall be 15,000 square feet; and
 - (ii) Minimum lot width shall be 80 feet; provided, however, that however measured, the lot width at the right of way line shall not be less than 60 feet.
- (3) Where public sewer will serve the lot in any zoning district but on-lot water supply is provided:
 - (i) The minimum lot area shall be 10,500 square feet; and
 - (ii) Minimum lot width shall be 70 feet; provided, however, that however measured, the lot width at the right of way line shall not be less than 60 feet.

3.07.4 Supplemental Lot Area and Width Regulations.

- (1) With respect to Manufactured Home Parks in the R-3 Residential District:
 - (i) The minimum area of the Manufactured Home Park shall be 5 acres of developable land; and
 - (ii) Where public water and public sewer will be provided to the lot, the minimum lot width shall be 50'.
- (2) With respect to lots in Commercial, Light Industry and Heavy Industry districts:
 - (i) The minimum lot area shall be 7,500 square feet of developable land; and
 - (ii) Where public water and public sewer will be provided to the lot, the minimum lot width at the right of way line shall be 50 feet.
- (3) With respect to lots in the Industrial Park District:
 - (i) The minimum Industrial Park area shall be 50 acres.
 - (ii) The minimum lot area per unit shall be one acre of developable land.
 - (iii) Minimum lot width shall be 200 feet.

3.07.5 Irregular Lots.

- (1) In measuring the depth of a yard, in cases where the front or rear line is not parallel with the street line, average dimension may be used.
- (2) In all zoning districts, where lots front on a cul-de-sac or on a Township street having a centerline radius of 200 feet or less, the minimum width shall be measured on the building line.

3.07.6 Corner Lots.

- (1) In lots abutting public streets on more than one side in all zoning districts, the actual front yard shall be as per the regulations of this Section and that for the second and any other front yard shall be 20 feet [25 feet in the I-3 Light Industry district].
- (2) On a corner lot in a Residential District, the required rear yard may be reduced in an amount equal to that which the similarly located side yard is increased over the required minimum.

3.07.7 Yard Setbacks.

(1) <u>Zoning District</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yards</u>	<u>Building Separation</u>
RR, R-1 Residential	30'	40'	7'	10'
R-2 Residential	30'	35'	7'	10'
R-3 Residential	30'	15'	15' (a)	25'/15' (b)
R-4 Residential	50'	30'	30' (c)	14'
C-1, C-2, C-3 Commercial	30'	20'	7'	N/A
C-4, RC Commercial	30'	10'	7'	N/A
Light and Heavy Industry	10'	25'	7'	N/A
Industrial Park	100'/50' (d)	100'/50' (d)	100'/25' (e)	N/A
Mixed Occupancy	15'	20'	7'	N/A

Notes: Yard setbacks do not include buffer yard regulations in this Article. Setback areas shall be appropriately landscaped and maintained.

(a) Side and Rear yard setbacks are from the Park's property lines.

(b) Per S&LD Ordinance Sec. 15.04(6)(B) - 25' min. clearance; minimum end-to-end separation \$15'.

(c) Where a non-high rise R-4 development abuts another parcel zoned and/or used other than for an RR, R-1, R-2 or R-4 high rise use, the Board of Supervisors may allow as a modification a reduced side yard setback subject to a planting screen meeting all requirements of Section 3.10.4 of this Ordinance.

(d) Greater setback applies where Park abuts an arterial street.

(e) Greater setback applies where Park abuts a Residential zoning district.

- (2) Obstructions Prohibited. No yards required to be provided by this Ordinance shall be obstructed by any building or structure except for accessory buildings in the rear and side yards and fences. No obstructions are allowed where a Light Industry district adjoins a Residential district or within buffer yards and planting strips required by this Article.

- (3) Where land in an Industrial Park district adjoins land in a Residential district, the first 50 feet of the 100' side yard and the entire rear yard shall be landscaped and maintained as required by this Article.
- (4) Projections into Yards Authorized. The following may project into the required yards established in this Section: (1) open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers; (2) ordinary projection of chimneys and flues into the rear or side yard not exceeding three and one-half feet (3½') in width and placed so as not to obstruct light or ventilation, and (3) sills, eaves, belt courses, cornices and ornamental features not wider than 18 inches.

3.07.8 Adjustments Authorized. Front yard requirements established in this Section may be adjusted in the following circumstances:

- (1) When a residential dwelling is to be constructed on a parcel that is within 150 feet of an existing dwelling on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent structures on the two sides.
- (2) When a residential dwelling is to be constructed on a parcel of land that is within 150 feet of an existing residential dwelling on one side only, such building may use the minimum setback the Ordinance allows.
- (3) When a residential dwelling is to be constructed on a parcel of land that is beyond 150 feet of an existing residential dwelling, such building shall be allowed as close to the minimum setback the Ordinance allows.
- (4) Where the Board of Supervisors approves modifications in a plan for a residential development having smaller lots with additional open space set aside permanently, the front yard setback may be reduced in circumstances deemed by the said Board to be appropriate, but in no event to less than 20 feet from the right of way line.

3.07.9 Maximum Building and Structure Heights.

- (1) Maximum Height Regulations. Maximum building and structure height in the various zoning districts shall not exceed:

<u>Zoning District</u>	<u>Maximum Height</u>
RR, R-1, R-2 and R-3 Residential	35 feet
R-4 Residential	3 stories or 40 feet, whichever is less (b)
Commercial and Industrial Districts	35 feet (a), (b)
Heavy Industry, Industrial Park	50 feet (b)
Mixed Occupancy	(c)

- Notes: (a) Maximum height may be increased to 50'; provided that yard setbacks are increased by 1 foot for each 1 foot of height in excess of 35'.
 (b) All buildings and structures exceeding 35 feet in height shall conform to applicable regulations of the Federal Aviation Administration and the PA Bureau of Aviation regarding objects affecting navigable air space and to the Township's Airport Zoning Ordinance.
 (c) See Lake Front Overlay District - Section 5.06.

- (2) Adjustment in Height. In the R-4 district, all Commercial and Industrial Districts and the Industrial Park district, all buildings and structures having a height in excess of the maximums set forth above may be increased; provided that:
- (i) For each one foot the height of a building or structure exceeds the stated maximum height, the distance of its offset from front, side and rear property lines shall be increased by one foot over the required minimum; and
 - (ii) Buildings and structures exceeding 35 feet in height shall conform to applicable Federal regulations and the Millcreek Township Airport Zoning Ordinance with respect to objects affecting navigable air space.
- (3) Accessory Structures and Buildings. In all Residential zoning districts, the maximum height of all accessory structures and buildings on the lot, measured as prescribed in Article 2, shall not exceed 16 feet; provided, that if such increase is to accommodate a motor home or like vehicle to be stored therein and with written confirmation of the vehicle's registration and height, the maximum height of a garage storing such motor home or like vehicle may be increased to not greater than 20 feet.

3.07.10 Maximum Lot Coverage. The maximum percentage of developable land which may be occupied by buildings and structures in the respective use districts is as follows:

<u>Zoning District</u>	<u>Max. Percentage</u>
RR and R-4 Residential	30%
R-4 Residential (High-Rise)	25%
R-1 and R-2 Residential	32%
R-3 Residential	N/A
All Commercial Districts	50%
Light Industry and Heavy Industry	75%
Industrial Park	50%
Mixed Occupancy	40%

3.07.11 Adoption of Regulations. Regulations governing lots and improvements to lots as set forth in Article 11 of the Millcreek Township Subdivision and Land Development Ordinance are incorporated in and made a part of this Section. In the event of a conflict, specific regulations of this Ordinance shall control. See also open space regulations in this Article and in the Subdivision and Land Development Ordinance.

3.08 Accessory Buildings and Structures

- 3.08.1 All accessory buildings shall comply with all generally applicable lot and yard regulations in this Ordinance and with lot and yard regulations specifically pertaining to such a building.
- 3.08.2 Structures that do not constitute buildings shall comply with applicable lot and yard regulations; provided, that only those setback regulations in this Ordinance which expressly refer to or include application to a structure or to a type of structure shall be “applicable” regulations.
- 3.08.3 No accessory building shall be constructed upon a lot until construction of the principal building has been actually commenced and, except as provided elsewhere in this Ordinance, no accessory building shall be used for living space.
- 3.08.4 Unless otherwise provided in this Ordinance, no part of an accessory building or structure shall be located nearer than two feet from the lot boundary line; provided, that in Residential zoning districts, an accessory building or structure may be located a minimum of two feet from the lot’s boundary line so long as the building or structure is at least 10 feet to the rear of a dwelling and at least five feet from a porch, patio or deck attached to the dwelling. The measurement is to be taken in a radius from the nearest point of the residence. See Appendix.
- 3.08.5 No portion of a swimming pool may be located nearer than seven feet (7') from the lot’s property line.
- 3.08.6 An open porch may be erected in a front yard, extending for a distance of not more than ten feet (10') beyond the required building setback line, provided that it is located no closer to an adjoining lot’s property line than the required width of the side yard.
- 3.08.7 No accessory building or structure (including in-ground swimming pools, patios and decks) shall be located or erected within 10 feet of the boundary of any premises as to which an easement interest has been granted to the Township or to a municipal authority or of the boundary of any swale, stormwater detention or retention facility or like facility.
- 3.08.8 No more than two accessory buildings having an area of 100 square feet of floor area or less shall be authorized on any residential lot.

3.09 Additional Buildings on Lots

- 3.09.1 Residential Uses. Individual lots or parcels shall have no building(s) in addition to the principal building on the same lot used for living purposes, except as may be expressly authorized in the zoning district.
- 3.09.2 Non-Residential Uses. Where a lot or parcel is used for a non-residential purpose, more than one principal building may be located upon the lot or parcel, provided that all such buildings conform to all open space, lot and yard requirements governing lots and parcels in the zoning district in which it is located.

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3.10 Buffer Yards, Landscaping and Screening

Intent and Purposes. These Regulations in this Section are intended to encourage preservation of existing trees and vegetation; identify landscape standards and plant classifications; reduce radiant heat from surfaces and conserve energy; to provide shade; reduce wind and air turbulence; minimize potential nuisances such as the transmission of noise, dust, odor, litter and glare of automobile headlights; provide visual buffering and for the separation of spaces; enhance the beautification of the Township; reduce the amount of impervious surfaces and stormwater runoff; safeguard and enhance property values; protect public and private investment and public health, safety and general welfare. Provisions of this Section shall apply and supersede other general provisions of this Ordinance, including but not limited to area and yard regulations.

3.10.1 Whenever a commercial or industrial district of any nature abuts a residential district:

- (1) Buffer yards and planting strips shall be provided for all land developments in accordance with the provisions of this Section; and
- (2) All land developments, whether commercial, industrial or residential, shall provide at a minimum side and rear yards determined by the nature of the adjacent commercial or industrial district, as specified in Table 3.10, below.

TABLE 3.10 - SIDE AND REAR BUFFER YARD REQUIREMENTS

<u>Adjacent Use</u>	<u>Side Yard</u>	<u>Rear Yard</u>
C-1 Local Commercial	20 feet	20 feet
C-2 General Commercial	30 feet	30 feet
C-3 Highway Commercial	50 feet	50 feet
C-3 Highway Commercial Permitted Uses ## 1,3-8,10-11, 23-25 or equivalent	100 feet	100 feet
C-4 Regional Commercial	100 feet	100 feet
Resort Commercial (general)	50 feet	50 feet
Resort Commercial Permitted Uses ## 1, 3, 7, 9 or equivalent	100 feet	100 feet
I-1 Light Industrial	100 feet	100 feet
I-2 Heavy Industrial	100 feet	100 feet
I-3 Industrial Park	100 feet	100 feet

3.10.2 No building or other structure shall be constructed or placed on or within a buffer yard.

3.10.3 Where a commercial or industrial district abuts a residential district, all land developments, whether business, industrial or residential, shall provide as screening in side yards and/or rear yards as abut the distinguished district a planting screen along the entire boundary of said yard, exclusive of public or private rights-of-way and easements, to be located not less than 4 feet and not more than 20 feet from the boundary line of the adjacent property(ies), subject to the following requirements:

- (1) Planting Standards. All developments requiring planting strips shall show required plantings on a site plan certified by a registered landscape architect.
- (2) Planting Strips. All developments subject to provisions of this Section shall assure a planting strip to be located parallel to the boundary line of the side and/or rear yard, as applicable, said planting strip to begin at the applicable boundaries and extend a minimum of 20 feet from said boundary line(s), the entire planting strip to be covered properly and maintained as required by the provisions of Section 3.10.4.

3.10.4 Minimum Requirements - Planting Strips.

- (1) Planting materials or trees used in the buffer yard and planting strip shall be of such species and size as will produce within two (2) years a complete visual screen at least 6 feet in height. However, if deemed appropriate to assure safety and visibility, the Zoning Officer may require that the visual screen extend only to a point not nearer than 5 feet from a public right-of-way.
- (2) The planting strip shall be maintained permanently. Any plant material which does not survive shall be replaced within 120 days after the owner should reasonably have detected the nonsurvival or 60 days after notice by the Township.
- (3) Screens and planting strips shall be broken only at points of vehicular or pedestrian access.
- (4) The required width of the planting strip shall be covered with grass, sod or suitable ground cover and maintained and kept clean of debris, trash, weeds and tall grass.
- (5) The width of the planting strip shall not be used as a parking area and shall be occupied only by the required plantings and required ground cover.

3.10.5 Parking Lot Landscaping Standards. The following landscaping requirements applied to parking lots are intended to screen parking areas from the street.

- (1) Parking lots with four or more spaces shall be screened with vegetation that must attain a height of at least six feet (6') within three years after date of occupancy of the premises served by the parking lot.
- (2) The screening shall be set back ten feet (10') from the street's right of way line and shall comply with all applicable requirements of this Section 3.10.

3.11 Driveway Approaches

In any district, driveway approaches shall be provided to serve off-street parking and/or service areas in accordance with the following regulations:

- 3.11.1 Standards governing driveways and driveway approaches as set forth in Section 5.06 and referenced figures of the Public and Private Improvements Code and/or Section 11.02 of the Subdivision and Land Development Ordinance, as amended, shall control as they apply.
- 3.11.2 Approval of access to a Township street or to a State highway must be obtained from the Board of Supervisors or PennDOT prior to construction of a driveway intersecting with a street or highway.

3.12 Encroachments into Rights of Way and Easement Areas

Generally, no encroachment into the right of way of a public street or highway or into an easement area granted to the Township or to the public is authorized absent the prior approval of the Township or PennDOT as is applicable.

- 3.12.1 No sign, display, fence, hedge, enclosure wall or other obstruction shall be placed within a public right-of-way or maintained so as to obstruct the view across the corner of an intersecting street and/or so as to interfere with the free passage of pedestrians, motorists and others using the street, highway, sidewalk or other part of the right of way.
- 3.12.2 Except for street trees as authorized in this Section, no tree, shrub, hedge, fence, enclosure wall or other item shall be placed within the limits of any public right-of-way, street, highway or easement.
- 3.12.3 Street trees may be placed within a public street right of way subject to the standards therefor set forth in Section 5.08 of the Public and Private Improvements Code, as may in the future be amended; provided that:
 - (1) They shall be located so as not to obstruct any part of a street, sidewalk or path;
 - (2) No such tree shall be located so as to obstruct or pose risk of obstruction to vehicles (including Township vehicles) using the street; and
 - (3) The owner of said lot at all times shall be responsible for the proper location and condition of said tree.

3.13 Exterior Lighting. All exterior lighting of a premises shall adhere to the following standards:

- 3.13.1 Such lighting shall not create a traffic hazard by glare, direction, extent of illumination or other factor which disturbs vehicular traffic or motorists.
- 3.13.2 Where the premises abuts or is located in a residential use district, such lighting shall be directed toward the buildings on the subject property and shall be shaded or otherwise controlled so as not to direct glare toward surrounding uses.
- 3.13.3 In any district, such lighting shall not interfere with the reasonable quiet enjoyment of surrounding properties and uses.
- 3.13.4 Illumination of exterior lighting outside the owner or occupant's normal business hours shall be reduced to that required for security purposes.
- 3.13.5 Illumination shall be reduced after 9 p.m. daily to a level that protects adjacent and nearby properties and uses.
- 3.13.6 Where the premises abuts or is located in a residential use district or, by virtue of topography, exterior lighting would affect non-abutting residential properties and/or create "night sky" lighting, the Board of Supervisors shall have authority to impose limitations on number of lights, degree of illumination and hours of lighting operation as it deems necessary to protect interests of nearby properties.
- 3.13.7 In addition, all lighting used to illuminate any off-street parking area shall be arranged to reflect light away from adjoining properties and public rights of way.
- 3.13.8 A lighting schematic shall be provided to the Zoning officer and accepted as meeting all applicable regulations prior to issuance of a zoning permit.

3.14 Fences and Hedges

Subject to these standards, fences and hedges may be erected along boundaries of a lot:

- 3.14.1 Fences, hedges, plantings, structures or walls at or near street corners shall not be located, constructed or maintained so as to interfere with the clear sight triangle on corner lots. The height of all such objects within the clear sight triangle shall not exceed 3 feet above the centerline of the adjacent street surface.
- 3.14.2 A solid fence, enclosure wall or similar item shall not exceed 6 feet; provided, that along a street line (the lot's front property line), the maximum height of any solid fence, enclosure wall, similar item or hedge in front of the building line shall not exceed 4 feet.
- 3.14.3 An ornamental fence exceeding the height specified in this Section for a solid fence shall have a ratio of solid portion not in excess of one to four.
- 3.14.4 No fence, hedge or wall shall be placed or located nearer than two feet (2') from an existing principal building on any lot.
- 3.14.5 Walls and fences constructed in accordance with this Section shall be exempt from side and rear yard regulations.

3.15 Loading, Servicing and Circulation

This Section shall apply generally and, where pertinent to an application for land development plan approval, shall be regulated by the Board of Supervisors in acting upon such application.

3.15.1 Loading and Servicing

- (1) Location. Areas provided for loading and unloading of delivery trucks and other vehicles and for the servicing of businesses by refuse collections, fuel and other service vehicles shall be located at the side or rear of all buildings, shall not face a street, shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of accessways or vehicle parking facilities.
- (2) Loading docks must be of sufficient size to accommodate normal peak load requirements.

3.15.2 Interior Circulation. The interior circulation of traffic in commercial and industrial areas shall be designed and designated so that no driveway or access lane providing parking spaces would be used as a through street.

3.15.3 Traffic Control. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety, nor which is inconsistent with the recommendations and findings of any traffic study adopted or approved by the Township. Traffic control devices may include traffic signals, overhead flashing lights and delineators, such as medial barriers, and not be limited to acceleration and deceleration lanes, turning lanes, one-way traffic flow, traffic and land markings and signs. The plan for traffic control shall provide offsite traffic flow and safety. The developer shall be responsible for the construction of any such traffic control devices.

3.16 Minimum Dwelling Size

- 3.16.1 In an R-1 or R-2 Residential District, no dwelling shall be erected, constructed or placed upon a lot that has a living area per family of less than 900 square feet.
- 3.16.2 In an RR-Rural Residential District, no dwelling shall be erected, constructed or placed upon a lot that has a living area per family of less than 1,200 square feet.
- 3.16.3 Such living area shall be computed from the exterior dimensions of the dwelling, exclusive of basement, porches, patios, decks, breezeways, garages and accessory buildings or structures.

3.17 Non-Residential Uses - General Standards

- 3.17.1 All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the right-of-way line of a public street or State highway by a planting strip at least 10 feet in depth.
- 3.17.2 In parking areas of one-half (½) acre or more, at least 5% of the required area shall be devoted to landscaping.
- 3.17.3 On any nonresidential premises which abuts a residential zoning district and/or a public right-of-way, receptacles for the storage of municipal waste, recyclable materials or other materials shall be entirely screened or enclosed by a complete visual barrier type of fence at least as high from ground level as the receptacle with its top lid open.
- 3.17.4 Servicing of Receptacles/Compactors. Receptacles and/or compactors for municipal waste, recyclable materials and other materials located on a nonresidential lot or parcel that is contiguous or adjacent to, or which abuts a residentially-zoned property shall not be accessed for pick-up, delivery or removal between the hours of 10 p.m. and 6 a.m.

3.18 Off-Street Parking

3.18.1 General Regulations.

- (1) Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off or beyond the public right-of-way.
- (2) Each parking space shall have an area of not less than one hundred seventy-one (171) square feet (a parking space 9' x 19'), exclusive of aisle space, whether inside or outside of a structure, for the temporary parking of automotive vehicles to be used exclusively as a parking stall for one automobile vehicle plus one hundred and fifty (150) square feet used exclusively for turning and access to the parking stall. This latter provision (150 square feet of turning area) shall not apply to single family and two family residences.
- (3) A garage or carport may be located wholly or partly inside the walls of the principal building, or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements.
- (4) Surfacing: See the Subdivision & Land Development Ordinance.
- (5) There shall be adequate provision for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public as approved by the Board of Supervisors.
- (6) Combined Spaces: When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Zoning Hearing Board may reduce the total parking spaces required for that use with the least requirement.
- (7) Land Banking of Spaces: Parking spaces can be land banked with the following conditions:
 - (i) Proof that the required number of spaces is more than what is needed;
 - (ii) The spaces must be denoted as land banked; and
 - (iii) The Board of Supervisors has authority to require that the said spaces be constructed in the future if the Board determines them to be needed.

- (8) Multiple Uses in Single Structure: When two or more uses that require off-street parking spaces are located in a single structure, the separate parking requirements for each use shall be applied.
- (9) Residential Districts. All vehicles within Residential zoning districts shall be parked and/or stored only in garages and/or driveways (or, where permitted, in parking lots) on the subject premises.
 - (i) Parking or storage of vehicles on yards is prohibited; provided, that only on lots having no driveway or a single vehicle-wide driveway with no garage or a one-vehicle garage and/or having no other parking area, one vehicle otherwise authorized in this Ordinance may be parked on the lot, so long as it is parked off of the street's cartway and sidewalks and parallel to the street.
 - (ii) Parking or storage of vehicles on streets is prohibited where the owner or occupant has failed to ensure sufficient off-street parking for those vehicles used by owners and occupants of the premises.
 - (iii) This section is not intended to modify or revoke Township regulations governing weather events and other circumstances in which parking on streets is prohibited.
- (10) Reduction of Parking Spaces: The Zoning Hearing Board may authorize the reduction of the number and size of the off-street parking spaces as a variance in cases where the applicant can justify a reduction and still provide adequate parking facilities to serve the proposed uses of the building and/or land. In such cases, land banking of spaces should be provided.
- (11) No off-street parking space or area shall be located or arranged so as to permit or cause any vehicle to be backed out onto any public street or highway, except in the case of single-family or two-family detached dwelling units.

3.18.2 Parking Facilities Required - Standards and Calculations

Off-street parking facilities shall be provided to lessen congestion in the streets. Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with not less than the minimum spaces, as set forth below. Said spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number. The final number and arrangement of parking spaces and provision for ingress and egress shall be subject to review and approval of the Zoning Office.

<u>Parking Angle</u>	<u>Space Depth</u>	<u>Space Width</u>	<u>Aisle Width</u>	<u>Travel</u>
90°	19'	9'	25'	two directions
60°	19'	9'	18'-6"	one direction
45°	19'	9'	13'-6"	one direction
30°	19'	9'	11'	one direction

3.18.3 Minimum Off-Street Parking Requirements For Uses

For purposes of this Section, the following off-street parking space requirements shall apply:

<u>Type of Use</u>	<u>Minimum Off-Street Parking Requirements (# Spaces)</u>
Agricultural and Residential Uses	
Agricultural Activities	None except 1 per 200 square feet ("SF") of gross leasable area of building used for sale of products produced on the premises
Cemetery/Crematorium	1 per full-time employee and 0.25 per seat of chapel or assembly room capacity
Continuing care facility authorized in a Residential zoning district (e.g., independent or assisted living)	1 per each 2 resident clients, plus 1 per employee on max. shift, plus 1 per vehicle rented or leased by the facility's sponsor which is regularly located at the premises
Group Residence Facility	1 per each 2 resident clients plus 1 for each employee on max. shift, plus 1 per vehicle rented or leased by the facility's sponsor which is regularly located at the premises
Manufactured Home Park (see the Manufactured Home Park Ordinance)	2 per dwelling unit
Playground, park, athletic field or swimming pool not operated as a business for profit	1 per each 2 potential customers calculated at the maximum utilization, plus 1 per employee
Religious Establishment (including church or other place of worship)	1 per every 3 seats
Residential dwelling (house, duplex, rental cottage, condominium unit)	2 per dwelling unit plus 1 additional for each bedroom in excess of 2 (including all sleeping quarters locations)
Apartment, multi-unit building and all other residential units except units for elderly under federal program)	2 per dwelling unit
Residential building or apartment of 2 or more dwelling units constructed for the elderly under federal program	1 per dwelling unit
Riding Academy	1 per each 2 horse stalls

<u>Type of Use</u>	<u>Minimum Off-Street Parking Requirements (# Spaces)</u>
Nonresidential Uses	
Amusement Park	1 per 200 square feet ("SF") of gross floor area ("GFA") plus 1 per every 3 persons that the outdoor facilities are designed to accommodate when used to maximum capacity.
Animal Hospital/Pet Grooming and/or Animal Boarding Facility	1 per each 5 kennels; minimum of 3 spaces
Arena	1 per each 3.5 seats plus 1 per each 2 employees on peak shift.
Assisted Living, Personal Care and/or Convalescent Care Facility	1 per every 2 beds plus 1 per emergency vehicle
Athletic, Health and/or Fitness Facility	1 per each 2 potential customers calculated at the maximum utilization, plus 1 per employee
Automotive Rental Establishment	1 per 700 SF of GFA plus 1 per 300 SF of office, sales and other spaces to be used by customers and/or employees
Automotive, Truck and/or Heavy Equipment Sales, Service, Parts	1 per 700 SF of GFA plus 1 per 400 SF of office, sales and other spaces to be used by customers and/or employees
Automotive, Truck and Utility Rental	1 per 700 SF of GFA plus 1 per 300 SF of office, sales and other space to be used by customers and/or employees
Bank and other financial institution	1 per 150 SF of office space plus 5 stacking spaces per each drive-in window
Bath House	1 per each 50 SF of GFA
Book Store	1 per 100 SF of GFA
Building Materials Supply	Up to 50,000 SF: 5 per each 1,000 square feet of GFA 50,000-300,000 SF: 4.5 per each 1,000 SF of GFA Over 300,000 SF: 4 per each 1,000 SF of GFA <u>Plus</u> , in all cases, outdoor/exterior display areas shall be calculated at 1 space per each 400 SF of area
Bulk Storage and/or Distribution of Petroleum Products or By-products	1 per each 400 SF of GFA
Business and professional office; Personal services office	1 per 150 SF of office space

Type of UseMinimum Off-Street Parking Requirements (# Spaces)**Nonresidential Uses**

Car or Light Truck Wash Facility	5 per each wash line
Cemetery/Crematorium	1 per full-time employee and 0.25 per seat of chapel or assembly room capacity
Communications or Other Tower	2 per tower
Contracting Operation (Construction, Electrical, Heating, Plumbing, etc.)	1 per each 1,000 SF of GFA and outside storage area
Convenience Store/Retail Store Selling Vehicle Fuel	1 per 200 SF of GFA plus 1 per each fueling position
Country Club/Golf Course	3 per tee
Day Care Center	1 per 150 SF of GFA
Distributing Plant/Beverage Bottling and/or Distribution Plant	1 per 400 SF of GFA
Drive-in movie theater	1 per every viewing space
Eating and/or Drinking Establishment	1 per every 3 seats plus 1 per every 2 employees
Exploration, Production and/or Drilling for Oil, Natural Gas, Brine and Other Minerals, Substances (including all all related activities)	2 per well
Funeral Home	1 per 75 SF of public area
General Contracting Operation	1 per 1,000 SF of GFA and outside storage area
Golf Course, Miniature Golf Facility and/or Driving Range	2 per tee
Group Residence Facility	1 per each 2 resident clients plus 1 for each employee on max. shift, plus 1 per vehicle rented or leased by the facility's sponsor which is regularly located at the premises
Highway/Heavy Equipment Construction Operation	1 per each 300 SF of GFA

<u>Type of Use</u>	<u>Minimum Off-Street Parking Requirements (# Spaces)</u>
Nonresidential Uses	
Hospital, Medical and Dental Clinic	1 per every 2 beds plus 1 per emergency vehicle
Hotel or Motel	1 per room plus 1 per every 2 employees
Indoor/Outdoor Commercial Recreation Facility	1 per each 2 potential customers calculated at the maximum utilization, plus 1 per employee
Industrial Laundry/Clothes Cleaning and Drying Establishment	1 per 300 square feet of GFA
Industrial Laundry Supply	1 per each 200 square feet of GFA
Shopping Center, consisting of 1 or more businesses involving uses in any C-1, C-2 or C-3 zoning district	Less than 50,000 SF of GFA: Minimum 5 spaces per each 1,000 SF of GFA Between 50,000-300,000 SF of GFA: Minimum 4.5 spaces per each 1,000 SF of GFA Over 300,000 SF of GFA: Minimum 4 spaces per each 1,000 SF of GFA <u>In addition:</u> 1 per 400 SF of gross outdoor/exterior display area
Laundromat	1 per 75 square feet of GFA
Library or Museum	1 per 250 SF of area open to the public
Manufacture of: Chemicals and Related Products Machinery, Equipment & Supplies Paper, Pulp and Allied Products Petroleum-related Products Primary Metal Industries and Products Scientific/Controlling Instruments Stone, Clay and Glass Products Transportation Equipment Rubber/Synthetics/Misc. Plastics	1 per each 400 SF of GFA
Manufactured Home Sale and Display Lot(s)	1 per each 300 SF of GFA and outside display area
Marine Sales, Service, Parts, Repair and/or Storage Facility	1 per each 300 SF of GFA and outside display area
Milling of Grains	1 per each 500 SF of GFA
Mini Motion Picture Theater	1 per every 3 seats

<u>Type of Use</u>	<u>Minimum Off-Street Parking Requirements (# Spaces)</u>
Nonresidential Uses	
Mini Warehouse/Storage Facility for Individual Lease	1 per 100 storage units plus 3 for management staff
Motion Picture, Other Video Theater	1 per every 3 seats
Motor Freight (Truck) Terminal, including Warehousing and Truck Repair Facility when conducted entirely within a building with outside parking for tractor-trailers and employees	1 per each 1,000 SF of GFA, plus 1 per each 350 SF of office and sales space
Municipal Building/Fire Station	As determined by Board of Supervisors after a parking needs analysis
Neighborhood Convenience Store	1 per 200 square feet of GFA
Picnic Area where admission charged	1 per each 2 potential customers calculated at the maximum utilization, plus 1 per each employee
Printing/Publishing Establishment	1 per 300 SF of GFA
Private Social or Fraternal Club	1 per every 3 seats plus 1 per each 2 employees
Recreational Vehicle Park/Camp Site	1 per campsite plus spaces as required by other functions (e.g., restaurant, bar, etc.)
Recreation Vehicle Sales, Service, Parts, Repair and/or Storage Facility	1 per each 400 SF of floor area of dealership buildings plus 1 per every 2 employees on maximum shift
Religious Establishment (including church or other place of worship)	1 per every 3 seats
Retail commercial establishment	1 per each 200 SF of GFA
Research and Testing Laboratory devoted to research, testing, design and/or experimentation of products and processing and/or fabrication operations incidental to them	1.1 per number of employees on peak shift
Sanitary Landfill/Composting Facility	No requirement for on-lot parking (See Ordinance 70-15)
School/College/Post-Secondary or Trade School	1 per each 4 students per design bldg. capacity

Type of UseMinimum Off-Street Parking Requirements (# Spaces)**Nonresidential Uses**

Towing and/or Wrecker Service	1 per 200 SF of GFA
Truck Stop Establishment providing eating, sleeping and/or washroom facilities and refueling and/or minor repair services	1 per each 50 SF of eating area plus 1.5 per each guest sleeping room plus 1 per each 300 SF of floor space devoted to repair plus 1 per each 200 SF of retail space
Utility Operations, including Electric and Gas Operations, Sewer and Water Treatment and Distribution and Collection Facilities	1 per each 150 SF of GFA of office, plus 1 per each 1,000 SF of GFA in other use
Vehicle Repair, Body, Paint or Glass Replacement Shop	1 per each 400 SF of GFA
Wholesale/Warehouse Facility	1 per each 500 square feet of GFA

3.19 Open Space - Design Standards

- 3.19.1 Generally, the required open space to be set aside shall attempt to preserve natural areas such as wetlands, streams, scenic views, woodlands and similar areas, including primary and secondary conservation areas as defined in the Subdivision and Land Development Ordinance.
- 3.19.2 Open space areas must be in the form of large contiguous tracts, with linear trails connecting larger tracts or parks adjacent to the open space development parcel, in accordance with an open space master plan which includes the development or in such other suitable configuration as is approved by the Board of Supervisors.
- 3.19.3 Open space required in a development plan may not include streets, private yards, minimum required spacing between buildings or any other public improvements (including stormwater detention facilities, parks) dedicated for public use. All open space must be accessible to those intended to benefit from it from a public street or a public pedestrian walkway.

3.20 Open Space - General Standards

General standards governing open space as set forth in Sections 9.10 and 10.05 of the Subdivision and Land Development Ordinance, as may be amended, shall apply.

- 3.20.1 Future development, subdivision or sale of open space created as a condition on or term of development plan approval shall be prohibited. Third party easement agreements shall be executed and recorded. A notation to this effect must be placed on the development plan as approved.
- 3.20.2 Open space required in a development plan may not include streets, private yards, minimum required spacing between buildings or any other public improvements (including stormwater detention facilities, parks) dedicated for public use. All open space must be accessible to those intended to benefit from it from a public street or a public pedestrian walkway.
- 3.20.3 Use of open space may include recreation equipment, pavilions, benches, paths and walkways, athletic fields and similar uses. Residential accessory uses such as sheds, garages, fences, etc. or any commercial or industrial use shall not be permitted in the open space area.
- 3.20.4 Maintenance. The developer must submit a detailed statement, including covenants, agreements or other specific documents showing the ownership and method of maintenance and utilization of the open space area within the development. The covenants and agreements shall be perpetual and be recorded prior to or simultaneous with the approved plan.

3.21 Open Spaces - Multi-Family Residential Uses

- 3.21.1 Whenever a lot is developed for multiple family use, open space as defined in Article 2 of this Ordinance and comprising not less than fifteen percent (15%) of the total developable land within the development (not less than twenty-five percent (25%) in the case of a high-rise apartment development) shall be set aside and provided permanently for the common enjoyment of the residents of the development.
- 3.21.2 Design standards for open space areas as set for in Section 3.19 of this Ordinance shall govern, with the exception that access to such open space by residents of the development shall be ensured from a street within the development and/or a pedestrian walkway to which all residents of the development have a right to use.
- 3.21.3 Such open space shall constitute developable land as defined in Article 2 of this Ordinance and in the Subdivision and Land Development Ordinance.
- 3.21.4 Not less than fifteen percent (15%) of the open space within a multi-family residential development (not less than twenty-five percent (25%) in the case of a high-rise apartment development) shall be developed, maintained, held and provided permanently as "recreation open space" for the recreational use and enjoyment of residents of the development. Such land shall be accessible to all residents of the development and shall be a single area or contiguous areas of the development. Plans for development of recreation open space shall be included within a development plan application and expenses of such development, including intended facilities, shall be deemed a required improvement.

3.22 Outside Storage

- 3.22.1 No lot or parcel shall be used as a storage area for junk automobiles (e.g., an automobile graveyard), appliances, scrap or other materials, or for the storage or collection of any other miscellaneous items unless expressly authorized in the zoning district or other approval.
- 3.22.2 Storage of any outside materials on property which abuts any public right-of-way and/or any residential zoning district must be screened at all times.
- 3.22.3 Commercial equipment including trucks greater than 1-ton capacity, tandems, tractor-trailers, school buses, tractors or other commercial construction, earth moving or cargo moving vehicles and/or equipment shall not be stored or parked overnight in any Residential District; provided that farm tractors and other related farm equipment used for agricultural purposes on that lot in a Rural Residential district is excluded from this prohibition.
- 3.22.4 In Commercial and Industrial districts, such commercial equipment and vehicles shall not be stored or parked overnight on any public street, highway or right-of-way.

3.23 Patios

Except as otherwise provided in this Ordinance (see Section 3.08), a patio or deck constructed at grade level and with no roof or walls may extend into any required yard space; provided, that at no time may a roof be constructed over or any walls constructed upon or around any portion of a patio or deck located beyond required building setback lines. Construction of a roof or walls over or upon a patio or deck shall not commence without issuance of zoning and construction permits.

3.24 Pets (Household)

A domesticated animal that normally is or generally can be kept and maintained safely within the immediate living quarters of a residential dwelling without risk of harm to occupants of the dwellings or others or to their property may be kept so long as the essential residential function is not disturbed.

3.25 Private Garages or Accessory Structures

A private garage or accessory building, separate from a dwelling shall be permitted as an accessory use in Residential zoning districts, provided that:

- 3.25.1 Front, side and rear yards at least equal to those required for a dwelling on the same lot, shall be provided, except that where said private garage or accessory building is located at least 10 feet radially from the nearest point of the dwelling proper, and at least five feet from a porch or patio attached to said dwelling, the minimum side yard clearance shall be two feet.
- 3.25.2 In no case shall a detached private garage or accessory building be located nearer than 10 feet to a dwelling on an adjoining lot.
- 3.25.3 No repair facilities are maintained and no repairs excepting those of a minor nature are made.
- 3.25.4 In the R-4 Residential District, a garage may be erected upon the same lot with a multiple dwelling for the housing of vehicles of those who reside in such dwellings, provided that no portion of a garage shall be nearer than 60 feet to the principal frontage of the block, unless located in a suitable room within such dwellings.
- 3.25.5 An accessory building having an area one hundred (100) square feet or less without a permanent foundation shall meet all other requirements of this Ordinance.

3.26 Private Swimming Pools

Where permitted, private swimming pools, including above-ground and in-ground pools, shall comply with the following conditions and requirements:

- 3.26.1 The pool shall be intended and used solely for the enjoyment of the occupants of the property on which it is located.
- 3.26.2 The pool may be located only in the rear yard or side yard of the property on which it is an accessory use.
- 3.26.3 The pool, including any above-ground decking, shall not be located closer than 7 feet from any property line of the property and/or not closer than 10 feet from the boundary of any public easement affecting the property.
- 3.26.4 The pool area or the entire property on which the pool is located shall meet the barrier requirements as established in the Pennsylvania Construction Code.

3.27 Sidewalks

- 3.27.1 Application of Other Regulations. Construction, grade, alignment, maintenance, repair and reconstruction of sidewalks generally shall be governed by the Subdivision and Land Development Ordinance, the Sidewalk Ordinance and the Public and Private Improvements Code and/or specifications adopted by PennDOT, as applicable and as may be amended. Sidewalks shall also be constructed in accordance with requirements of the Americans With Disabilities Act. This Section is not intended to modify any of said regulations.
- 3.27.2 Except as provided to the contrary in another ordinance, sidewalks shall be installed along the abutting street(s) of any lot at the time any building is erected on said lot. All required sidewalks must be constructed in proper fashion prior to occupancy of any buildings and no UCC certificate of occupancy shall be issued until all sidewalks have been constructed.
- 3.27.3 When the building is to be constructed pursuant to a land development or subdivision application, the estimated costs of sidewalk construction shall be included within the developer's financial security tendered in accordance with the Subdivision and Land Development Ordinance and administered under that ordinance.
- 3.27.4 If a nonresidential building is not being constructed pursuant to a land development or subdivision application, the developer shall tender to the Zoning Officer financial security in a form authorized in the Subdivision and Land Development Ordinance in an amount equal to 110% of the estimated cost of construction as certified by a professional engineer. Such security shall be tendered prior to issuance of a zoning permit.
- 3.27.5 Failure to complete construction of required sidewalks within one year after issuance of the zoning permit or prior to occupancy of the constructed building, whichever first occurs, shall constitute a default by the applicant, in which event the financial security tendered for construction of sidewalks shall be taken by the Township and used to ensure the required sidewalk construction.

3.28 Sight Distances, Clear Sight Triangle

- 3.28.1 Sight distance regulations as established in Section 11.04 of the Subdivision and Land Development and in the Public and Private Improvements Code, as the same may be amended, shall govern uses in all zoning districts.
- 3.28.2 To prevent the creation of a traffic hazard by limiting visibility at a street intersection, no structure, building, fence, wall, hedge, shrub, earthen bank, vegetation or other item exceeding 4 feet in height above the finished paved area at the center to the street or highway shall be allowed within the clear sight triangle on corner lots. The clear sight triangle shall be a triangular area of unobstructed vision on corner lots formed by a 100-foot sight line along the centerline of a collector or arterial street, by a 75-foot sight line along the centerline of a local street and by a line joining these two sight lines at the greatest distance from the intersection.

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3.29 Storage/Parking of Recreational and Camping Vehicles and Equipment

3.29.1 Recreational vehicles, camping equipment and recreational equipment, including but not limited to "R.V." homes, travel trailers, pickup coaches, motorized homes, boats and boat trailers, may be stored and parked subject to the following requirements:

- (1) At no time shall parked or stored recreational and/or camping vehicles or equipment be occupied or used for living or housekeeping purposes; and
- (2) Parking or storage of recreational and camping vehicles and equipment shall be limited to the interior of garages or other available on-lot accessory buildings, driveways or that portion of the property located behind the principal building.

3.29.2 Mobile or manufactured homes may be parked, stored and/or occupied only in Manufactured Home Parks.

3.30 Stormwater Detention/Retention Facilities

All stormwater detention or retention facilities shall be designed and constructed in accordance with the Public and Private Improvements Code and the Stormwater Management Ordinance, as they may in the future be amended. Such facilities must also meet the following requirements:

3.30.1 Setbacks. Detention and retention facilities shall comply with all setback regulations established in the Stormwater Management Ordinance (see Sections 404(I)(10) and 404(G)(4), as amended). Should regulations in this Section conflict with those in the Stormwater Management Ordinance, these regulations shall control. Setbacks, with distances measured horizontally from the berm of the facility and subject to compliance with the Stormwater Management Ordinance, are as follows:

- (1) From Adjacent Properties - a minimum of 20 feet from all lot lines.
- (2) From Structures - a minimum of 20 feet from all existing and proposed structures, including porches, decks and similar structures.
- (3) The berm of a detention or facility shall not be located within a required 20-foot planting strip.

3.30.2 Facilities Along Streets and Within Buffer Areas. Except for underground facilities, any detention or retention facility located closer than 20 feet to a street or highway or within a required buffer yard or landscaping strip shall be designed as a wet basin or as a naturalized basin.

3.30.3 Landscaping. All facilities shall be landscaped in accordance with standards therefor established in the Stormwater Management Ordinance.

ARTICLE 4
ZONING DISTRICT REGULATIONS

4.01 RR Rural Residential District

4.01.1 Purpose. The RR Rural Residential District is intended primarily for agricultural and rural residential uses.

4.01.2 Permitted Uses. Uses permitted in the RR Residential District include:

- (1) Agricultural activities (including horticulture).
- (2) One family dwelling.
- (3) Religious Establishment.
- (4) Outdoor park or recreational facility not operated as a business for profit.
- (5) Group Residence Facility (maximum of six residents).
- (6) Public and Non-Public school.
- (7) Essential Services, provided that they shall be necessary to the adequate distribution of service and shall not include any type of equipment that will interfere with local radio and/or television reception or otherwise be detrimental to the surrounding area.
- (8) Within 200 feet from the right of way of Interstate 79 and Interstate 90, antennas, communications antennas, communications equipment buildings, antenna support structures, communications towers and towers, subject to compliance with all regulations in Sections 6.02 and 6.13.

4.01.3 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Accessory use incidental to any of the principal permitted uses listed above.
- (2) A private garage or accessory building, located within or attached to a dwelling, provided that yards equal to that required for a dwelling on the same lot shall be provided.
- (3) A private garage or accessory building, separate from a dwelling, subject to the regulations in Section 3.25 of this Ordinance.
- (4) A no-impact home-based business as defined in the Municipalities Planning Code.
- (5) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.

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- (6) A private greenhouse for the purpose of raising garden plants or flowers on a non-commercial basis.
- (7) A fence, hedge or enclosure wall, subject to compliance with all regulations in Article 3 governing the same.
- (8) Recreational vehicle, recreational and/or camping equipment storage and parking, subject to all regulations in section 3.29 of this Ordinance.
- (9) A private stable, coop, pen or enclosure for keeping domestic animals, or fowl located not less than 400 feet from any adjoining parcel's property line.
- (10) Private Swimming Pool (see Section 3.26).
- (11) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (12) Yard sale, as defined in Article 2.

4.01.4 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Bed and Breakfast Inn (8.04.2).
- (2) Cemetery (8.04.3).
- (3) Home Occupation (8.04.6)
- (4) In-Law Apartment (8.04.7).
- (5) Wind Energy Conversion System (8.04.10).

4.01.5 Lot, Yard and Height Regulations. See Article 3.

4.01.6 Minimum Setback Requirements. See Article 3.

4.02 R-1 Single Family Residential District

4.02.1 Purpose. The R-1 Single Family Residential District is intended to preserve the character of existing single-family neighborhoods. This district is primarily for single-family dwellings and activities that are compatible with residential areas.

4.02.2 Permitted Uses. Uses permitted in the R-1 Single Family Residential District include:

- (1) One family dwelling.
- (2) Religious Establishment.
- (3) Outdoor park or recreational facility not operated as a business for profit.
- (4) Group Residence Facility (maximum of six residents).
- (5) Public and Non-Public school.
- (6) Essential Services, provided that they shall be necessary to the adequate distribution of service and shall not include any type of equipment that will interfere with local radio and/or television reception or otherwise be detrimental to the surrounding area.

4.02.3 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Accessory use incidental to any of the principal permitted uses listed above.
- (2) A private garage or accessory building, located within or attached to a dwelling, so long as yards equal to that required for a dwelling on the same lot are provided.
- (3) A private garage or accessory building, separate from a dwelling, subject to the regulations in Section 3.25 of this Ordinance.
- (4) A no-impact home-based business as defined in the Municipalities Planning Code.
- (5) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.
- (6) A private greenhouse for the purpose of raising garden plants or flowers on a non-commercial basis.
- (7) A fence, hedge or enclosure wall, subject to compliance with all regulations in Article 3 governing the same.
- (8) Recreational vehicle, recreational and/or camping equipment storage and parking, subject to all regulations in section 3.29 of this Ordinance.
- (9) Private Swimming Pool (see Section 3.26).

(10) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.

(11) Yard sale, as defined in Article 2.

4.02.4 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

(1) Bed and Breakfast Inn (8.04.2).

(2) Home Occupation (8.04.6)

(3) In-Law Apartment (8.04.7).

(4) Wind Energy Conversion System (8.04.10).

4.02.5 Lot, Yard and Height Regulations. See Article 3.

4.02.6 Minimum Setback Requirements. See Article 3.

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4.03 R-2 Low Density Residential District

4.03.1 Purposes. The R-2 Low Density Residential District is intended to allow any uses permitted in the previous residential districts as well as two family dwellings such as duplexes or townhouses.

4.03.2 Permitted Uses. Uses permitted in the R-2 Low Density Residential District include:

- (1) One family dwelling.
- (2) Two-family dwelling.
- (3) Religious Establishment.
- (4) Playground, park, athletic field or swimming pool not operated as a business for profit.
- (5) Group Residence Facility (maximum of twelve residents).
- (6) Public and Non-Public school.
- (7) Essential Services, provided that they shall be necessary to the adequate distribution of service and shall not include any type of equipment that will interfere with local radio and/or television reception or otherwise be detrimental to the surrounding area.

4.03.3 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Accessory use incidental to any of the principal permitted uses listed above.
- (2) A private garage or accessory building, located within or attached to a dwelling, provided that yards equal to that required for a dwelling on the same lot shall be provided.
- (3) A private garage or accessory building, separate from a dwelling, subject to the regulations in Section 3.25 of this Ordinance.
- (4) A no-impact home-based business as defined in the Municipalities Planning Code.
- (5) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.
- (6) A private greenhouse for the purpose of raising garden plants or flowers on a non-commercial basis.
- (7) A fence, hedge or enclosure wall, subject to compliance with all regulations in Article 3 governing the same.

- (8) Recreational vehicle, recreational and/or camping equipment storage and parking, subject to all regulations in section 3.29 of this Ordinance.
- (9) Private Swimming Pool (see Section 3.26).
- (10) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (12) Yard sale, as defined in Article 2.

4.03.4 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Bed and Breakfast Inn (8.04.2).
- (2) Cemetery (8.04.3).
- (3) Home Occupation (8.04.6)
- (4) In-Law Apartment (8.04.7).
- (4) Wind Energy Conversion System (8.04.10).

4.03.5 Lot, Yard and Height Regulations. See Article 3.

4.03.6 Minimum Setback Requirements. See Article 3.

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4.04 R-3 Medium Density Residential District

4.04.1 Purposes. The R-3 Medium Density Residential District is intended to allow any uses permitted in R2 Residential districts as well as Manufactured Home Parks that meet the regulations set forth in the Millcreek Township Manufactured Home Park Ordinance (Article 15 of the Subdivision and Land Development Ordinance, as amended).

4.04.2 Permitted Uses. Uses permitted in the R3 Medium Density Residential District include:

- (1) Two Family Dwelling.
- (2) Manufactured Home Park.
- (3) Playground, park, athletic field or swimming pool not operated as a business for profit.
- (4) Religious Establishment.
- (5) Group Residence Facility (maximum of six residents excepting two-family dwellings, which may have a maximum of twelve residents)
- (6) Essential Services, provided that they shall be necessary to the adequate distribution of service and shall not include any type of equipment that will interfere with local radio and/or television reception or otherwise be detrimental to the surrounding area.

4.03.3 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Accessory use incidental to any of the principal permitted uses listed above.
- (2) A private garage or accessory building, located within or attached to a dwelling, provided that yards equal to those required for a dwelling on that lot are provided.
- (3) A private garage or accessory building, separate from a dwelling, subject to the regulations in Section 3.25 of this Ordinance.
- (4) A no-impact home-based business as defined in the Municipalities Planning Code.
- (5) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.
- (6) A private greenhouse for the purpose of raising garden plants or flowers on a non-commercial basis.
- (7) A fence, hedge or enclosure wall, subject to compliance with all regulations in Article 3 governing the same.

- (8) Recreational vehicle, recreational and/or camping equipment storage and parking, subject to all regulations in section 3.29 of this Ordinance.
- (9) Private Swimming Pool (see Section 3.26).
- (10) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (11) Yard Sale, as defined in Article 2.

4.04.4 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Cemetery (8.04.3).
- (2) Wind Energy Conversion System (8.04.10).

4.04.5 Lot, Yard and Height Regulations. See Article 3.

4.04.6 Minimum Setback Requirements. See Article 3.

4.05 R-4 High Density Residential District

4.05.1 Purposes. The R-4 High Density Residential District is intended to provide a variety of housing types such as garden apartments and high-rise buildings within areas that have acceptable levels of infrastructure to support such uses.

4.05.2 Permitted Uses. Uses permitted in the R4 High Density Residential District include:

- (1) Multiple dwelling unit row housing or apartment of two or more units.
- (2) Playground, park, athletic field, swimming pool, or other recreational facility not operated as a business for profit.
- (3) Religious Establishment.
- (4) One-, two-, three- or four-dwelling unit building(s) developed with no subdivision of land to create separate lots for the dwelling units as required in the RR, R1 and R2 Residential zoning districts. Development without creation of separate lots for each dwelling unit or two-family unit, not the manner in which the development is held or owned (e.g., planned community, condominium, etc.) is the pertinent detail in establishing this use.
- (5) Group Residence Facility (maximum of six residents in one-family dwelling unit; maximum of twelve residents in two-family dwelling unit.
- (6) Independent or assisted living residential facility; provided, that this shall not include a hospital or use with the definitions of a hospital, intermediate care, nursing or skilled nursing facility, convalescent center or treatment center or a facility whose principal use and purpose is provision of medical, mental or other health care treatment to person in need of the same and provided further, that residents of the facility must be capable of independent living.
- (7) Public and Non-Public school.
- (8) Essential Services, provided that they shall be necessary to the adequate distribution of service and shall not include any type of equipment that will interfere with local radio and/or television reception or otherwise be detrimental to the surrounding area.

4.05.3 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Accessory use incidental to any of the principal permitted uses listed above.
- (2) A private garage or accessory building, located within or attached to a dwelling, provided that yards equal to that required for a dwelling on the same lot shall be provided.
- (3) A private garage or accessory building, separate from a dwelling, subject to the regulations in Section 3.25 of this Ordinance.

- (4) A no-impact home-based business as defined in the Municipalities Planning Code.
- (5) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.
- (6) A fence, hedge or enclosure wall, subject to compliance with all regulations in Article 3 governing the same.
- (7) Private Swimming Pool (see Section 3.26).
- (8) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (9) Yard Sale, as defined in Article 2.

4.05.4 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Cemetery (8.04.3).
- (2) Wind Energy Conversion System (8.04.10).

4.05.5 Lot, Yard and Height Regulations

- (1) See Article 3 for general regulations.
- (2) Maximum height of buildings - See Section 3.07.9(1).
- (3) High-Rise Apartment Requirements
 - (i) Maximum Lot Coverage - 25%
 - (ii) Maximum Height - 4 stories with approval of Board of Supervisors, subject to Notes (2) and (3) to Section 3.07.9(1).
 - (iii) Minimum Set-Aside Open Space - 25% of developable land.
 - (iv) Minimum Recreation Open Space - 25% of set-aside open space.
 - (v) Planting strips meeting requirements of Section 3.10.4 shall be placed along all side and rear boundaries, mounded and supplemented by other measures as required by the Board of Supervisors.

4.05.6 Minimum Setback Requirements. See Article 3.

4.05.7 Open Space. See regulations in Sections 3.19, 3.20, 3.21 and 4.05.5.

4.06 C-1 Local Commercial District

4.06.1 Purpose. The C-1 Local Commercial District is intended primarily for local convenient service areas and community facilities. Within the district, no building or structure shall be placed, constructed or altered, and no land shall be used for any purpose other than those permitted in the Local Commercial District.

4.06.2 Permitted Uses. Uses permitted in the C-1 Local Commercial District include:

- (1) Animal hospital, veterinary clinic.
- (2) Business and professional offices.
- (3) Business, professional and personal services.
- (4) Banks and financial institutions.
- (5) Cemeteries.
- (6) Continuing care facilities.
- (7) Country clubs.
- (8) Day care centers.
- (9) Educational institutions.
- (10) Essential services.
- (11) Funeral homes.
- (12) Group Residence Facilities (maximum of 12 residents).
- (13) Hospitals, medical and dental clinics.
- (14) Libraries and museums.
- (15) Multiple-establishment centers (See definition in Section 2.04).
- (16) Municipal buildings, fire and emergency medical services (EMS) stations.
- (17) Picnic or recreation area where admission is charged.
- (18) Public parks.
- (19) Religious establishment.

4.06.3 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Off-street parking and loading facilities as authorized in Article 3.
- (2) Signs as permitted in Article 7.
- (3) Accessory use incidental to any of the principal permitted uses listed above.
- (4) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.

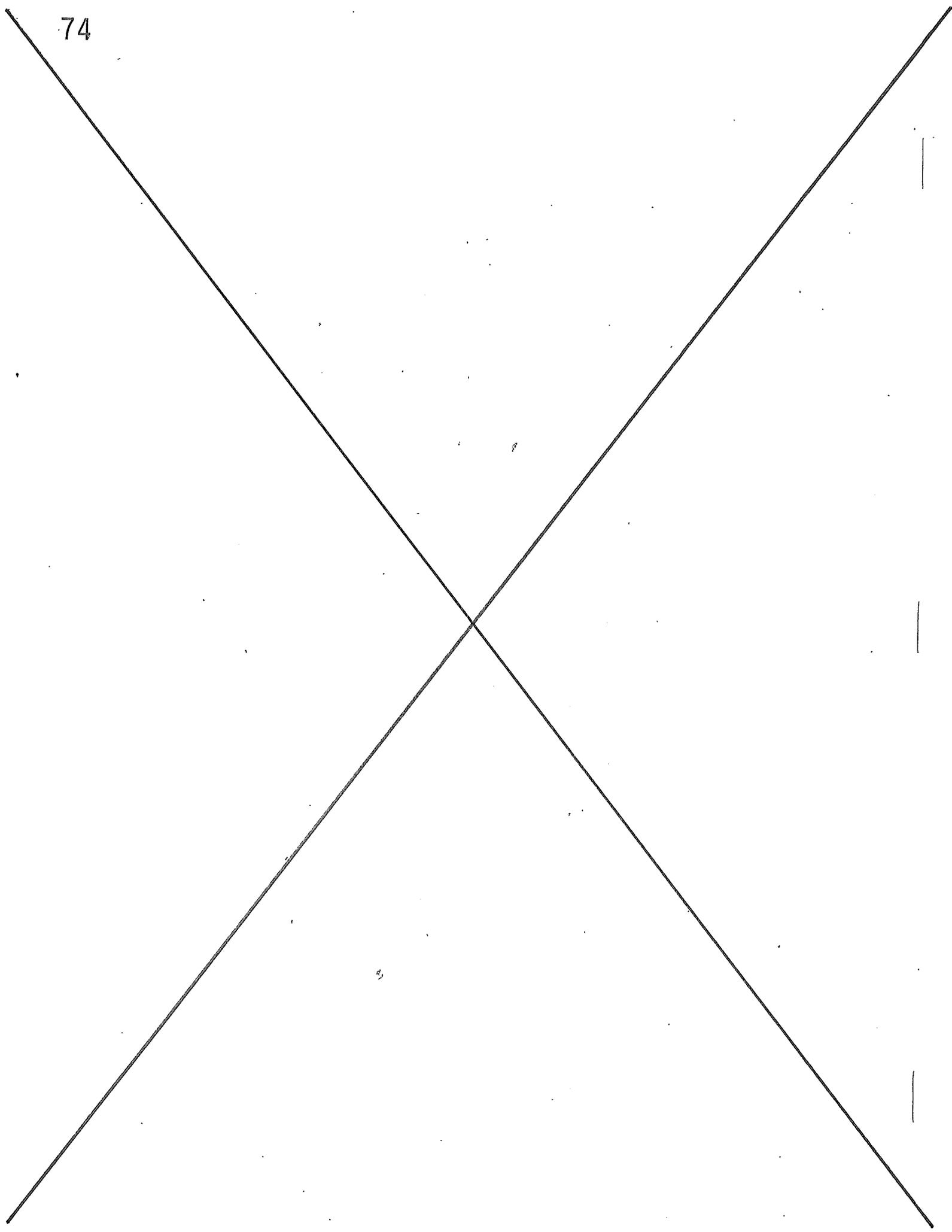
- (5) Donation Receptacles, subject to the regulations therefor in Article 6.
- (6) Drive-through establishment for a permitted use.
- (7) Personal support services for a continuing care facility [See Section 2.04].
- (8) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.
- (9) Kennel Accessory to an animal hospital or veterinary clinic, in strict compliance with the definition in Article 2.

4.06.4 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Wind Energy Conversion Systems (8.04.10).

4.06.5 Lot, Yard and Height Regulations. See Article 3 for general regulations.

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4.07 C-2 General Commercial District

4.07.1 Purpose. The General Commercial District is intended primarily for commercial areas containing those retail shops and services that serve more than "convenience-type" needs. Therein no building or structure shall be placed, constructed or altered, and no land shall be used for any purpose other than some from or part of commercial or any use other than that permitted in the C-2 General Commercial District. In this district, the maximum area of retail and other establishments shall not exceed that allowed for a neighborhood shopping center or other area specifically stated.

4.07.2 Permitted Uses. Uses permitted in the C-2 General Commercial District include all uses permitted in the C-1 Local Commercial District and:

- (1) Arcade
- (2) Athletic, health club and fitness facilities.
- (3) Auditorium.
- (4) Automotive detail facility, with all work conducted indoors.
- (5) Automotive parts sales with no outside work allowed excepting only incidentals.
- (6) Small scale (15 or fewer automobiles) automobile rental with no outside repairs.
- (7) Automotive tire sales and installation with all work conducted indoors.
- (8) Car wash meeting all performance standards and requirements in Section 6.03.
- (9) Convenience store; Neighborhood Convenience store.
- (10) Eating and drinking establishment, including private clubs and social halls, having a footprint area of 2,500 square feet or less.
- (11) Educational institution.
- (12) Engine, transmission and body repair facility with all work conducted indoors.
- (13) Hotel and motel.
- (14) Indoor and outdoor recreation uses (including golf courses)
- (15) Laundromat.
- (16) Lawn and garden center.
- (17) Pet grooming establishment.
- (18) Pet shop.
- (19) Retail business establishment having a gross floor area not exceeding 5,000 SF.
- (20) Movie theater.

4.07.3 Express Limitations on Certain Uses. Those uses permitted in Section 4.07.2(3), (4), (5), (6), (7) and (10) subject to limitations on the conduct of operations are permitted only subject to such limitations and strict compliance with such limitations.

- (1) "Incidental" shall mean that activities such as installing wiper blades or checking tires on a parked vehicle, incidental to the principal use, are allowed.
- (2) Where so indicated in Section 4.07.2, no outside work is allowed.
- (3) In this zoning district, the parking or storage of vehicles outside the premises which are not on site solely awaiting performance of work or customer pickup is prohibited.

4.07.4 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Off-street parking and loading facilities as authorized in Article 3.
- (2) Signs as permitted in Article 7.
- (3) Accessory use incidental to any of the principal permitted uses listed above.
- (4) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (5) Donation Receptacles, subject to the regulations therefor in Article 6.
- (6) Drive-through establishment for a permitted use.
- (7) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.

4.07.5 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Wind Energy Conversion Systems (8.04.10).

4.07.6 Lot, Yard and Height Regulations. See Article 3 for general regulations.

4.08 C-3 Highway Commercial District

4.08.1 Purpose. The C-3 Highway Commercial District is intended primarily for large commercial establishments that cater to highway traffic and truck stop uses. In this district, no building or structure shall be placed, constructed or altered, and no land shall be used for any purpose other than is permitted in the C-3 Highway Commercial District.

4.08.2 Permitted Uses. Uses permitted in the C-3 Highway Commercial District include:

- (1) Adult-oriented establishments, including also Massage Parlors; Bath house.
- (2) Animal hospital, veterinary clinic.
- (3) Amusement park, Auditorium; Stadium.
- (4) Automotive sales, service, parts or repair establishments; vehicle fuel service.
- (5) Automotive, automobile, truck and utility rental and/or shuttle facilities.
- (6) Car wash.
- (7) Contracting operations.
- (8) Convenience store; Retail store selling vehicle fuel.
- (9) Exterminating service.
- (10) Indoor/outdoor commercial recreation uses, miniature golf, driving range, etc.
- (11) Kennel.
- (12) Manufactured or mobile home sales and display.
- (13) Lawn and garden center.
- (14) Lawn and garden supply facility; Nursery.
- (15) Marine sales, parts and repair facility.
- (16) Municipal buildings and public parks; Fire and EMS stations.
- (17) Parking lot where not related to an on-premises business; Parking structure.
- (18) Pet grooming; Pet store.
- (19) Printing and publishing establishment.
- (20) Recreational vehicle park.
- (21) Religious establishment.
- (22) Retail business establishment; Neighborhood shopping center.
- (23) Retail Store Selling Vehicle Fuel.
- (24) Service establishments, including but not limited to engine rebuilding and repair, linen supply, paper distribution, carpet cleaning, sign painting and repair, stone and monument works, transportation depot, vehicle and equipment painting and body repair, vehicle towing and wrecker service, vending machines sale and service, water transportation services, window cleaning or repair services and the like.
- (25) Stadium, Mini-Motion Picture Theater, Motion picture theater, Theater.

4.08.3 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Off-street parking and loading facilities as authorized in Article 3.
- (2) Signs as permitted in Article 7.
- (3) Accessory use incidental to any of the principal permitted uses listed above.
- (4) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (5) Donation Receptacles, subject to the regulations therefor in Article 6.
- (6) Drive-through establishment for a permitted use.
- (7) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.
- (8) Kennel Accessory to an animal hospital or veterinary clinic, in strict compliance with the definition in Article 2.

4.08.4 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Wind Energy Conversion Systems (8.04.10).

4.08.5 Lot, Yard and Height Regulations. See Article 3 for general regulations.

4.09 C-4 Regional Commercial District

4.09.1 Purposes. The C-4 Regional Commercial District is intended primarily for commercial shopping centers. Therein no building or structure shall be placed, constructed or altered, and no land shall be used for any purpose other than some from or part of commercial or any use other than that permitted in the C-4 Regional Commercial District.

4.09.2 Permitted Uses. Uses permitted in the C-4 Regional Commercial District shall include:

- (1) Integrated neighborhood, community or regional shopping center, consisting of two or more businesses made up of uses permitted in any C-1, C-2 or C-3 zoning district.

4.09.3 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Off-street parking and loading facilities as authorized in Article 3.
- (2) Signs as permitted in Article 7.
- (3) Accessory use incidental to any of the principal permitted uses listed above.
- (4) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (5) Donation Receptacles, subject to the regulations therefor in Article 6.
- (6) Drive-through establishment for a permitted use.
- (7) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.

4.09.4 Uses on Special Exception. Subject to the regulations in Article 8, below, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Communications Antennas, Personal Wireless Service and other facilities mounted on Communications Towers, Alternative Tower Structures and Towers in C-4 Regional Commercial and I-1 Light Industry Districts not on lands within 200' of Interstate highway rights of way (8.04.4).
- (2) Wind Energy Conversion Systems (8.04.10).

4.09.5 Lot, Yard and Height Regulations. See Article 3 for general regulations.

4.10 RC Resort Commercial District

4.10.1 Purpose. The RC Resort Commercial District is intended primarily for facilities serving the recreation- and vacation-oriented population in the region. This District is intended to provide standards for specific types of land uses and to control the intensity of development in order to reduce or eliminate adverse environmental impacts in areas near the entrance of Presque Isle State Park and to promote and enhance the many recreational and commercial uses of land adjacent to the entrance of Presque Isle State Park in a manner that protects the people's right to the natural, scenic and aesthetic values of this unique natural resource. In this District, no building or structure shall be placed, constructed or altered, and no land shall be used for any purpose other than the uses permitted in this District.

4.10.2 Location of Zoning District. The RC Resort Commercial District, generally, is located along the major commercial corridors of Peninsula Drive (S.R. 0832) from Presque Isle State Park south to West 15th Street; along West 12th Street (S.R. 0005) from Wyoming Avenue to Selinger Avenue; West 8th Street/West Lake Road from Kelso Drive to Pittsburgh Avenue; and West 6th Street from West Lake Road to Lowell Avenue, as specifically designated on the Millcreek Township Zoning Map.

4.10.3 Permitted Uses. Uses permitted in the RC Resort Commercial District shall include those uses permitted in the C-1 and C-2 Commercial Districts, subject to such limitations as are imposed in Sections 4.06 and 4.07 and:

- (1) Amusement park, dance hall and/or picnic area.
- (2) Apartments, rental cottages (not including manufactured or mobile homes).
- (3) Assembly and meeting hall, Auditorium; Arena; Stadium.
- (4) Automotive service stations and Vehicle fuel service stations.
- (5) Boating facilities, marinas, rentals, repair and sales.
- (6) Eating and drinking establishments; Neighborhood Shopping center.
- (7) Kennel.
- (8) Retail business establishments.
- (9) Retail Establishment selling vehicle fuel.
- (10) Theater.
- (11) Township-licensed campgrounds and travel trailer/recreation vehicle parks.

4.10.4 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Off-street parking and loading facilities as authorized in Article 3.
- (2) Signs as permitted in Article 7.
- (3) Living quarters for caretakers and maintenance personnel only, located within the principal structure and customarily incident to a permitted use; provided, that such uses have no injurious effects on adjoining residential districts.
- (4) Accessory use incidental to any of the principal permitted uses listed above.
- (5) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (6) Donation Receptacles, subject to the regulations therefor in Article 6.
- (7) Drive-through establishment for a permitted use.
- (8) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.

4.10.5 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Wind Energy Conversion Systems (8.04.10).

4.10.6 Lot, Yard and Height Regulations. See Article 3 for general regulations.

4.11 I-1 LIGHT INDUSTRIAL DISTRICT

4.11.1 Purposes. The I-1 Light Industrial District is intended to provide a suitable environment to encourage development of light industrial enterprise by providing and protecting an environment exclusively for such uses, subject to standards which protect nearby residential, agricultural, commercial and public uses from hazards, noise and other disturbances.

4.11.2 Permitted Uses. Uses permitted in the I-1 Light Industrial District shall include:

- (1) Beverage bottling and distribution and other distribution plants.
- (2) Building materials facility, Lumberyard.
- (3) Bulk storage and distribution of petroleum products or by-products.
- (4) Composting facility meeting applicable regulations.
- (5) General contracting operations; Publishing and printing establishments.
- (6) Electrical and non-electrical machinery; Equipment and supplies manufacturing.
- (7) Industrial bakery; candy and food manufacturing and processing operations.
- (8) Industrial laundry and clothes cleaning and/or dyeing establishments.
- (9) Machine shop.
- (10) Manufacture of scientific and controlling instruments.
- (11) Manufacturing, fabrication, assembly operations not specifically listed as permitted in the I-2 Heavy Industrial district.
- (12) Mini-warehouse, Self-storage facilities.
- (13) Motor freight (truck) terminals, including warehousing and truck repair facilities, and distribution facilities each when conducted entirely within a building and outside parking is provided for tractor-trailers and employees.
- (14) Recreation vehicle and marine sales, service, repair and storage facilities.
- (15) Research and development operations and testing laboratories devoted to the research, testing, design and experimentation of products and processing, and fabrication operations that are incidental to such use.
- (16) Truck and heavy equipment sales service and repair services.
- (17) Truck stop establishments which provide eating, sleeping and washroom facilities and refueling and minor repair services.
- (18) Utility operations, including electric and gas operations and sewer and water treatment, distribution and collection facilities.
- (19) Vehicle repair, body, paint, glass replacement shops, Transportation depot.
- (20) Wholesale, warehouse and storage facilities.
- (21) Where, within 200 feet from the right of way of Interstate 79 and Interstate 90, antennas, communications antennas, communication equipment buildings, antenna support structures, communications towers and towers, subject to the regulations in Sections 6.02 and 6.14 of this Ordinance.

4.11.4 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Off-street parking and loading facilities as authorized in Article 3.
- (2) Signs as permitted in Article 7.
- (3) Accessory use incidental to any of the principal permitted uses listed above.
- (4) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (5) Donation Receptacles, subject to the regulations therefor in Article 6.
- (6) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.

4.11.5 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Aviation Field (8.04.1)
- (2) Communications Antennas, Personal Wireless Service and other facilities mounted on Communications Towers, Alternative Tower Structures and Towers in C-4 Regional Commercial and I-1 Light Industry Districts not on lands within 200' of Interstate highway rights of way (8.04.4).
- (3) Corrections Facility/Treatment Center (8.04.5).
- (4) Wind Energy Conversion Systems (8.04.10).

4.11.6 Lot, Yard and Height Regulations. See Article 3 for general regulations.

4.12 I-2 HEAVY INDUSTRIAL DISTRICT

4.12.1 Purpose. The I-2 Heavy Industrial District is intended to accommodate those industrial activities which may produce moderate nuisance hazards in areas that are relatively remote from residential development. The I-2 District is intended to allow industrial operations, such as manufacturing, fabricating, processing, warehousing and the like. Regulations governing this district are intended to protect the Township and its residents from harmful impacts often associated with heavy industrial operations and to confine external physical effects of industrial development within the boundaries of the I-2 District, so as to minimize the impact from such uses upon natural resources and residential uses.

4.12.2 Permitted Uses. Uses permitted in the I-2 Heavy Industrial District shall include:

- (1) Any use permitted in the I-1 Light Industrial District.
- (2) Antennas, Communications Antennas, Communications Equipment Buildings, Antenna Support Structures, Communications Towers and Towers, subject to all applicable regulations in Article 6 of this Ordinance (see Sections 6.02 and 6.14).
- (3) Distribution facilities.
- (4) Highway and heavy construction operations.
- (5) Manufacture of chemicals and related products.
- (6) Manufacture of paper, pulp and allied products.
- (7) Manufacture of petroleum-related products.
- (8) Manufacture of rubber, synthetics, plastics and like products, including coatings.
- (9) Manufacture of stone, clay and glass products.
- (10) Manufacture of transportation equipment.
- (11) Milling of grains.
- (12) All activities involved in the exploration, production and/or drilling for oil, natural gas and/or brine, whether by deep or shallow wells.
- (13) Primary metal industries and manufacturers.
- (14) Recyclable materials collection and processing facilities.
- (15) Sanitary landfill.
- (16) Warehouse.
- (17) Any other lawful use not permitted in any other zoning district; provided that such use is not offensive, noxious or hazardous.

4.12.3 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Off-street parking and loading facilities as authorized in Article 3.
- (2) Signs as permitted in Article 7.
- (3) Accessory use incidental to any of the principal permitted uses listed above.
- (4) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (5) Donation Receptacles, subject to the regulations therefor in Article 6.
- (6) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.

4.12.4 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Aviation Field (8.04.1)
- (2) Corrections Facility/Treatment Center (8.04.5).
- (3) Junk Yard (8.04.8).
- (4) Wind Energy Conversion Systems (8.04.10).

4.12.5 Lot, Yard and Height Regulations. See Article 3 for general regulations.

4.13 I-3 Industrial Park District

4.13.1 Purpose. The I-3 Industrial Park District is intended to provide an environment exclusively for and conducive to the development of technological industrial parks which support administrative facilities, research institutions and specialized manufacturing operations which are compatible with one another, all of a type not generating or causing nuisance impacts or hazards to the health and safety of the community. Professional offices, financial institutions and other similar issues may be appropriate in this district when they provide services to the industrial park and/or to employees of the park's occupants.

4.13.2 Permitted Uses. Uses consistent with the stated purpose which are permitted in the I-3 Industrial Park District shall include:

- (1) Assembly manufacturing, compounding, processing, packaging or treatment uses or processes which produce or emit dust, smoke, toxic or noxious odor and noise levels which are in compliance with applicable Federal and State standards and regulations.
- (2) Building material supplies, including stone crushing and/or concrete mixing.
- (3) Carpentry, electrical, plumbing, welding, fabricating, heating, sheet metal, furniture upholstery or printing shops, laundry and clothes cleaning or dyeing establishments or publishing plants.
- (4) Distribution plants, beverage bottling and/or distribution operations.
- (5) Highway freight, transportation and warehousing.
- (6) Laboratories devoted to research, design experimentation, including processing, fabrication and other activities incidental thereto.
- (7) Manufacture, compounding, processing, packaging, treatment and distribution of products including and such as bakery goods, candy, food, cosmetics, toiletries, pharmaceuticals (distinct from the use as accessory to the primary permitted retail business use in a Commercial zoning district).
- (8) Radio and television facilities and operations.
- (9) Telephone and communications exchange and transformer stations.
- (10) Transportation terminals.
- (11) Utility (electric and gas company, sewer and water authority) operations.
- (12) Wholesale, warehousing and storage.
- (13) Antennas, Communications Antennas, Communications Equipment Buildings, Antenna Support Structures, Communications Towers and Towers, subject to all applicable regulations in Article 6 of this Ordinance (see Sections 6.02 and 6.13).

4.13.3 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Off-street parking and loading facilities as authorized in Article 3.
- (2) Signs as permitted in Article 7.
- (3) Accessory use incidental to any of the principal permitted uses listed above.
- (4) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (5) Donation Receptacles, subject to the regulations therefor in Article 6.
- (6) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.
- (7) Outdoor recreational facilities designed and intended for use by employees and management of those permitted uses within the Industrial Park. These facilities shall comply with all requirements of Article 3 as apply to this district.
- (8) Heliports, if licensed by the Pennsylvania Department of Transportation, Bureau of Aviation and meeting all applicable Federal and State regulations.
- (9) Subject to compliance by the uses and buildings housing them with all requirements of the district(s) in which they are normally permitted and the prohibition against their use by anyone not an occupant or employee of an entity operating in the Industrial Park:
 - (i) cafeterias and restaurants specifically designed and intended for use by employees and management of permitted uses in the Park; and
 - (ii) indoor recreation, meeting rooms and other buildings primarily intended for the mutual use of occupants of the Park and their business invitees for meetings, programs, displays, recreation and such other uses as the occupants of the Park may deem necessary.

4.13.4 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Wind Energy Conversion Systems (8.04.10).

4.13.5 Lot, Yard and Height Regulations. See Article 3 for general regulations.

4.14 MO Mixed Occupancy District

4.14.1 Purpose. The MO Mixed Occupancy District, which involves lands generally located near Lake Erie from Kelso Drive west to Guetner Avenue, is intended to allow for a mix of residential and commercial uses consistent with resort activities.

4.14.2 Permitted Uses. Uses consistent with the stated purpose which are permitted in the MO Mixed Occupancy District, subject to all the requirements of this ordinance for the use or a similar use in any zoning district where such use is permitted, shall include:

- (1) Cottages or dwellings.
- (2) Hotels and motels.
- (3) Grocery stores.
- (4) Restaurants, Clubhouses.

4.14.3 Permitted Accessory Uses. Permitted uses accessory to a permitted or authorized principal use shall include:

- (1) Off-street parking and loading facilities as authorized in Article 3.
- (2) Signs as and to the extent permitted in Article 7.
- (3) Accessory use incidental to any of the principal permitted uses listed above.
- (4) With the required permit and subject to compliance with all regulations in Article 6, a temporary storage facility.
- (5) Communications antennas mounted on an existing public utility or essential service transmission tower, building or other structure, and Communications Equipment Buildings, subject to compliance with all applicable regulations in this Ordinance.

4.14.4 Uses on Special Exception. Subject to the regulations in Article 8 of this Ordinance, the Zoning Hearing Board may approve a use on special exception for the following uses where it finds that all general criteria and all specific criteria for the use as set forth in Article 8 are satisfied:

- (1) Bed and Breakfast Inn (8.04.2).
- (2) Wind Energy Conversion Systems (8.04.10).

4.14.5 Lot, Yard and Height Regulations. See Article 3 for general regulations.

**ARTICLE 5
OVERLAY DISTRICTS**

5.01 Establishment of Overlay Districts

In addition to the zoning districts established in Article 3 and delineated on the Zoning Map, all areas containing or characterized by the features listed in this Article are established as overlay districts in accordance with Sections 605 and 702-A of the Municipalities Planning Code, as amended:

FP -	Floodplain Areas	Section 5.04
OP -	Office/Business Parks	Section 5.05
LD -	Lakefront Area District	Section 5.06
TND -	Traditional Neighborhood Development	Section 5.07

5.02 Overlay Zoning Maps

The location of each overlay district is delineated on a map depicting that overlay feature. These maps are adopted as a part of the Zoning Map.

502.1 Accuracy of Overlay Districts. Overlay districts may not include all land or sites subject to the special features of the overlay district; and not all land within the overlay district may actually contain the special or limiting feature.

502.2 Areas Not Included in Overlay Districts. It is the intent of this Ordinance that the limitations on development which are imposed by the overlay district regulations shall apply to all parcels which include the regulated feature, whether or not the land is shown in the overlay district. It shall be the responsibility of the applicant to establish the presence or absence on the proposed site of all features subject to regulation in this Article.

502.3 Interpretation of Overlay Districts. If the Zoning Map or list is questioned, the burden of proof shall be upon the developer or applicant, who shall submit information from a qualified professional or other expert acceptable to the Township to demonstrate that the lot, parcel or site in question can be used in the manner proposed without violation of this Ordinance.

5.03 Application of Overlay District Regulations

The regulations contained in this Article shall apply to the use and development of parcels and structures in each overlay district and shall be in addition to other regulations in this Ordinance.

503.1 Limitations of Intensity or Density of Development. The amount of lot or site area used or occupied by development is restricted as specified in Article 4 and as further restricted by the overlay district regulations in this Article.

503.2 Limitations on Authorized Uses in Overlay Districts. Uses in overlay districts may be authorized by right or by special exception subject to the regulations in Articles 4 and 8 of this Ordinance and as further stated in the overlay district.

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503.3 Uses Permitted by Special Exception. All uses authorized on special exception in any zoning district which are prohibited because of the regulations of any overlay district may be permitted by special exception in any overlay district, provided that the use complies with the specific regulations of any overlay district; and uses permitted by special exception may be permitted by special exception in any overlay district provided that the use complies with the regulations of the particular overlay district.

5.04 Floodplain Areas Overlay District

504.1 See regulations set forth in the Millcreek Township Floodplain Ordinance.

5.05 Office/Business Parks Overlay District

5.05.1 General Requirements. All land in a proposed park must be owned by a single landowner and developed as a single entity.

- (1) "Single," as to ownership, is not intended to prohibit joint ownership or an entity comprised of more than one person or entity.
- (2) "Single," as to development, is not intended to prohibit a condominium or like form of development, so long as the park is created and maintained as a unified development.

5.05.2 Permitted Uses.

- (1) Business, professional and financial offices.
- (2) Business services and retail uses incidental to and supporting other permitted uses.
- (3) Data and communication centers and/or information processing facilities.
- (4) Multi-occupancy incubators.
- (5) Pilot plants.
- (6) Production or assembly of prototypes only to the scale necessary for full investigation of the merits of a product.
- (7) Corporate, governmental and institutional offices that are consistent with the intent of this Article and other permitted uses in the Overlay District.

5.05.3 Accessory Uses.

- (1) Open space improvements and facilities.
- (2) Active recreational structures and fitness facilities.

5.05.4 Height Regulations.

- (1) No building or structure shall exceed 50 feet in height. If, upon appeal, the Zoning Hearing Board should find that the requisite findings for variance relief exist, any variance shall include the conditions that:
 - (i) every required yard setback is increased by 1 foot for each additional 2 feet in height over 50 feet; and
 - (ii) any structure higher than 50 feet on a lot which abuts an RR, R-1 and/or R-2 residential zoning district shall be set back an additional 1 foot for every additional 1 foot over 50 feet in addition to the requirements of Section 3.10 (Buffer Yards, Landscaping and Screening).

5.05.5 Perimeter Requirements. The park shall be designed and maintained to avoid adverse influences and impacts on surrounding properties. Required setbacks from perimeter boundaries shall be in accordance with Section 3.10 of this Ordinance.

5.05.6 Dimensional Standards.

- (1) Minimum net lot area - 3 acres
- (2) Minimum lot width - 250 feet
- (3) Minimum front yard - 50 feet
- (4) Minimum rear yard - 50 feet
- (5) Minimum side yard - 25 feet

5.05.7 Interior Setbacks. Interior setbacks shall be in accordance with the Setback District in which the property is located.

5.05.8 Open Space Requirements.

- (1) A minimum of 30% of the gross area of the park shall be devoted to open space.
- (2) At least 50 percent of the required open space shall be contiguous.
- (3) All open space shall meet standards for open space as set forth in Article 3 of this Ordinance.

5.05.9 Environmental Design. The environmental design scheme of the park shall be laid out in such a fashion to ensure that all of the elements listed below are incorporated into a harmonious and aesthetically pleasing design. Consideration should be given to the overall character of the development and its visual effect on adjacent uses as well as the tenants of the development and residents and uses of the Township.

- (1) Existing trees should be inventoried and preserved whenever possible. Existing stands of mature healthy trees, hedgerows, waterways, historic sites, scenic points, views and vistas and other community assets and landmarks should be preserved, consistent with standards for conservation development design set forth in the Subdivision and Land Development Ordinance.
- (2) The park should be designed to minimize grading and other changes to the natural terrain. All graded slopes should blend with the surrounding terrain and development.
- (3) All landscaping shall be in accordance with an overall landscaping plan and unifying concept for the development as approved by the Township.
- (4) Development of the park shall be deemed a land development and shall comply in all respects with regulations of the Subdivision and Land Development, Stormwater Management and Public and Private Improvements Code Ordinances.
- (5) Commercial outdoor advertising signs are prohibited. Identified and directional signs as authorized in Article 7 shall be permitted.
- (6) No glare, whether from floodlights, high-temperature processes or other sources, shall be emitted from the park so as to be visible from adjoining zoning districts.

5.06 Lakefront Area Overlay District

- 5.06.1 Maximum height of a front row dwelling shall not exceed twenty feet (20').
- 5.06.2 In each additional row of dwellings, the maximum allowed height may be increased by five feet (5'), to a maximum height of thirty-five feet (35') in developments having four or more rows of dwellings.
- 5.06.3 In the case of a single row of dwellings, the maximum height shall not exceed thirty-five feet (35'). For there to be a single row of dwellings, there shall be no dwellings within 200 feet measured from the back of the dwelling landward.

5.07 Traditional Neighborhood Development Overlay District

- 5.07.1 Objectives. In addition to the objectives set forth in Section 701-A(b) of the Municipalities Planning Code, objectives of the Traditional Neighborhood Development Overlay District include encouraging innovation and variety in development, providing better opportunities for housing, recreation and access to services and employment, promoting pedestrian- and transit-oriented development, fostering a sense of place and encouraging design of buildings and streets to define the streetscape.
- 5.07.2 Identification of Overlay District. Traditional Neighborhood Development (“TND”) is permitted as a conditional use, generally in all Residential and Commercial Districts which are located along an arterial and/or collector street as defined in the Subdivision and Land Development Ordinance and the Township’s Transportation Plan.
- 5.07.3 Applicability of Regulations. Generally, all regulations in this and other applicable ordinances, laws and regulations shall govern. Where a conflict exists, the specific regulations in this Article shall control.
- 5.07.4 Permitted Uses. Permitted uses are those defined in the respective zoning district under Article 4. Additional uses authorized within the boundaries of a TND, subject to approval by the Board of Supervisors in acting on a development plan application, include:
- (1) Restaurant;
 - (2) Community center;
 - (3) Neighborhood convenience store;
 - (4) Commercial limited neighborhood and certain residential uses when proposed in accordance with the two TND development options and/or conditional use option for community-based senior housing outlined below.
- 5.07.5 TND Development Option 1 - Commercial. Multiple-family dwellings, single-family detached dwellings, two-family semi-detached dwellings, townhouses or row dwellings, as well as certain nonresidential uses shall be authorized subject to approval by the Board of Supervisors, when proposed in a land development plan application consistent with regulations governing the use as modified by regulations in this Section.
- 5.07.6 TND Development Option 2 - Residential. Single-family detached dwellings and two-family semi-detached dwellings shall be authorized, subject to approval by the Board of Supervisors, when proposed in a land development plan application for land located in the R-2 zoning district consistent with regulations governing the use as modified by regulations in this Section. Under this option, streets in the development shall be designed in an interconnected grid pattern and cul-de-sac streets are prohibited, and dwellings shall be designed without front-loaded garages.
- 5.07.7 TND Conditional Use Development Option 3. Community-Based Affordable Housing and ancillary limited commercial and professional office uses shall be authorized as a conditional use, subject to approval by the Board of Supervisors, when proposed in a land development plan application for land located in the R-4 or C-1 zoning districts, subject to the criteria below and in this Section.

5.07.8 Criteria and Performance Standards.

- (1) Open Space. Open space shall be provided for a TND in accordance with the standards set forth in Section 5.05.8, except that the minimum area of open space shall be not less than fifteen percent (15%) of the gross area of the development. Open space shall be dedicated for permanent use as open space or park land and shall be common property for the development.
- (2) Location and Configuration of Parks, Open Space. Parks and open space shall be distributed throughout the neighborhood and shall be easily accessible. One or more centrally located public commons, squares or parks are encouraged.
- (3) Measures to encourage and facilitate pedestrian travel and access should be adopted, these including but not limited to reducing distance between the sidewalk and residential dwellings, construction of porches, covered entry ways and the like.
- (4) The location and physical characteristics of the site shall be such that it develops out of the location of squares, parks and other neighborhood centers and subcenters. Zoning changes in building type generally should occur at mid-block, not a mid-street, and buildings should tend to be zoned by compatibility of building type, rather than building use.
- (5) Commercial uses shall be limited in intensity (e.g., traffic volume, hours of operation, noise, lighting, etc.) and shall be such as serve needs of residents of the development.
- (6) In Development Option No. 3 in Section 5.07.7, professional office uses shall be ones permitted in the C-1 zoning district and which are consistent with or intended to be principally accessible to or serve needs of residents of the development.
- (7) The greatest density of housing and the preponderance of office and commercial uses should be located in the center of the development; provided, that if the neighborhood is adjacent to existing development or an arterial or collector street, then office, commercial and denser residential uses may be located at either the edge or the center or both.
- (8) The plan must show location for vehicular parking.
- (9) Unless there is a compelling reason to the contrary, parking lots should be located either behind or to the side of buildings and, in most cases, should be located toward the center of blocks such that only their access is visible from adjacent streets.
- (10) The site plan shall provide for either a natural or a man-made corridor to serve as the edge of the neighborhood [see MPC Section 706-A(d)].

5.07.9 Authority of Board of Supervisors. The Board of Supervisors, in acting on a development plan application proposing Traditional Neighborhood Development, shall have authority to grant modifications and/or impose conditions on approval which the Board deems necessary or appropriate, in the specific facts of the application, to effectuate the objectives of this Section and those in Article VII-A of the MPC, as the same may be amended.

**ARTICLE 6
SUPPLEMENTARY REGULATIONS**

6.01 Adult Entertainment and Adult-Oriented Uses, Bottle Clubs - Performance Standards

6.01.1 An Adult Book Store, Adult Motion Picture Theater, Adult Drive-In Movie Theater, Adult Mini-Picture Theater, Massage Parlor, Bath House and all other adult entertainment and adult-oriented uses authorized by this ordinance shall be located so as not to be less distant than:

- (1) One thousand feet (1,000') from the nearest property line of any other Adult Book Store, Adult Motion Picture Theater, Adult Drive-In Movie Theater, Adult Mini-Picture Theater, Massage Parlor, Bath House and all other adult entertainment and adult-oriented uses; and
- (2) One thousand feet (1,000') feet form the nearest property line of any church, school, other institution of learning or education, hospital, library, park or playground; and
- (3) Three hundred feet (300') from the nearest property line of any premises zoned for residential purposes, this including all Residential Districts.

6.01.2 No property, building or structure shall be used as an Adult Book Store, Adult Motion Picture Theater, Adult Drive-In Movie Theater, Adult Mini-Picture Theater, Massage Parlor, Bath House, Bottle Club, BYOB Club and/or other Adult Entertainment or Adult-Oriented establishment without a certificate of occupancy for the proposed use first being issued, and the use thereafter shall comply with the terms of the issued certificate of occupancy absent a properly issued amendment thereof. In addition to other requirements established in this ordinance, an application for certificate of occupancy for such establishment must identify the owner(s) and lessee(s) of the premises and the person(s) responsible for the management and conduct of the business.

6.01.3 All adult-oriented establishments and adult entertainment establishments shall at all times comply with the regulations imposed on such uses under the Pennsylvania law, including but not limited to those established in 68 Pa. C.S.A. Section 5501, et seq., as may be amended.

6.01.4 Uses authorized under this Ordinance shall not be deemed to include activities including or fostering prostitution or other activities declared to be violations of Federal, Pennsylvania or Township laws or ordinances.

6.01.5 No person operating an adult entertainment or adult-oriented establishment shall permit or cause to be permitted the display or placement on the building or premises of any document, stock in trade or other material of any nature which depicts, describes or relates to specified anatomical areas and/or specified sexual activities and may be viewed from a public street, highway, sidewalk or adjacent property.

6.01.6 A bottle club or BYOB club shall not be deemed a principal use, the principal use under this Ordinance to be deemed the principal activity to be conducted on the premises, unless the principal use is for the term as defined in this Ordinance.

6.01.7 A use involving the use as a bottle club or BYOB club, where authorized under this Ordinance, shall be located so as not to be less distant than:

- (1) One thousand feet (1,000') from the nearest property line of any other bottle club or BYOB club; and
- (2) One thousand feet (1,000') from the nearest property line of any church, school, other institution of learning or education, hospital, library, park or playground; and
- (3) Three hundred feet (300') from the nearest property line of any premises zoned for residential purposes, this including all Residential Districts.

6.01.8 All regulations in this ordinance governing buffering, planting strips, open areas and off street parking shall be strictly enforced.

6.02 Alternative Tower Structures, Communications Towers and Towers

Where expressly permitted in a Zoning District or in designated areas of particular Zoning Districts under this Ordinance, a permit shall be issued and shall remain in effect subject to all the following regulations:

6.02.1 The regulations in Section 6.14 shall govern to the extent applicable as extended to Alternative Tower Structures, Communications Towers and Towers, these including but not limited to Subsections 6.14.5-6.14.12 and 6.14.15-6.14.16.

6.02.2 Communications Towers, Alternative Tower Structures and Towers shall comply with all applicable regulations of the Federal Aviation Administration, the Commonwealth Bureau of Aviation and Airport Zoning Ordinances.

6.02.3 Any applicant proposing construction of a new Communications Tower, Alternative Tower Structure or Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Tower, Alternative Tower Structure or Tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of a proposed Communications Tower and one-half (1/2 mile) radius of any other Tower site be contacted, and that one (1) or more of the following reasons for not selecting such structure(s) apply:

- (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
- (2) The proposed antennas and related or like equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
- (3) Such existing structures do not have adequate location, space or height to accommodate the proposed equipment or to allow it to perform its intended function.

- (4) Addition of the proposed antennas and related or other equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (5) A commercially reasonable agreement could not be reached with the owners of such structures.

6.02.4 Substantiation of the good faith effort required under Subsection 6.02.3 shall be in writing signed by the applicant or an authorized representative of applicant, and shall meet the following requirements:

- (1) Existing structures considered shall be identified.
- (2) Approximate costs of reinforcing existing structures and/or eliminating radio frequency interference shall be stated.
- (3) Findings with respect to structural integrity, potential radio frequency interference, inadequate location, space or height, electromagnetic radiation and cost estimates shall be signed by and under the seal of a registered Pennsylvania professional engineer.

6.02.5 Access shall be provided to the Communications Tower, Alternative Tower Structure or Tower and any Communications Equipment Building by means of a public street or an easement to a public street. An easement must be at least twenty feet (20') in width and shall be improved to a width of at least ten feet (10') with a dust-free, all weather surface (tar and chip or paved) for its entire length.

6.02.6 A Communications Tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting lot size requirements for the Zoning District.

6.02.7 In all Zoning Districts except Heavy Industry and excepting lands in C-4 Regional Commercial, I-1 Light Industry and I-3 Industrial Park districts within 200 feet from the Interstate 79 or Interstate 90 rights-of-way, the maximum height of any Communications Tower or Alternative Tower Structure shall be one hundred fifty feet. In the Heavy Industry District and lands in C-4 Commercial, I-1 Light Industry and I-3 Industrial Park Districts within 200 feet from the right-of-way of Interstate 79 or Interstate 90, the maximum height of any Communications Tower or Alternative Tower Structure shall be one hundred eighty feet (180'); provided: that such Communications Tower Height or Alternative Tower Structure height may be increased to not more than two hundred feet (200') so long as the required setbacks from adjoining property lines (not lease lines) and nearby buildings or structures are increased by one foot (1') for every one foot (1') of height in excess of the stated general maximum height for the District. No tower or alternative tower structure not related to a Communications Antenna shall exceed the maximum height otherwise authorized in the Zoning District.

- 6.02.8 The foundation and base of all Communications Towers, Alternative Tower Structures and Towers shall be setback from all nearby or adjacent buildings or structures by not less than the total height of the Communications Tower, Alternative Tower Structure or Tower, including all items mounted upon it plus thirty feet (30'). In the case of the adjacent Agriculture or Residential uses, this setback shall be not less than two hundred fifty feet (250'), regardless of the height of the structure.
- 6.02.9 Aside from setbacks required from the other buildings and structures, the foundation and base of all Communications Towers, Alternative Tower Structures and Towers shall be setback from the adjoining property lines (not lease lines) as follows:
- (1) For any monopole or equivalent tower structure, not less than the total height of the structure (including all facilities mounted upon it).
 - (2) For any steel lattice or equivalent tower structure designed such that upon any collapse, the structure would fold, bend or collapse upon itself, not less than seventy percent (70%) of the total tower height.
 - (3) In any case, the minimum setback shall be not less than one hundred feet (100') for Communications Towers and total height of all other towers.
- 6.02.10 In applications for uses on special exception or dimensional variance authorized under this Ordinance, the Zoning Hearing Board may allow minimum relief necessary from the regulation established in Subsection 6.02.9.3 where the physical conditions and circumstances of the subject premises and the present and foreseeable development of adjacent properties indicates that such relief would allow the use with no adverse impact to adjacent development, buildings or structures. As one example, if a proposed site is adjacent to the right-of-way of Interstate 79 or Interstate 90 and the location would not violate regulations of the Pennsylvania Department of Transportation, its authorization within one hundred feet (100') of said right-of-way would address unique conditions of the premises. In the event a variance as to maximum height is granted, all other setbacks must be increased commensurately.
- 6.02.11 Self-Supporting tower structure shall be required for Communications Towers, Alternative Tower Structures and Towers. The Zoning Hearing Board may grant a variance from this requirement if, after hearing, it finds that :
- (1) Cost of erecting a self-supporting tower structure would preclude the provision of adequate service to the public or erection of a safe antenna or other support structure; and
 - (2) The proposed structure would have the least practical adverse visual impact on the site and adjacent lands and closely resembles a self-supporting tower structure; and
 - (3) The proposed support structure is architecturally compatible with surrounding buildings and land uses through location and design and blends in with the existing characteristics of the site to the extent practicable; and

- (4) If any variance from this requirement is granted, the Zoning Hearing Board shall require that all guy wires associated with a tower or support structure shall be clearly marked as to be visible at all times and shall be located within a fenced enclosure, and shall attach such other conditions as it deems reasonable.

- 6.02.12 The base of a Communications Tower, Alternative Tower Structure or Tower shall be landscaped so as to screen the foundation and base and any Communications Equipment Building or other related accessory building from abutting properties, and, in general, soften the appearance of the site. The Code Administrator may permit any combination of existing vegetation, topography, walls, decorative fences or other features in lieu landscaping if they achieve the same degree of screening as would required landscaping.
- 6.02.13 Communications Towers, Alternative Tower Structures and Towers shall be painted in a color which best allows them to blend into the surrounding area unless otherwise required by the Federal Communications Commission.
- 6.02.14 The applicant shall submit with the application in writing a certification by a Pennsylvania registered professional engineer that the proposed Communications Tower, Alternative Tower Structure or Tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industry Association/Telecommunications Industry Association, other applicable established standards and applicable requirements of the Pennsylvania Construction Code. Such certification must be signed and under the seal of the engineer.
- 6.02.15 The site of a Communications Tower, Alternative Tower Structure, Tower and any related Communications Equipment Building or other structure shall be enclosed by a fence having openings not greater than nine (9) square inches which is not less than six feet (6') and not greater than eight feet (8') in height measured from ground level.
- 6.02.16 At least two (2) off-street parking spaces shall be provided within the fenced area.
- 6.02.17 Any proposed new Communications Tower or Alternative Tower Structure for Communications Antennas, Personal Wireless Facilities or like equipment shall be located not less than 1,500 square feet from an existing or previously approved Communications Tower or Alternative Tower Structure.
- 6.02.18 No signs or lights shall be mounted on a Communications Tower, Alternative Tower Structure or Tower except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency having appropriate jurisdiction.
- 6.02.19 Communications Towers, Alternative Tower Structures and Towers shall be protected and maintained in accordance with the requirements of the Pennsylvania Construction Code.
- 6.02.20 If a Communications Tower, Alternative Tower Structure or Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower, Alternative Tower Structure or Tower within six (6) months after the expiration of such 12- month period.

6.02.20 The Communications Tower, Alternative Tower Structure or Tower must be inspected at the time of its construction and not less frequently than every two (2) years thereafter by an expert who is regularly involved in the maintenance, inspection and or erection of such structures. At a minimum, this inspection shall be conducted in accordance with the Tower Inspection Class checklist provided in the Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures." Copies of all such inspection reports shall be filed with the Code Administrator by the applicant/permittee not later than thirty (30) days after receipt thereof by the owner or operator, and all deficiencies noted in such inspection reports shall be remedied promptly by the owner or operator.

6.03 Car Wash Facilities

6.03.1 Car wash facilities permitted in Commercial zoning districts shall serve only automobiles and light trucks.

6.03.2 The car wash must comply with all statutes and regulations of Federal, State and local governmental units and agencies, and the operator must at all times hold such license(s) as are required by State and Federal agencies.

6.03.3 Performance Standards. A car wash facility must comply with all of the following requirements:

- (1) The car wash facility shall be serviced by the public sanitary sewer system.
- (2) The facility shall be designed to provide additional parking or vehicle stacking space to accommodate that number of vehicles which can be washed during a 15-minute period and also those being detailed or cleaned on the premises outside of washing bays or lines.
- (3) Blowers and other power equipment aside from the wash operation shall be discontinued and are prohibited after 9:00 p.m. and prior to 8:00 a.m. on all days of every week. This provision includes and applies to blowers and other apparatus used to dry vehicles.
- (4) Where a car wash facility abuts property in a Residential District, the car wash facility shall maintain such buffer yard and planting strip as is required for properties in the C-3 Highway Commercial District if the premises is located in a Commercial zoning district or, if located in an Industrial zoning district, shall maintain such buffer yard and planting strip as are required in that district.

6.04 Group Residence Facilities

6.04.1 Parking facilities as set forth in this Section shall apply to all group residence facilities.

- (1) Group residence facilities located in Residence Districts shall assure as off street parking a minimum and maximum of one (1) parking space for every two (2) resident clients, plus one (1) parking space for each staff member employed on that shift during which the maximum number of staff is scheduled, plus one (1) space for any vehicle rented or leased by the facility's sponsor which is regularly located at the premises.
- (2) To the extent parking facilities are not addressed in this Ordinance, the property owner shall provide sufficient parking spaces to accommodate the needs of the facility and minimize off street parking, parking facilities to be as similar as possible to those allowed and customarily found in such district.
- (3) Where larger off street parking facilities are required of a Group Residence Facility within a Residential District, such facility shall be screened in a manner consistent with this Ordinance.

6.04.2 The establishment shall comply with all federal, state and local laws, ordinances and regulations governing noise levels or reduction as then or in the future are in effect.

6.04.3 No delivery trucks or outside storage shall be allowed on a premises located within a Residential District. This provision shall not be deemed to prohibit stops at the premises by mail carriers, package delivery firms or traveling food vendors customarily found in such districts.

6.04.4 All exterior lights of such premises shall be arranged and aligned to reflect light away from neighboring premises and public rights-of-way.

6.04.5 Activities of a facility which are required by applicable law or regulation but which ordinarily would not be conducted in the district in which the property is located or might cause disturbance to neighboring residents shall be regulated so as to minimize or eliminate inconvenience or injury to others.

6.05 Height Regulation Exceptions

- 6.05.1 Where permitted in a district, public or public service buildings, hospitals, public institutions or schools may be erected to a height not exceeding 65 feet, and religious establishments may be erected to a height not exceeding 65 feet if the building is set back from each yard line at least one foot for each additional two feet of building height above the maximum height limit otherwise provided for that use or district.
- 6.05.2 Special industrial structures such as cooling towers, elevator bulkheads, fire towers, tanks or water towers which require greater height than is authorized in the zoning district may be erected to a height greater than that permitted, providing that:
- (1) The structure shall not occupy more than 25 percent of the lot area; and
 - (2) The yard requirements of the district in which the structure is erected shall be increased by one foot (1') for each one foot (1') of height in excess of the maximum height permitted in the district.
- 6.05.3 The height limitations of this Ordinance shall not apply to spires of religious establishments, belfries and essential service structures.
- 6.05.4 All buildings and structures shall conform to applicable regulations of the Airport Zoning Ordinance and/or regulations relative to objects affecting navigable air space.

6.06 Donation Receptacles

- 6.06.1 Definition. For purposes of this Ordinance, a Donation Receptacle shall mean and include all containers used for the collection of donated items, including but not limited to clothing, recyclable materials and other tangible personal property. Such receptacles shall constitute a use distinguishable from the permitted and authorized use of the property under Article 4 of this Ordinance.
- 6.06.2 A Donation Receptacle is allowed in all Commercial and Industrial Zoning Districts as an accessory use subject to compliance with all requirements of this Article.
- (1) A maximum of one (1) Donation Receptacle is authorized on any property so zoned; provided, that if the first Donation Receptacle should be owned and/or sponsored by a non-charitable entity, a second Donation Receptacle meeting all requirements of this Article which is solely owned, sponsored and benefitting a charitable organization or foundation as defined in the Internal Revenue Code shall be allowed.
 - (2) Prior to placement of a second Donation Receptacle on a property, the property owner must submit to the Zoning Administrator a notice providing the following information, failing which no Donation Receptacles shall be authorized on the property:

- (1) Common address of property and name(s) of the property's owner(s) of record;
- (2) Name, address and telephone number of the non-charitable sponsor;
- (3) Name, address and telephone number of the charitable organization sponsor.
- (4) Date(s) on which the said Donation Receptacles are intended to be placed.

6.06.3 Performance Standards. All authorized Donation Receptacles must meet all of the following regulations:

- (1) The size of the Donation Receptacle may not exceed 58 inches in width, 58 inches in depth and 77 inches in height.
- (2) The front or side of the Receptacle used to deposit items must set forth in lettering 6 inches or larger the full name of the Receptacle's sponsor and, in lettering 4 inches or larger, the city address and telephone number of said sponsor. All said lettering shall be visible from the street.
- (3) All Donation Receptacles shall be placed behind the front building line.
- (4) No Donation Receptacle shall be placed within required and identified off-street parking areas.
- (5) No Donation Receptacle shall be placed within 20 feet from the street right of way line and/or any entrance to or exit from the property. This subsection does not conflict with that in Subsection (3); the greater distance shall control.

6.07 Natural Gas and/or Oil Wells

- 6.07.1 All operations for exploring, production and drilling for oil, natural gas and brine shall be restricted to Light Industry and Heavy Industry zones and shall not be permitted in other zoning districts.
- 6.07.2 All activities involved in the exploration, production, or drilling for oil, natural gas and brine shall commence until the owner and/or driller has been issued the requisite State permits and copies of same and the plat have been delivered to the Township's Zoning Office at least 24 hours prior to moving equipment on to the drilling site.
- 6.07.3 All activities involved in the exploration, production, or drilling for oil, natural gas and brine, shall be limited to the hours of 7:00 a.m. to 11:00 p.m., prevailing time, and are not permitted at any other times of day.
- 6.07.4 Well Sites. No well site shall be located closer than:
- (1) 15' from the owner's residence
 - (2) 25' from any neighbor's residence
 - (3) 10' from any neighbor's property line; and
 - (4) 10' from any public street right of way.
- 6.07.5 Upon completion of the well, the owner of the property shall erect and maintain a 6-foot high chain link security fence around the well site, tanks, hardware, scrubbers and other above ground appurtenances used in connection with well operations.
- 6.07.6 Any wells drilled in violation of Section 6.07.1 shall not be permitted to continue in production and shall be appropriate legal action be enjoined from the continuing in production and shall be plugged in accordance with State law.

6.08 Public Garages and Service Stations - C-3 Commercial District

6.08.1 Public Garages. In a C-3 Commercial District, a public garage may be established, erected or enlarged, provided that:

- (1) No street entrance or exit of such garage or vehicles shall be within 200 feet of a street entrance or exit of any school, park or playground conducted for and attended by children; and
- (2) No portion of such garage shall be within 100 feet of any hospital, religious establishment or public library, or within 50 feet of a Residence District as established by this Ordinance; and
- (3) No repair facilities shall be maintained on the front portion of the lot, or the front portion of the first story of the building, within 30 feet of the street line; and
- (4) Any door for vehicles, opening upon a street, shall be at least 15 feet from the street line and an open unoccupied space shall be maintained between said door and the street line. The height of such open unoccupied space shall be not less than 12 feet and the other dimensions shall be such that no part of the structure encroaches on the triangular area, circumscribed by the lines joining the center of the doorway and two points in the street line, one on either side of the center line of the doorway and two points in the street line, one on either side of the center line of the doorway and each 12 feet therefrom.

6.08.2 Vehicle Service Station. In a C-3 Commercial District, a station for the storage and sale of fuel, lubricating oil and accessories for motor vehicles may be established, erected or enlarged, provided that:

- (1) No street entrance or exit of such service station for vehicles shall be within 200 feet of a street entrance or exit of any school, park or playground conducted for and attended by children; and
- (2) No building or dispensing equipment of such service station shall be within 100 feet of any hospital, religious establishment or public library or a lot in a Residence District as established by this Ordinance; and
- (3) No equipment above surface of a ground for the service of motor vehicles shall be closer to any street or roadway line than 15 feet.

6.09 Recreational Vehicles/Recreational Vehicle Parks/Campgrounds

6.09.1 Standards for Recreational Vehicle Parks/Campgrounds. No property shall be used or held out for use as a Recreational Vehicle Park or Campground unless all of the following requirements are complied with:

- (1) No park shall have an area of less than five (5) acres.
- (2) Maximum density shall be 8.5 spaces or units per developable acre of land.
- (3) Minimum lot frontage (width) shall be 40 feet.
- (4) All recreational vehicle and appurtenances shall be located on the lot so as to provide not less than 14 feet clearance to any other unit or structure or to any service building.
- (5) All Parks shall be serviced by a sanitary sewage disposal system which meets all requirements set forth in Section 6.09.2, below.
- (6) Standards for open space and developed recreation areas as set forth in Sections 3.20 and 3.21 of this Ordinance shall be complied with. Open space areas shall not be used for storage, parking of vehicles, habitation in tents or otherwise.
- (7) Parks shall operate to provide occupancy and accommodations for vehicles and persons on a temporary basis only. Spaces may be leased or letted for not more than one season, seasons being defined as involving either the period from March 8 through November 30 (“summer season”) or December 8 through February 28 (“winter season”).
- (8) During the period of December 8 through February 28, a Recreational Vehicle may be occupied only at such times as the service building is open and operating.

6.09.2 Standards for Sanitary Sewage Disposal

- (1) Public Systems. In areas having a public sewer system, which is, in the judgment of the Township, reasonably accessible to the Park and available for connection thereto, the Developer shall provide the Park with a complete sanitary sewer system to be connected to the public sanitary sewer system.
- (2) Private Systems. In an area not having a public system, or within an area having a public sewer system which is not reasonable accessible to the Park, the Park shall be provided with one of the following methods of sewage disposal:
 - (I) A complete sanitary sewer system to convey the sewage to a treatment (package plant), to be provided by the Developer in accordance with the requirements of the State Sanitary Water Board, with adequate provision for the maintenance of such plant.
 - (ii) A private sewage disposal system on individual lots, consisting of septic tanks and absorption fields when laid out in accordance with minimum standards approved by the Erie County Department of Health and/or PaDEP.

- (3) All Recreational Vehicle Parks and campgrounds shall comply with standards for sanitary sewage disposal and water systems as established by PaDEP, including those now at 28 Pa. Code, Chapter 19, as may be amended.

6.09;3 It shall be unlawful and a violation of this Ordinance for any person to operate a Recreational Vehicle Park within the limits of Millcreek Township without first applying for and obtaining a permit issued by the Township.

- (1) Application for a permit for the spring, summer and fall season shall be made by the owner or operator of the Park not later than March 1 and if issued, the permit shall be valid for the period of March 8 through November 30.
- (2) Application for a permit for the winter season shall be made not later than November 30 and, if issued, the permit shall be valid for the period of December 8 through February 28.
- (3) The permit application fee shall be as established or amended by Resolution adopted by the Board of Supervisors.
- (4) A permit shall be required to establish or enlarge a Recreational Vehicle Park. At the time application is made to establish or enlarge such a park, a plot plan shall be submitted showing complete layout, including sanitary facilities and location and design of service buildings. All sites shall be assigned a number to be indicated on the plot plan and on the site proper. No recreational vehicle shall be located other than at a designated site.
- (5) It shall be unlawful and a violation of this Ordinance for any person to modify or enlarge a Recreational Vehicle Park without first submitting to the Township a plan depicting proposed changes and obtaining the Township's approval of them.

6.09.4 Recreational vehicles shall be permitted only in parks which meet the requirements of this Section. Occupied travel trailers, motor homes, tents or camping vehicles shall meet all of the requirements specified below:

- (1) All recreational vehicles shall observe the front yard requirements of the District and be located not less than 15 feet from a side or rear property line of the park.
- (2) Any independent unit situated in a Recreational Vehicle Park for more than seven (7) consecutive days shall be connected directly to the Park's sewage disposal system and water system.
- (3) No dependent unit shall occupy a site within the Park if said site is located more than 300 feet from a service building. Occupants of dependent units shall rely solely on the facilities furnished in the service building to meet their sanitary needs. The service building shall contain lavatories and flush toilets in separate restrooms for each sex and shall be connected directly to the Park's water supply and sewer system. Whenever the park is open during the months of December, January or February, the service building shall be heated to a temperature of not less than 65 degrees Fahrenheit.
- (4) No recreational vehicle or appurtenance thereto shall be placed closer than 20 feet to the center line of any driveway serving the park.

- (5) Recreational Vehicles, excluding tents shall be maintained at all times in a manner acceptable for transportation on public highways in accordance with the rules and regulations of PennDOT.

6.09.5 Responsible Persons

- (1) The owner of a Recreational Vehicle Park or Campground is solely responsible for ensuring that the Park is lawfully established and operated in accordance with the approved plan and permits and the regulations of this Section..
- (2) The owner or occupant of a recreational vehicle is responsible for the vehicle's compliance with the regulations set forth in Section 6.09.4, above.
- (3) The owner of the Park or Campground and the owner or occupant of a recreational vehicle shall be obligated to comply with this Section's provisions pertaining to authorized vehicles (this including the definition of a Recreational Vehicle in Section 2.04) and for compliance with limits on maximum days of allowed temporary occupancy.

6.10 Small Wind Turbine Systems

Use of land for operation of a small wind turbine system as permitted in Article 4, above, shall be subject to the following regulations and also to those in Section 6.13, below, as they may apply.

6.10.1 Maximum Lot Coverage - shall not exceed 35 percent of the total lot area.

6.10.2 Application of Other Regulations. Such use shall be subject to regulations in the Subdivision and Land Development Ordinance if its footprint is more than 1,500 square feet in area and to regulations in the Stormwater Management Ordinance if they apply to such use as designed and proposed.

6.10.3 Setback Regulations.

(1) Such devices shall be set back from the nearest occupied building on the subject lot not less than the greater of the maximum setback requirements for principal buildings in the zoning district in which the device is located or 1.1 times the total height of the device, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

(2) Such devices shall be set back a minimum distance of 1.25 times the total height of the device and all equipment mounted thereon from all adjacent property lines and from public or private street right of way lines. The total height shall include the height of any structure that a device is mounted on if it is not mounted directly at ground level.

6.10.4 Performance Standards. All applicable performance standards established in Section 6.12 of this Ordinance governing wind energy conversion systems, as the same may be amended in the future, shall apply to and govern use of small wind turbine devices. Applicable performance standards include those set forth in Section 6.13.4.1-.2, 6.13.4.4-.10, 6.13.4.12-16 and 6.13.4.18 generally and others if applicable to a given application. Section 6.13.4.17 shall apply, the limit of coverage to be at least \$500,000.00.

6.10.5 Submission Requirements. An applicant for use of land for a small wind turbine device, in addition to other applicable requirements, shall provide those items and that information required in Section 6.13.5.1-4 and 6.13.5.6 of this Ordinance, as amended.

6.10.6 Decommissioning.

(1) Requirements governing decommissioning of a WECS in Section 6.13.6 of this Ordinance, shall govern as applicable to small wind turbine devices. A zoning permit issued authorizing this use shall be subject to the condition that the owner must comply with all regulations of this Ordinance governing decommissioning.

(3) The applicant shall be responsible for notifying the Township's Zoning Officer, in writing, of the end of the useful life of the device or, if applicable, the termination of use of such device. Such notice shall be given not later than 30 days after either occurrence, whichever should first occur. Each day a violation of this Section occurs shall constitute a separate violation for purposes of enforcement.

6.11 Temporary Storage Facility

6.11.1 Performance Standards. Temporary storage facilities shall be authorized only subject to compliance with all provisions of this Section, including all of these requirements:

- (1) No such facility shall be authorized or allowed upon a lot unless a temporary permit therefor as been issued by the Township. Permits shall be issued only where this Section is complied with and is thereafter complied with in all respects.
- (2) Such a facility shall be deemed a “structure” as the term is defined in Article 2 of this Ordinance and shall be subject to regulations governing structures generally.
- (3) Except on properties zoned for Light Industry or Heavy Industry use, such a facility must be accessory to a principal building or structure on the lot.
- (4) Such facility shall comply with all yard set back, height and buffer yard regulations in this Ordinance as apply to the lot’s zoning classification.
- (5) Such facility shall comply with all regulations in this Ordinance governing maximum coverage of lot area by buildings and structures. Temporary storage facilities shall be included in calculating such lot coverage.
- (6) Such facility shall be located upon the lot only as shown on the application for permit and as approved by the Zoning Administrator.
- (7) When a permit for such facility is requested, the applicant must submit to the Township in writing a schedule and deadline for removal of the facility and the reason such storage facility is required. Any permit issued shall be expressly conditioned upon such deadline, reason and all other information on the application.
- (8) Temporary storage facilities shall not be authorized as a substitute for construction of a building or other structure to serve permanent or long-term needs of the owner or occupant of the property.
- (9) All temporary storage facilities shall be kept by the applicant in good order and repair. Such facilities shall be painted white or in such other neutral or natural color. No advertising is allowed on the container, aside from the name, logo and telephone number of the container’s provider in a space not larger than 3 feet in height and a length not greater than 80 percent of the container’s length.
- (10) All temporary storage facilities shall be located to the rear yard of the lot; provided:
 - (i) In the event of fire or other casualty restoration work to a residence, a container shall be allowed so long as the container is removed within 7 days and is located behind the building line if possible and, if not, so as to not obstruct or hinder traffic in any way.
 - (ii) If an authorized container, because of physical conditions, cannot be located in the rear yard of a building in a Commercial or Industrial zoned district, such container shall be located in the side yard and behind the building line.

- (11) Submission of false information in an application for permit or the placement of a temporary storage facility on a lot in violation of the permit or of this Ordinance shall constitute just cause for immediate revocation of the permit, which shall require immediate removal of the unit.
- (12) Such facility shall be authorized by permit only for a period not to exceed 30 days in any calendar year. A permit may be renewed for an additional period of 30 days upon proper application to and approval by the Zoning Administrator. A maximum of one renewal is authorized in Residential and Agriculture zoning districts; a maximum of two renewals is authorized in Commercial zoning districts; and a maximum of three renewals is authorized in Industrial zoning districts.

6.11.2 Temporary storage facilities shall not be authorized upon any lot unless a temporary permit therefor has first been issued by the Zoning Administrator. Requirements governing application for and issuance of temporary permits shall include:

- (1) The applicant shall submit to the Zoning Administrator on forms adopted by Resolution of the Board of Supervisors an application for temporary permit.
- (2) Such application shall include a location map, which shall set forth the specific dimensions of the lot and dimensions and location of existing buildings and structures and of the proposed temporary storage facility. The applicant shall be responsible for preparing such location map and for the accuracy of information set forth therein. If the applicant is not the owner of the property, the owner shall join in the application.
- (3) Such application shall identify the property's common address and Erie County Tax Index Number, the record owner(s) of the lot, the lessee or other occupant of the lot (if applicable), the applicant and the address of applicant, the specific intended purpose of the facility, the date(s) proposed for placement and removal of the facility, the firm from which the facility is being rented or acquired and such other information as the Board of Supervisors by Resolution shall require. The Zoning Administrator shall not be authorized to issue any permit unless all required information has been provided by the applicant.
- (4) Such application shall identify the location and zoning classification of lots adjacent to that portion of the subject lot upon which a temporary storage facility is proposed to be placed.
- (5) The applicant shall tender payment of the application fee as established by the Board of Supervisors and, prior to issuance of any temporary permit, shall also tender to the Zoning Administrator a letter of credit, cash or check in that sum established by resolution adopted by the Board of Supervisors per storage container, naming Millcreek Township as beneficiary or payee and issued as applicant's security for the timely and proper removal of the temporary storage facility upon expiration of the permit.
- (6) A temporary storage facility authorized by a permit shall be removed on or before the expiration date of such permit, without any further notice of the Township being required.

- (7) No temporary permit shall be presumed to be renewed, nor shall any renewal be effective prior to the date on which the applicant applies for and receives from the Zoning Administrator a renewal permit pursuant to procedures and upon paying renewal application fees as are established by Resolution of the Board of Supervisors.
- (8) An applicant's failure to apply for a renewal of a temporary permit prior to the expiration date of the permit shall terminate any right to a renewal, and the applicant shall remove the facility immediately upon expiration of the temporary permit. In this event, no second temporary permit shall be authorized in the same calendar year in which the initial permit was issued.

6.11.3 Registration by Providers. Any person or firm which is engaged in the business of renting or otherwise providing temporary storage facilities to persons owning or occupying property in Millcreek Township shall register with the Zoning Administrator within thirty (30) days after the effective date of this Section or, if later, within thirty (30) days after commencing such operations.

- (1) There shall be no fee imposed for registration.
- (2) Persons or firms registering with Millcreek Township shall submit to the Zoning Administrator the following information:
 - (i) Such person's or firm's name, business address and business telephone number; and
 - (ii) A list of all temporary storage facilities leased or otherwise provided to owners or occupants of property in Millcreek Township, this list to include the name of the lessee or recipient of the facility, the address at which the facility was placed and a description of the facility (type, size and color).
- (3) Such information shall be updated monthly as of the 10th day of each month, updated information to set forth information as to activity relating to properties in Millcreek Township during the previous calendar month.
- (4) Persons engaged in leasing or otherwise providing temporary storage facilities to persons for use on properties in Millcreek Township shall paint or cause such facilities to be painted and maintained in the manner as required by Resolution of the Board of Supervisors.
- (5) Failure to comply with the requirements of this Section shall constitute a violation of this Ordinance and subject the violator to such penalties as are prescribed for violation of this Ordinance.

6.11.4 Regulations of this Section shall be administered and enforced generally in accordance with the provisions of Articles 9 and 10 of this Ordinance, except as specifically provided otherwise in this Section.

- (1) Any person or entity which, prior to the date of enactment of this Section, shall have placed or caused to be placed on property in Millcreek Township a temporary storage facility shall, not later than thirty (30) days after the effective date of this Section, apply to the Zoning Administrator for a temporary permit for all existing temporary storage facilities and comply with all regulations of this Section. All regulations of this Section shall apply to pre-existing temporary storage facilities thirty (30) days after the effective date of this Ordinance. After that date, all such facilities existing on properties in the Township without a temporary permit having been issued therefor shall be unlawful.
- (2) If any person fails to remove a temporary storage facility by the expiration date of a temporary permit or any issued renewal thereof, Millcreek Township shall be entitled to immediately notify the applicant and any applicable issuer of a letter of credit of default and violation, and to exercise full rights against the applicant's cash deposit or letter of credit to its full amount or actual costs of removing the said temporary storage facility. Where practicable, the Zoning Administrator shall request the person or firm who leased the facility to remove and recover the same, and the Township shall pay invoiced costs for such removal, plus all personnel and other expense incurred by the Township due to the violation, from the applicant's financial security. The balance of such security remaining after such payment, if any, shall be refunded to the applicant or to the issuer of the letter of credit.
- (3) Upon any revocation of an issued permit or renewal thereof, the Township shall give the applicant notice to remove such facility within ten (10) days after date of such notice and, should applicant fail to do so, the Township shall be entitled to proceed in accordance with Subsection 6.11.4.2, above.
- (4) Any costs, including costs of enforcement or abatement, incurred by the Township which are not recovered from an applicant's financial security shall be recovered either as a municipal claim under 53 P.S. § 7101, et seq. or by a civil action, at the Township's sole election.

6.12 Temporary Uses

The uses identified below, and only those uses are authorized temporarily (for a period from one day to 30 days in any calendar year, subject to the standards set forth below.

6.12.1 Christmas tree sales may be conducted on properties located in a Commercial zoning district between Thanksgiving Day and December 25.

- (1) This use shall be deemed a permitted use.
- (2) No application for permit shall be required.

6.12.2 Mobile amusement and lighting equipment for promotion, advertisement and grand openings is authorized on properties in Commercial and Industrial zoning districts for events not exceeding five (5) days in duration.

- (1) This use shall be deemed a permitted use.
- (2) No application for permit shall be required.

6.12.3 Produce and related items incidental thereto may be sold at temporary stands on premises owned by third parties subject to the following requirements:

- (1) The stand's operator must have a written agreement with the property's owner authorizing such use and defining the stand's location on the property.
- (2) Space for off-street parking must be available to the stand which is acceptable to the Zoning Officer and does not result in the principal use of the property's not meeting off-street parking requirements.
- (3) The stand must be located off from a street or highway to facilitate exit from and entry onto the adjacent street and ensure there is no parking along such street.
- (4) Such stand may operate between the hours of 7 a.m. and 9 p.m. during the months of June through October.
- (5) Such stand may operate under a permit issued by the Zoning officer for a period up to 30 days. One extension of a permit is authorized, for a period not exceeding an additional 30 days.
- (6) An application for permit must be submitted and a permit issued by the Zoning Officer prior to commencement of such use. All information required to meet regulations of this Section must be submitted with the application and any request for renewal or extension of the permit. Fees established by Resolution adopted by the Board of Supervisors for permits and renewals shall be paid with submission of the application therefor.

6.12.4 Special Events of a Temporary Nature

- (1) This use is defined in Article 2 of this Ordinance.
- (2) A traffic control plan must be submitted and approved by the Millcreek Township Police Department and the Board of Supervisors.
- (3) Proper provision shall be assured for the collection and disposition of municipal waste and recyclable materials and for cleanup of such materials throughout and upon conclusion of the event.
- (4) The event shall not continue after 11 p.m. on any day absent the express authorization of the Township, which shall be granted only if such later operation is deemed essential to the event and the site is not abutted by residential uses.
- (5) This use is authorized only after issuance of a permit by the Zoning Officer after application filed. Fees as established or amended by Resolution of the Board of Supervisors shall be paid with the application and prior to issuance of a permit.

6.13 **Wind Energy Conversion Systems**

6.13.1 Application. This Section shall govern all "wind energy conversion system" uses and, to the extent relevant and, in this and other sections of this Ordinance, referenced, to "small wind turbine device" uses.

6.13.2 Lot Regulations.

- (1) Minimum lot size - 40,000 square feet
- (2) Minimum lot width - 200 feet
- (3) Minimum front yard - 50 feet from the street right of way line
- (4) Minimum rear yard - 100 feet from a residential zoned district; 50 feet from another nonresidential zoned district
- (5) Minimum side yard - 100 feet from a residential zoned district; 50 feet from another nonresidential zoned district
- (6) Maximum lot coverage, including principal and accessory structures, shall not exceed 35 percent of the total site or lot area

6.13.3 Setback Regulations.

- (1) Wind turbines shall be set back from the nearest occupied building on the subject lot a distance not less than the greater of the maximum setback requirements for principal structures in the zoning district in which the turbine is located or 1.1 times the turbine height, whichever is greater. The setback distance is measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.

- (2) Wind turbines shall be set back a minimum distance of 1.25 times the total height of the tower or pole and all equipment (including turbines) mounted thereon from all adjacent property lines and from public or private street right of way lines. The total height shall include the height of any structure that a tower or pole is mounted on if it is not mounted directly at ground level.

6.13.4 Performance Standards.

- (1) To the extent applicable, a wind energy conversion system shall comply with the Pennsylvania Construction Code, the Millcreek Township Subdivision and Land Development Ordinance and the Millcreek Township Stormwater Management Ordinance, all as amended.
- (2) The design of the wind energy conversion system or small wind turbine device shall conform to applicable industry standards, including those of the American National Standards Institute. An applicant shall submit with an application certificates of design compliance obtained by the equipment manufacturer(s) from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies or other similar certifying organization.
- (3) All wind energy conversion systems shall be equipped with a redundant braking system, including both aerodynamic overspeed controls (these including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (4) All electrical components of a WECS or small wind turbine device shall conform to relevant and applicable local, state and national codes and to relevant and applicable Penelec and international standards.
- (5) Wind turbines shall be a non-obtrusive color such as white, off-white or gray.
- (6) Wind energy conversion system facilities and small wind turbine devices shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority regulating air safety.
- (7) Wind turbines devices and WECS facilities shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator, any such signage to comply with regulations governing land in the zoning district.
- (8) On-site transmission and power lines between wind energy conversion systems and/or small wind turbine devices, turbines or other structures or buildings shall, to the maximum extent practicable, be placed underground.
- (9) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (10) Visible, reflective, colored objects, such as flags, reflectors or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

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- (11) All WECS towers or poles shall be enclosed by a 6-foot fence with a lockable entry, to prevent entry by non-authorized persons. A metal sign shall be affixed to the entry providing contact information for use in the event of an emergency.
 - (12) Climbing apparatus for WECS towers, poles and turbines shall stop 12 feet above ground level.
 - (13) All access doors to wind turbines and electrical equipment shall be locked and fenced.
 - (14) WECS and small wind turbine device operations shall not cause unreasonable noise that would be objectionable to and/or detract from use and enjoyment of adjacent properties. The Township reserves the right to suspend and/or revoke an operating permit for a WECS if, in its opinion, the noise characteristics and/or levels generated by a particular WECS are unreasonably loud and pose an undesirable nuisance to neighboring properties.
 - (15) The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on any other lot.
 - (16) WECS and small wind turbine device operations shall not cause interference with, disruption to or loss of radio, telephone, television, internet or similar signals and shall mitigate any harm caused by the WECS or small wind turbine device. The Township reserves the right to suspend and/or revoke an operating permit for a WECS or a small wind turbine device if, in its opinion, such interference becomes evident, is a nuisance to neighboring property owners and has not been eliminated by the facility owner and/or operator.
 - (17) The owner and/or operator of a WECS, at all times, shall maintain a current general liability insurance policy covering bodily injury and property damage caused by or arising from the WECS with limits of at least \$1 million per occurrence and \$1 million in the aggregate. A certificate of such insurance shall be supplied to the Township prior to issuance of a permit and a current certificate of insurance shall be supplied to the Township annually within 30 days after the policy anniversary or issuance date.
 - (18) The owner and operator of a WECS and/or a small wind turbine device shall ensure that the system or device does not constitute a safety hazard to persons or neighboring properties by virtue of failure and/or breakage of rotor blades and other parts of the system or device. The Township reserves the right to suspend and/or revoke an operating permit for a WECS or small wind turbine device if, in its opinion, a safety hazard exists until or unless such hazards have been corrected to the satisfaction of the Township.
 - (19) The facility owner and operator of a WECS shall maintain a telephone number and identify a responsible person for the public and the Township to contact with inquiries and complaints throughout the life of the project. The facility owner and operator shall make reasonable efforts to respond to inquiries and complaints by the public, and shall respond fully to all inquiries and complaints by the Township.

6.13.5 Submission Requirements. In addition to other requirements of this Ordinance, an application for a permit to allow a WECS shall include the following (all of the following excepting Section 6.11.5.5 shall apply as well to small wind turbine devices):

- (1) A narrative describing the proposed WECS, including an overview of the project, the project location, the approximate generating capacity of the WECS, the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities.
- (2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator confirming that the facility or owner has the permission of the property owner to apply for necessary permits for construction and operation of the WECS.
- (3) Identification of the property(ies) on which the proposed WECS will be located, and the properties adjacent to the lot(s) on which the WECS will be located. Such identification shall include the name of the property owner(s) and the zoning classification of all properties.
- (4) A site plan showing the planned location and height of each wind turbine or WECS, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the WECS to the substation(s), ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.
- (5) Documents related to decommissioning, including a schedule for decommissioning and financial security to ensure such decommissioning.
- (6) Other relevant studies, reports, certifications and approvals as may reasonably be requested by the Township (these including but not limited to documents confirming compliance with all setbacks and performance standards).

6.13.6 Decommissioning of WECS.

- (1) The facility owner and operator shall, at its expense, complete decommissioning of the WECS or of individual wind turbines within six (6) months after the end of the useful life of the facility or individual turbine(s) or, if applicable, within six (6) months after termination of any lease or agreement authorizing such use or the revocation by the Township of a permit authorizing such use. A WECS or individual turbine will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
- (2) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches and any other associated facilities.
- (3) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

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- (4) Prior to issuance of a permit authorizing the use, the Applicant shall submit to the Township a written certification under seal of a Pennsylvania professional engineer, estimating the costs of all work involved in decommissioning of the facilities as of the date on which such facilities are expected to commence full operation. This certification shall be submitted and reviewed in accordance with standards for financial security under the Subdivision and Land Development Ordinance and shall be subject to approval by the Township Engineer. The amount of financial security shall be adjusted every three (3) years, in accordance with standards set forth in the Subdivision and Land Development Ordinance.
 - (5) The facility owner or operator shall post and maintain with the Township Engineer Decommissioning Funds in an amount equal to 110 percent of the estimated cost of decommissioning work as financial security for proper decommissioning. Such financial security shall be tendered in a form acceptable and shall be held by the Township as provided in the Subdivision and Land Development Ordinance; provided, that in no event shall the amount of Decommissioning Funds be reduced to a sum less than 25 percent of the original tender unless decommissioning has been fully completed.
 - (6) If the facility owner or operator fails to complete decommissioning within the period prescribed in Section 6.13.6.1, above, the Township shall be entitled to exercise its rights against the Decommissioning Funds (or financial security) in the manner provided in the Subdivision and Land Development Ordinance and use such funds to ensure proper decommissioning of all facilities.

6.14 Wireless, Personal Wireless Facilities, Communications and Other Antennas, Facilities and Communications Equipment Buildings

6.14.1 Performance Standards.

- (1) A Building-mounted Communications Antennas shall not be located on any single-family dwelling or two-family dwelling.
- (2) Building-mounted Communications Antennas shall be permitted to exceed height limitations of the applicable Zoning District by not more than 20 feet.
- (3) Omnidirectional or whip Communications Antennas shall not exceed 20 feet in height and 7 inches in diameter.
- (4) Directional or panel Communications Antennas shall not exceed 5 feet in height and 3 feet in width.
- (5) Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit written evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with antenna location. All such certification must be signed and under seal of the engineer.
- (6) Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure, for review by the Code Administrator and/or the Township Engineer to ensure compliance with the Pennsylvania Construction Code and other applicable law.
- (7) Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit with the application written evidence of agreements and/or easements necessary to provide access to the building or structure on which antennas are to be mounted so that installation, placement and maintenance of the antennas and Communications Equipment Building can be accomplished. The use shall be authorized only to the extent of written leases and/or easements as in effect, and termination of such lease(s) and/or easement(s) shall result in the immediate removal of all Communications Antennas and/or Communications Equipment Buildings authorized thereunder.
- (8) Communications Antennas shall at all times comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (9) Communications Antennas shall not cause radio frequency interference with other communications facilities located in Millcreek Township.
- (10) The owner or operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas.

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- (11) A Communications Equipment Building or related structure shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
- (12) No signs or lights shall be mounted on a Communications Equipment Building except as may be required by the Federal Communications Commission or other governmental agency having appropriate jurisdiction.
- (13) When it does not accompany a Communications Tower or Tower, a Communications Equipment Building shall be enclosed by a fence having openings not greater than 9 square inches which is not less than 6 feet and not more than 8 feet in height, measured from ground level.
- (14) Access shall be provided to the Communications Equipment Building by means of a public street or easement to a public street. An easement shall be a minimum of 20 feet in width and shall be improved to provide year-round access; provided, that in Residential use districts where practicable, easements shall not be improved if access to the Communications Equipment Building is otherwise assured without such measures and development for an improved access surface would be out of character as to adjacent uses.

6.14.2 Submissions With and Subsequent to Applications. The applicant must submit with the application:

- (1) A copy of its current Federal Communications Commission license;
- (2) The name, address and emergency telephone number for the operator;
- (3) A certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000.00) per occurrence for personal injury and property damage coverage covering the Communications Antennas and any Communications Equipment Building, naming the owner of the real estate where the facilities are located and the Township of Millcreek as additional insureds.
- (4) In the event of any change, alteration, modification, suspension or termination of licensure, ownership, operator identity, insurance, leases, easements or other items required to be submitted with an application, the owner of said Communications Antenna and/or Communications Equipment Building shall in writing within ten (10) days after such event, notify the Township Code Administrator of such event and provide copies of all documents pertinent to the event as may relate to compliance with these regulations.

ARTICLE 7
SIGNS

7.01 Statement of Purposes

7.01.1 Regulations established in this Article are intended to regulate the size, location, and number of signs and related promotional items in order to minimize safety hazards, improve the visual environment and encourage compliance with regulations.

7.01.2 The intent of the Township in establishing these regulations is to:

- (1) create an atmosphere of prosperity and stimulate commercial activity;
- (2) establish standards for the size, quantity, location, and maintenance of signs;
- (3) establish standards for the illumination of signs to ensure visibility while minimizing potential hazards, distractions to traffic and visual chaos;
- (4) restrict the location of sign types to certain zoning districts; and
- (5) provide for permit fees for all signs and for enforcement of regulations.

7.02 General Regulations

7.02.1 Location of Signs. In no case, except for official traffic and street signs shall any sign be erected so that it:

- (1) is closer than ten feet (10') to a street shoulder or curb and lies within or projects over the right-of-way of a street;
- (2) lies within any clear sight triangle;
- (3) obscures a motorist's view of traffic signals, stop signs, or other warning devices;
- (4) obscures a motorist's view of the roadway, intersections or driveways and egress;
- (5) limits a pedestrian's view of vehicular traffic;
- (6) blocks or obstructs any exit or entrance and/or the movement of pedestrians or others;
- (7) lies within a distance of ten feet (10') from a side yard property line or within a parking space or a fire lane; and/or
- (8) casts glare or is otherwise detrimental to neighboring occupancies or to the safe movement to traffic.

7.02.2 Area of Signs.

- (1) The area of a sign shall include perimeter framework or trim.
- (2) In computing the area of a double-faced or multiple-faced sign, only the side with the most square feet ("SF") will be considered. If the interior angle formed by the faces of the sign is 90 degrees or more, then all sides of such sign shall be considered in calculating the sign area.
- (3) If a building has walls fronting on two or more streets or if the property fronts on more than one street, the sign area for each building wall or property frontage shall be computed separately.
- (4) A sign supported by more than one means, such as freestanding, wall, roof, or projecting, shall have its area and height calculation determined by the type of sign which has the most restrictive standards.

7.02.3 Requirements.

- (1) All signs hereafter erected shall conform to the provisions of this Ordinance, the Pennsylvania Construction Code and all other applicable Federal, State and Township regulations.
- (2) No sign shall be illuminated by other than electrical means. This subsection does not prohibit use of solar energy as a power source.
- (3) All electrical sign components, connections and installations and all electrical and other devices and wiring shall conform to specifications of and shall be installed in accordance with the standards of the Underwriters Laboratory and the Pennsylvania Construction Code.

7.02.4 Maintenance.

- (1) It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.
- (2) When any sign becomes insecure, is in danger of falling, or is otherwise deemed by the Township to be unsafe, or if any sign shall be unlawfully erected in violation of any of the provisions of this Ordinance, the owner thereof or the person maintaining same shall, upon written notice by the Township, forthwith in the case of immediate danger and in any case within not more than ten (10) days, make such sign conform to the provisions of this ordinance or shall remove it. If within ten (10) days the order is not complied with, the Township may remove or cause to be removed such sign at the expense of the owner or lessee.

7.03 Permits and Identification

- 7.03.1 A permit must be obtained from the Township authorizing the erection of all signs in the Township prior to commencement of erection or installation, unless specifically exempted in this Article.
- 7.03.2 Before any permit is granted for the erection of a sign or sign structure, plans and specifications shall be filed with the Township showing the dimensions, materials, and details of construction, anchorage, and any other pertinent engineering data. The Township shall use the design and construction standards required for signs in the Pennsylvania Construction Code. Plans for signs with an area greater than three hundred (300) square feet shall be prepared by a professional engineer and certified that they meet the requirements of the Pennsylvania Construction Code.
- 7.03.3 Portable sign companies must obtain a sign permit before delivering a sign to the site.
- 7.03.4 No sign structure shall hereafter be erected, constructed or altered except as herein provided, until a permit has been issued by the Township.
- 7.03.5 No sign shall be enlarged or relocated except in conformity with the provisions of this Ordinance for new signs, nor until a proper permit has been secured. The changing of movable parts of an approved changeable copy sign that is designed for such changes or the repainting or reposting of display matter shall not be deemed an alteration, provided the conditions of the original approval and the requirements of this ordinance are not violated.
- 7.03.6 Upon the filing of an application for a permit, the Zoning Department may examine the site where the sign is to be erected. If the proposed site and sign are in compliance with the requirements of this ordinance and other laws of the Township, the Zoning Department shall then issue the permit.
- 7.03.7 Every sign for which a permit has been issued shall be plainly marked with the Township permit number displayed in a conspicuous place. The Township will provide a label with a permit number at the time the permit is issued.
- 7.03.8 All rights and privileges acquired under the provisions of this ordinance or any amendment hereto are mere licenses, revocable at any time by the Township and all such permits shall contain this provision.
- 7.03.9 Erection, relocation and/or alteration of the sign under the issued permit must be completed within six (6) months after date of issuance of a permit.
- 7.03.10 Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of or the person maintaining the sign involved from responsibility for its erection in a safe manner and in a manner in accord with all the other provisions of this ordinance.

7.04. Exempt Signs

The following signs are permitted in all districts and do not require a permit, provided that the applicable conditions have been met:

- 7.04.1 Official highway route number signs, memorial signs, historical signs or tablets, street name signs, and directional or other traffic signs may be erected on public roads and highways in the interest of public safety.
- 7.04.2 Signs displaying the name and address of the occupancy of the premises, provided that the area of any such sign shall not exceed two (2) square feet and not more than one (1) such sign shall be erected for each occupancy of a premises, unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.
- 7.04.3 No trespassing signs, signs indicating the prohibition or control of fishing, hunting, etc., or signs indicating the private nature of a road may be erected, provided the area of any such sign does not exceed two (2) square feet.
- 7.04.4 Governmental flags or insignias.
- 7.04.5 Legal notices.
- 7.04.6 Public service and information signs advertising the availability of restrooms, telephones, or similar public convenience; also signs advertising meeting times and places of non-profit service or charitable organizations. These may be erected provided they do not advertise any commercial establishment, activity, organization, product, goods, or service, except those of public utilities. Any such sign shall not exceed four (4) square feet.
- 7.04.7 Bulletin or announcement board signs provided that the area of any one side of such sign shall not exceed sixteen (16) square feet.
- 7.04.8 Memorial signs or historical signs or tablets, provided such sign or tablet does not exceed four (4) square feet.
- 7.04.9 Window signs giving store hours or the name or names of credit or charge institutions, provided the total area of any such sign or all signs together does not exceed two (2) square feet.
- 7.04.10 Vending machine signs bearing the brand name or the price of a product when they are displayed on a vending machine selling such product.
- 7.04.11 Temporary window signs.
- 7.04.12 Signs which are a permanent architectural feature of a building or structure, such as a cornerstone, or identifying letters carved into or embossed on a building, provided the letters are not made of a reflective material nor contrast in color with the building.
- 7.04.13 Bunting, pennants, and similar materials.

- 7.04.15 A sign advertising a yard or household sale.
- 7.04.16 Any wall sign which is not more than one square foot in area.
- 7.04.17 A sign designating the location of a transit line, railroad station or other public carrier.
- 7.04.18 A holiday display or window display of merchandise, except as specifically prohibited by this Article.
- 7.04.19 A property improvement contractor's sign may be erected during the period such person(s) are actually performing work on the premises upon which such signs are erected, provided that (1) such sign shall be removed by the contractor immediately upon completion of work by that person and (2) the total area of all such signs on a premises at any time shall not exceed thirty-two (32) square feet. Not more than one such sign shall be placed on any given property on which such person is performing work unless such property fronts on more than one street, in which case, one such sign shall be permitted along each street. This Subsection shall not be construed to authorize placement of such sign by a person periodically or occasionally doing work at such premises, as distinct from a defined project.
- 7.04.20 No more than one (1) real estate sign shall be placed on a premises held in single and separate ownership indicating such property's availability for sale or lease, provided that if such property fronts on more than one (1) street, one such sign shall be permitted on the premises along such street. All such signs shall be removed within ten (10) days after the date of closing or settlement on sale, lease or rental of the premises.
- 7.04.21 Any temporary sign not expressly authorized in this section, provided such sign meets the conditions and restrictions imposed in Section 7.06.

7.05 Prohibited Signs

The following are unlawful and prohibited:

- 7.05.1 A sign that uses any method of illumination that impairs the vision of a motorist.
- 7.05.2 Any sign which uses the words "Stop", "Look", "Danger", or any other word or character which attempts or appears to attempt to direct the movement of traffic or which interferes with or resembles any official traffic sign, signal, or device within seventy-five feet (75') of a public right-of-way or within two hundred feet (200') of a traffic control device, whichever is greater.
- 7.05.3 Except for traffic control signals, red, green or revolving beacon lights are prohibited within seventy-five feet (75') of a public right-of-way or two hundred feet (200') of a traffic control device signal, whichever is greater.
- 7.05.4 Any banner sign or sign of any other type is prohibited across a public street or on any public property, except for such signs which are approved by the State and/or Township to be of general benefit to the Township or for public convenience, necessity, or welfare.
- 7.05.5 Any sign which does not conform to the requirements of the Township's regulations which were in effect when the sign was erected.

7.06 Temporary Signs

7.06.1 For purposes of this Article, temporary signs shall be deemed to fall within one or more of the following categories:

- (1) Promotional signs of a commercial nature, promoting an event which is of short duration;
- (2) Promotional signs of a non-commercial nature, promoting a public gathering and/or an event sponsored or conducted by a nonprofit or charitable entity;
- (3) Promotional signs involving advocacy of a cause and/or for or pertaining to a person, public official and/or candidate for office;
- (4) Signs located on the premises owned and/or occupied by the person(s) to whom promotion or content of the signage pertains;
- (5) Signs not located on the premises owned and/or operated by the person(s) to whom promotion or content of the signage pertains;
- (6) Signs located within the right of way of a Township street or a State highway.

7.06.2 The advertisement contained on any temporary sign constituting a promotional sign of a commercial nature shall pertain only to the business, industry or pursuit conducted on or within the premises on which such sign is erected or maintained.

7.06.3 Promotional signs of a non-commercial nature, promoting a public gathering and/or an event may be located on the premises at which the gathering or event is to be held and off-premises, provided that no more than four (4) such signs will be permitted in the Township for any one event.

7.06.4 Excepting only those off-premises temporary signs expressly permitted in this Article, off-premises commercial temporary signs shall not be permitted.

7.06.5 Except as specifically authorized in Section 7.04, no temporary signs are permitted within the right of way of a Township street or a State highway unless a permit authorizing such sign(s) has first been obtained.

7.06.6 Maximum Total Signage Area. Maximum signage area shall be as follows:

- (1) On-premises promotional signs of a commercial or non-commercial nature - 32 square feet total area.
- (2) Off-premises promotional signs of a non-commercial nature pertaining to a gathering or event and meeting all requirements of this Section - 32 square feet total area.
- (3) Temporary construction/development sign - 12 square feet per 5,000 square feet of lot area, not to exceed a maximum of 32 square feet total area.
- (4) Temporary signs for the sale of agricultural or horticultural products where authorized (Rural Residential District) - 16 square feet total area.
- (5) Temporary real estate signs - 9 square feet total area per dwelling unit, not to exceed a maximum total area of 32 square feet.
- (6) Temporary signs for sale of household goods - 16 square feet total area.
- (7) Temporary signs advocating a cause, person, candidate - 6 square feet total area.
- (8) Property improvement contractor's temporary sign authorized under Section 7.04 - 6 square feet total area.

7.06.7 Duration of Temporary Signs; Removal

- (1) Temporary promotional signs identified in Section 7.6.1, above, shall not be posted earlier than 30 days prior to the occurrence of the special event or other occurrence authorizing them and shall be removed within five (5) days after the termination of the event or the date of the election or other occurrence authorizing them.
- (2) Temporary signs advocating a person, cause or candidate shall not be posted earlier than 30 days prior to the occurrence of the election or other occurrence authorizing them and shall be removed within ten (10) days after such election or other occurrence.
- (3) All other temporary signs authorized in this Article shall not be posted earlier than five (5) days prior to the commencement of work or the event authorizing them, and shall be removed within two days after closing on sale or lease of the subject property, completion of work on a premises by a contractor, conclusion of a sale event, open house or the like.

7.06.8 Signs within Township Rights of Way.

- (1) No sign shall be permitted within the right of way of a Township street unless such sign is expressly authorized in this Article and the person who or on whose behalf such sign is proposed to be placed within the right of way of one or more Township streets first obtains from the Township a permit allowing placement of signs within streets' right of way.
- (2) A permit shall be issued if the application therefor complies with this Article and shall be accompanied by a notice advising the applicant of regulations known to be applicable, these including but not being limited to those pertaining to clear sight clearance, distances of placement from intersections and others established to protect the public safety.
- (3) Such permit application shall be accompanied by a deposit payable in cash or by check in the sum of \$100.00, the same to be held as surety by the applicant that applicable regulations will be complied with in posting such signs and that all signs placed within the right of way of Township streets shall be removed not later than the date for removal of such sign(s) under Section 7.06.7, above. If such signs are not removed prior to such date established in Section 7.06.7 for their removal, the Township shall cause the signs to be removed and the deposit will be forfeited to the Township. The Township shall refund said deposit within 30 days after its receipt of an affidavit by the applicant attesting to the complete removal of all such signs.
- (4) Should the Township determine that signs placed within the right of way of a Township street have been placed in violation of this Article or that such signs, because of weather conditions, improper installation, vandalism or other cause, have become a risk of harm to the public safety, the Township shall have authority to remove the same. Unless such removal results from the failure by an applicant to comply with regulations, such action shall not affect the deposit paid to the Township under Section 7.06.8.3. This subsection authorizes removal or pickup of fallen signs only for the reasons set forth.

7.06.9 Construction. Every temporary sign shall be firmly secured to the ground or to an adjacent building.

7.07 Classification of Zoning Districts

For purposes of this Article, all districts zoned any classification of Residential by this Ordinance are classified for purposes of this Article as "Residential"; all districts zoned any classification of Commercial are classified as "Business"; all districts zoned Light Industry and Heavy Industry are classified as "Industrial"; and all districts zoned Industrial Park are classified as "Industrial Park."

7.08 Signs Permitted in Residential Districts

7.08.1 General Regulations

- (1) Freestanding signs are permitted provided that (i) no such sign shall exceed a height of seven feet (7') to the uppermost portion of the sign or its supporting structure and (ii) all such signs shall observe at least a ten foot (10') set-back from the street right-of-way line.
- (2) Animated/Moving, changeable copy, billboard/commercial, outdoor advertising, directional, illuminated, off-premise, portable, promotional, rotating, roof, and vehicular signs are prohibited.

7.08.2 On-Premises Signs

- (1) Temporary Construction/Development signs which have been authorized by the Township in connection with construction operations are permitted, provided that the maximum signage area regulations in Section 7.06.6. Not more than one such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one street, in which case one (1) such sign shall be permitted along each street. The sign shall be removed within 10 days after, in the opinion of the Zoning Officer, the development has been satisfactorily completed. This type of sign shall observe at least a 10-foot set-back from the street right-of-way line.
- (2) Identification signs, including a directory of tenants of an apartment building or development, shall be permitted in accordance with the following provisions:
 - (i) Freestanding Signs - The area of one side of any freestanding sign shall not exceed 32 square feet and not more than one such sign shall be erected on a premises held in single and separate ownership unless such premises fronts on more than one street, in which case one such sign may be erected on each street frontage.
 - (ii) Wall Signs - One (1) per street elevation or elevation facing a parking lot, each sign not to exceed 9 square feet.

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- (3) Signs or bulletin boards of schools, colleges, churches, hospitals, cemeteries, non-profit clubs, and other non-profit institutions of a similar nature, or signs indicating the name of a particular organization, farm or estate, or non-profit organizations are permitted provided that the size of any such sign is not in excess of 16 square feet. Such signs may be increased to a maximum area of 32 square feet provided that they are set back a minimum of 50 feet from the side lot line or the street line. Not more than one such sign may be placed on any property held in single and separate ownership unless the property fronts on more than one street, in which case one such sign shall be permitted along each street.
- (i) EXCEPTION: On premises owned or operated by elementary schools, secondary schools, and colleges licensed by the Pennsylvania Department of Education, freestanding signs shall be permitted, provided that they shall not exceed 7 feet in height to the uppermost portion of the sign or its supporting structure. This type of sign shall observe at least a ten foot (10') setback from the street right-of-way. The signs may be illuminated and may allow for changeable copy. The total signage area on one side of any freestanding sign shall not exceed 32 square feet. Not more than one such sign may be placed on any property fronting on only one street. Should the premises front on more than one street, one such sign may be erected on each street, subject to the requirement that not more than two signs shall be erected on any premises.
- (4) One sign for non-conforming home occupations or other non-conforming accessory use is permitted, provided that the area of the sign does not exceed two (2) square feet.
- (5) Directional signs are permitted provided that such signs do not contain advertising copy and do not exceed an area of 4 square feet on one side or a height of five feet (5').
- (6) Real estate signs are permitted, subject to maximum signage area and other regulations in Section 7.06.
- (7) Temporary signs for the sale of household goods are permitted, subject to maximum signage area and other regulations in this Article. Such signs shall be removed immediately upon the end of the sale.

7.08.3 Off-Premises Signs. Temporary signs shall be permitted as authorized by and subject to the regulations in Section 7.06.

7.09 Signs Permitted in C-1 Commercial Districts**7.09.1 General Regulations**

- (1) Freestanding signs are permitted, provided that they shall not exceed 12 feet in height to the uppermost portion of the sign or its supporting structure. This type of sign shall observe at least a 10-foot setback from the street right-of-way.
- (2) Animated/Moving, Billboard/Commercial outdoor advertising, portable, projecting, rotating, roof and vehicular signs are prohibited.

7.09.2 On-Premises Signs

- (1) Any sign permitted in the Residential Districts shall be permitted in accordance with Section 7.08.2 of this ordinance.
- (2) Identification signs, including a directory of tenants in an office building, or other permitted use, shall be permitted in accordance with the following provisions.
 - (i) Freestanding Signs - The area on one side of any freestanding sign shall not exceed 32 square feet and not more than two such signs shall be erected on a premises fronting on more than one street, in which case one such sign may be erected on each street frontage.
 - (ii) Wall Signs - One per street elevation facing a parking lot, each sign not to exceed nine (9) square feet.

7.09.3 Off-Premises Signs. Any sign permitted in the Residential Districts shall be permitted in accordance with Sections 7.08.3 and 7.06 of this Ordinance.

7.10 Signs Permitted in C-2, C-3, C-4 and RC Commercial Districts

7.10.1 On-Premises Signs

- (1) Signs as permitted and regulated in Residential and C-1 Commercial Districts shall be permitted unless otherwise specified in this section.
- (2) Freestanding signs shall be permitted in accordance with the following limitations. Such signs shall be limited to one per street frontage except for a parcel which fronts on two or more streets, in which case a signs may be permitted on each street. A single free standing sign may advertise any number of businesses provided the maximum sign area is not exceeded. The location relative to the street right-of-way line and the size in square feet are determined as follows:
 - (i) A sign with 60 square feet or less of sign area may be placed at the street right of way line on any size parcel.
 - (ii) A sign with in excess of 60 square feet of sign area shall be placed at or behind the building line as designated by this Ordinance.
 - (iii) A sign may not have an area in excess of 60 square feet unless the frontage of the parcel the sign fronts exceeds 60 feet. For every foot a parcel exceeds 60 feet of frontage, the sign area may increase one square foot to a maximum of 300 square feet.
 - (iv) In the instance of shopping malls and plazas, free standing buildings (separate building) may have one freestanding sign per building. The provisions of this Section 7.10.1(2) shall otherwise apply.
- (3) Billboard/Commercial Outdoor advertising signs are prohibited except in the C-3 Commercial district.
- (4) The maximum height to the top of the sign shall be 20 feet.
- (5) Wall, permanent window signs, awning, and canopy signs shall be permitted in accordance with the following limitations:
 - (i) There shall be no more than one wall, canopy, awning or permanent window sign per building facade per occupancy.
 - (ii) No permanent window sign's area shall exceed 16 square feet in area.
 - (iii) Maximum copy area on an awning or canopy shall not exceed 100 square feet.
 - (iv) Permanent wall signs shall not exceed in area three time the lineal frontage of the building or 300 square feet, whichever is less.
 - (v) Maximum length shall not exceed 80 percent of the length of the building frontage.

(6) Projecting Signs

- (i) Such signs shall have a copy area no greater than 10 square feet per side and a minimum clearance of ten feet (10') from the sidewalk or natural grade, and shall be mounted as nearly as possible perpendicular to the building face.
- (ii) One such sign may be permitted for each entrance to a facility served by a canopy or other pedestrian walkway, provided that they do not exceed 10 square feet in area.

(7) Time and Temperature Signs

- (i) Time and temperature signs shall be displayed only as a part of a freestanding or wall sign, and shall be subject to all regulations and restrictions applying to those signs.
- (ii) Any such device with alternating or moving messages shall display each message for not less than three seconds.

(8) Changeable Copy Signs

- (i) A changeable copy sign shall be displayed only as a part of a freestanding or wall sign, and shall be subject to all regulations and restrictions applying to those signs.
- (ii) Any device with alternating or moving messages shall display each message for not less than three (3) seconds.

(9) Promotional Signs

- (i) Promotional signs which are portable shall be permitted for a period not to exceed 90 days per any one promotion for any one premises or commercial use unless authorized by the Township. There shall be an interval of at least ninety (90) days between promotions.
- (ii) Application for such a permit must be made to the Township with payment of a cash deposit to the Township in an amount established by the Board of Supervisors per sign as a guarantee the sign will be promptly and completely removed at the end of the period authorized.
- (iii) No promotional sign shall be larger than 32 square feet in area and no sign shall be located less than 10 feet from a street right-of-way line.
- (iv) Any promotional sign which utilizes any electrical device must conform to the same requirements and standards which cover permanent electric signs under this Ordinance.
- (v) These signs may not revolve, be animated or have flashing lights.
- (vi) A maximum of one sign per frontage, per occupancy, is permitted.

(10) Roof Signs

- (i) The maximum area of a roof sign shall not exceed in square footage 3 times the lineal frontage of the building or three hundred (300) square feet, whichever less.
- (ii) The maximum height of a roof sign shall not exceed six feet (6'). Maximum length shall not exceed 80 percent of the length of the building frontage.
- (iii) Roof signs may exist instead of but not in addition to wall signs on a given premises.
- (iv) Roof sign construction must conform to regulations of the Millcreek Township Airport Zoning Ordinance and the Pennsylvania Construction Code.
- (v) Where a building fronts on two or more streets, a sign is permitted for each frontage.

7.10.2 Off-Premises Signs

- (1) Signs as permitted and regulated in Residential and C-1 Commercial Districts shall be permitted unless otherwise specified in this section.
- (2) Billboard/Commercial outdoor advertising signs are permitted in the C-3 Commercial District; provided, that no such signs may be installed along the Seaway Trail (West Lake Road from Millfair Road to West 6th Street and then along West 6th Street to Pittsburgh Avenue) pursuant to restrictions established by the National Scenic Byway Program.

7.11 Signs Permitted in the Industrial Districts

7.11.1 On-Premises Signs

- (1) Signs permitted in the zoning districts referenced in Sections 7.08-7.10 shall be permitted in Industrial Districts in accordance with regulations for those districts unless otherwise specified in this Section.
- (2) Animated Signs. A sign may be animated, provided that the total cycle of motion or illumination does not exceed six times per minute.
- (3) Projecting Signs
 - (i) Such signs are permitted, provided the area of such sign does not exceed one square foot for each two lineal feet of building frontage which is perpendicular to the sign. No projecting sign may be larger than 50 SF. No projecting sign may extend in a vertical dimension above the roof line or highest architectural point of the building.
 - (ii) Projecting signs shall have a minimum clearance of 10 feet between the bottom of the sign and the grade below.
 - (iii) Projecting signs may exist instead of but not in addition to wall signs on a given premises. Where a premises is allowed two or more wall signs, a projecting sign may be used to substitute for one or more of the wall signs.
- (4) Revolving Signs. Such signs shall be permitted as freestanding signs provided that they do not exceed four revolutions per minute.
- (5) Roof Signs
 - (i) The maximum area shall not exceed three times the lineal frontage of the building or 300 square feet, whichever is less.
 - (ii) The maximum height shall not exceed 6 feet. Maximum length shall not exceed 80 percent of the length of the building frontage.
 - (iii) Roof signs may exist instead of but not in addition to wall signs on a given premises.
 - (iv) Roof sign construction must conform to regulations of the Airport Zoning Ordinance and the Pennsylvania Construction Code.
 - (v) Where a building fronts on two or more streets, a sign is permitted for each frontage.

7.11.2 Off-Premises Signs

- (1) Signs permitted in Residential and Commercial Districts shall be permitted in Industrial Districts in accordance with regulations for those districts unless otherwise specified in this section.
- (2) Billboard/Commercial outdoor advertising signs are permitted in accordance with the regulations in Section 7.14.

7.12 Signs Permitted in Industrial Park Districts

7.12.1 Signs and Lighting Requirements

(1) Signs

- (i) Only identification signs identifying the name and business of the persons or firms occupying the premises shall be permitted. Advertising signs, billboards, or other signs except those specifically permitted are prohibited. No free standing sign shall be larger than 40 square feet. No wall mounted sign shall be larger than 100 square feet.
 - (ii) Identification signs shall generally be placed upon the outside walls of the buildings, but shall not extend above the line of the roof meeting the wall. However, identification signs may be placed in the front yard set-back area when they are constructed and designed to be a part of a landscaping element. All other signs in the front yard set-back area, signs painted on exterior faces of buildings or on roofs or fences, flashing or moving signs are prohibited.
 - (iii) No sign shall be located within 100 feet of any intersection unless affixed to a building and not extending more than three feet beyond the same.
 - (iv) No sign shall be erected or maintained in any yard which will in any way obstruct a view of any street intersection or otherwise create a traffic hazard.
 - (v) Construction permits shall be required for any exterior signs.
- (2) Glare and Street Standards. All lighting and illumination for signs, structures, landscaping, parking areas, loading and unloading areas and the like shall be focused, directed, and so arranged as to prevent glare or direct illumination on streets or adjoining property line, unless required to illuminate a hazard.

7.13 Electronic Message Center/Electronic Display Signs

7.13.1 Electronic Message Centers and/or Electronic Display Signs (collectively, "Electronic Message Center") are authorized only in the C-2, C-3 and C-4 Business districts, Light Industry districts, Heavy Industry districts and Industrial Park districts.

7.13.2 All Electronic Message Center and/or Electronic Display Signs shall adhere to the following requirements:

- (1) Every such sign shall be set back not less than 250 feet from all existing residences.
- (2) Each such sign shall be equipped with an automatic dimmer device.
- (3) All such signs shall be equipped with a glare screen.
- (4) No animation of any type, no flashing light and no "spell on" display mode shall be allowed on any such sign.
- (5) The maximum area of an Electronic Message Center shall be 32 square feet.
- (6) The area of the Electronic Message Center shall be included in calculating the total allowed sign area.
- (7) The of intensity and contrast of light levels shall remain constant throughout the sign face.
- (8) Illumination intensity of the sign shall not exceed 5,000 nits during daytime hours.
- (9) Each such sign shall be shut off between the hours of 10:00 p.m. and 6:00 a.m. on every day and shall use automatic day-night dimming software or other means to reduce the illumination intensity of the sign to 500 nits or less from dusk until 10:00 p.m.
- (10) Any malfunctioning Electronic Message Center shall be turned off or shall display a dark screen until such time as it is repaired and operating properly.

7.13.3 Electronic Message Centers shall exclude billboard signs and shall not be a part of a billboard sign.

7.14 Billboard/Commercial Outdoor Advertising Signs

7.14.1 Billboard/Commercial Outdoor Advertising Signs are authorized only in "C" Business and all Industrial Zoned Areas.

7.14.2 Only one billboard/commercial outdoor advertising sign may be erected per each premises fronting onto a public right-of-way, provided that:

- (1) No such sign or any part thereof shall be erected in front of the building line.
- (2) No such sign or any part thereof shall be erected within 10 feet feet of any side or rear property line. On parcels bordering a Residential or C-1 Commercial District, no outdoor advertising sign shall be erected within 50 feet of such district.
- (3) No such sign shall be erected within 500 feet of any other sign.
- (4) The general area adjacent to an outdoor advertising structure must be kept free and clear of sign materials, weeds, debris, trash and other refuse.
- (5) Roof sign construction must conform to regulations of the Millcreek Township Airport Zoning Ordinance and the Pennsylvania Construction Code.

7.14.3 Area and Height. Where otherwise authorized under this Section:

- (1) No outdoor advertising sign shall be permitted to exceed a maximum area of 700 square feet, including borders and trim but excluding supports. A sign having two sides back-to-back or a V-shaped sign with a horizontal angle that is not greater than 90 degrees is permitted, one on each side.
- (2) No outdoor advertising sign shall exceed 35 feet in height to the uppermost portion of the sign or its supporting structure.

7.14.4 High-Rise Sign

- (1) High-Rise signs shall be authorized only in the area with a 1,000-foot radius of the intersection of the center lines of Interstate 90 and Route 8 (Wattsburg Road) except as expressly provided otherwise, and shall not exceed a height of 80 feet.
- (2) Such signs shall be on-premises signs only and are limited to one sign per premises.
- (3) The sign structure must be behind the street setback lines and be at least 10 feet from any side or rear property line. On parcels adjoining a Residential or C-1 Commercial District, no high-rise sign shall be erected within 50 feet of said districts.
- (4) Such signs' area shall not exceed a maximum size of 300 square feet, including borders and trim but excluding supports.
- (5) The applicant for a High-Rise sign shall acquire all permits that may be required by State or Federal agencies.

ARTICLE 8
USE BY SPECIAL EXCEPTION, STANDARDS AND PROCEDURE

8.01 General Intent

To establish procedures and criteria governing grant of uses of land on special exception where and as authorized in Article 4 or Article 8 of this Ordinance.

8.02 Procedures

8.02.1 The Zoning Hearing Board shall hear and decide applications for uses on special exception in accordance with the procedures set forth in Article 10 of this Ordinance.

8.02.2 An applicant shall have the duty of initial presentation of evidence and the burden of proof with respect to establishing that the proposed use is authorized by special exception and that the proposed use meets all applicable requirements of this Article. A protestant shall have the burden of proof as to Sections 8.03.2 and 8.03.3.

8.02.3 In granting a use on special exception, the Zoning Hearing Board may attach such reasonable conditions as it determines to be necessary in the circumstances to effectuate the purposes of this Ordinance and protect the public interest.

8.02.4 The Zoning Hearing Board may grant a use on special exception only upon a finding that the application proposes a use specifically authorized in this Ordinance on special exception and that general and specific standards for the use have been met. A use on special exception shall not be allowed if the use is not expressly authorized in this Article, even if an applicant establishes compliance with general criteria governing authorized special exception uses.

8.03 General Requirements and Standards

The Zoning Hearing Board shall grant a use on special exception only if it finds substantial evidence that the proposed use and/or development will meet all of the following general requirements, standards and criteria, in addition to specific requirements, standards and criteria established in this Article for the particular use. The Board, among other things, shall require that any proposed use and location:

8.03.1 Is in accordance with the Comprehensive Plan and consistent with the provisions, spirit, purposes and intent of this Article.

8.03.2 Is not detrimental to the public health, safety or general welfare.

8.03.3 Will not fundamentally alter the character of the neighborhood in which it would be located.

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- 8.03.4 Conforms in all respects to regulations in this Ordinance and all other applicable Township ordinances and regulations applicable to the zoning district, use and/or development other than those relating to type of use.
- (1) Where a use is authorized on special exception in a zoning district in which such use or structure is not generally authorized, the Zoning Hearing Board in allowing such use shall impose such conditions as are reasonably necessary to establish such lot, off-street parking, buffering, lighting and other supplemental regulations and other standards as generally apply to such type of use and/or structure in the zoning district in which similar uses are generally authorized.
 - (2) Where a nonresidential use is authorized in a Residential zoning district on special exception, the Zoning Hearing Board in authorizing such use shall impose such conditions on its approval as are deemed necessary or appropriate to protect the integrity and continued residential use of adjacent and nearby properties.
- 8.03.5 Is suitable for the property in question and is designed and will be constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
- 8.03.6 Is suitable in terms of effects on street or highway traffic and safety with adequate arrangements assured to protect streets from undue congestion and hazard.
- 8.03.7 Will not, because of another special exception or other special exceptions previously granted, in its cumulative effect be inconsistent with the primary uses permitted as of right in the zoning district.
- 8.03.8 Will not, because of another special exception or other special exceptions previously granted, in its cumulative effect place a significant additional burden upon existing public facilities, public safety services, streets, sewers or water facilities or require, for the interest of the public, a significant increase in the burden of providing such facilities or services.
- 8.03.9 Will not require a significant extension of street, sewer or water facilities if such extension would place a financial burden upon the Township, unless the applicant establishes that the Township has firm plans to extend such facilities absent the use proposed by special exception.

8.04 Uses on Special Exception, Specific Criteria and Standards

8.04.1 Aviation Field

- (1) Where authorized in another district, shall comply with all lot, buffering, lighting, planting and other regulations generally governing permitted uses in the Light Industrial district.
- (2) Shall be considered a land development under the Subdivision and Land Development Ordinance.

8.04.2 Bed and Breakfast Inn (RR, R-1 and R-2 Residential Districts)

- (1) Must meet all elements of the definition of the term as set forth in Article 2.
- (2) Must be the principal residence of the owner.
- (3) Must be located on a State highway.
- (4) Must meet all requirements of Pennsylvania Construction Code regulations.
- (5) Owner must apply for and obtain an occupancy permit and renewal of such permit each year.
- (6) Must meet all of the following regulations as to off-street parking:
 - (i) Minimum one space per guest room plus 2 spaces for the primary use.
 - (ii) Off-street parking shall not extend into setback areas or in front of the primary dwelling.
 - (iii) Off-street parking areas located to the side and rear of the structure must be screened from the adjacent properties by a wood fence not less than 5 feet in height and/or vegetation reaching and maintaining a height not less than 6 feet within three years.
- (7) Only one sign shall be authorized pursuant to Section 7.08, all signs to be made of wood, brick or stucco so that it looks natural and any lighting must be of low wattage.
- (8) Upon failure to renew a permit or revocation of a permit for cause, use of the premises as a Bed and Breakfast Inn shall cease immediately.

8.04.3 Cemetery

- (1) Where authorized in a Residential district, shall comply with all buffering, lighting, planting and other regulations generally governing permitted uses in the C-1 Local Commercial District.
- (2) Shall be considered a land development under the Subdivision and Land Development Ordinance.
- (3) Off-street parking requirements shall be sufficient to ensure adequate parking for all employees, invitees and those attending ceremonies at the site.
- (4) Shall ensure adequate traffic flow and sufficient areas to accommodate all vehicles and persons visiting the site.

8.04.4 Communications Antennas, Personal Wireless Service and other facilities mounted on Communications Towers, Alternative Tower Structures and Towers in "D" Business and Light Industry Districts not on lands within 200' of Interstate highway rights of way

- (1) All regulations set forth in Section 6.14 governing wireless, Personal Wireless Services, Communications and other antennas, facilities and Communications Equipment Buildings shall apply.
- (2) All regulations set forth in Section 6.02 governing Communications Towers, Alternative Tower Structures and Towers shall apply.
- (3) Co-location of Communications Antenna, Personal Wireless Service facilities and other facilities or their placement on existing structures should be encouraged wherever practicable.
- (4) Use of alternative tower structures shall be encouraged whenever practicable.
- (5) The physical conditions and circumstances of the subject premises and of adjacent uses, including topography, existing trees or other potential sight screens shall be considered and may, in appropriate circumstances in the authorized use districts, warrant minor deviations in setback or height regulations subject to standards established in Section 6.02, so long as such deviations do not expose adjacent properties or uses to risk of harm or material detriment; and
- (6) Evidence of licensure, interests in the subject property, insurance, engineering certifications and other documents required under Sections 6.14 and 6.02 may be submitted and received as exhibits without requiring an applicant to testify as to such matters, except as the Zoning Hearing Board deems necessary.
- (7) Rights accorded owners and operators of Communications Antennas and related facilities under Federal law shall be respected, such that opposition to a lawful and authorized use as such shall not be grounds for denial of the use.
- (8) The Zoning Hearing Board shall attach such reasonable conditions upon a use as it deems necessary in the circumstances to effectuate the purposes of the Ordinance and to protect the interest of the public and reasonable interests of adjacent uses and developments.
- (9) Regulations in Sections 6.14 and 6.02 requiring submission by applicants of inspection reports and ongoing compliance with applicable laws and regulations shall constitute conditions on all uses granted on special exception without being fully recited.

8.04.5 Corrections Facility/Treatment Center (I-1 Light Industrial, I-2 Heavy Industrial Districts)

- (1) No such use shall be approved if located within 1,000 feet from another corrections facility or treatment center.
- (2) No such use shall be approved unless there is a separation of at least 500 feet from a residential zoning district or use.
- (3) No such use shall be approved within 500 feet of a school, religious establishment, playground, park, camp, community center, child care facility or other area where minor children assemble or congregate.
- (4) The minimum lot area for a treatment facility shall be 24,000 square feet.
- (5) The maximum building coverage shall not exceed thirty-five percent (35%) of the total land area of the lot.
- (6) Buffer yards and planting strips as required in Section 3.10 of this Ordinance for the zoning district shall be strictly complied with.
- (7) Density of development for any corrections facility shall not exceed that authorized in the R-4 High Density Residential district.
- (8) A minimum of twenty-five percent (25%) of the developable land area, exclusive of streets and delineated wetlands, shall be set aside and held, maintained and used permanently as open space.
- (9) Off-street parking shall be one (1) space per employee on the largest shift and 1.5 spaces per resident bed or one (1) space per 300 square feet of building area, whichever is greater.
- (10) Commercial outdoor signs shall be prohibited. Identification and directional signs shall be allowed as authorized in this Ordinance.
- (11) The Board shall attach to any approval conditions ensuring appropriate security measures, including but not limited to fencing or other barriers, cameras, lighting, guards, sign-in and sign-out sheets, curfews for residents, guard dogs, sirens and direct alarms with the Police Department.
- (12) The facility shall be built, maintained and operated so as to avoid potentially adverse influences and impacts upon surrounding properties and the general health, safety and welfare.
- (13) There shall be no direct glare, whether from floodlights, high temperature processors or other lighting, so as to be visible from adjoining zoning districts.

8.04.6 Home Occupation (RR Residential, R-1 Residential and R-2 Residential Districts)

- (1) Must in all respects meet the definition of Home Occupation in Section 2.04, above.
- (2) No more than one full-time or part-time employee not a resident occupant of the dwelling shall be allowed.
- (3) The applicant must in its application set forth, in detail, the nature of the proposed use, the anticipated days and hours of operation, potential impacts on neighboring properties from noise, odor, deliveries and other incidents of the use. Such application, as well as any conditions or requirements imposed by the Zoning Hearing Board, shall be and remain conditions on the continuation of such use.
- (4) Outside storage of materials and/or vehicles is prohibited.
- (5) Receipt of deliveries from larger than two-axle trucks is prohibited, as are more than occasional local deliveries.
- (6) The use shall not be authorized for purposes or uses expressly excluded from the term in Section 2.04 and/or other uses similar or equivalent to such excluded uses.
- (7) The Zoning Hearing Board, as it deems appropriate, may impose conditions on the grant of relief believed to be necessary to minimize impact of the accessory use on neighboring properties and/or to ensure that the use as conducted adheres to all requirements of the use as defined in this Ordinance.
- (8) Any violation of standards of the use on special exception shall be grounds for revocation by the Township of the use.

8.04.7 In-Law Apartment (RR, R-1 and R-2 Residential Districts)

- (1) Must at all times meet all elements of the term's definition as set forth in Article 2 as well as all criteria for the use and any conditions imposed. No variance from the stated criteria is authorized.
- (2) The dwelling in which the In-Law Apartment is being created must be owner-occupied and the dwelling unit occupied by the owner must be greater than 70 percent of the total living space, including the In-Law Apartment. Habitable floor area of the In-Law Apartment shall not exceed 720 SF or 40 percent of the principal dwelling's total area, whichever is less. For purposes of this Section, "living space" shall include all of the dwelling's area excluding that of any garage, while "total area" shall include the garage and all other portions of the dwelling.
- (3) Only one In-Law Apartment is allowed within any single-family dwelling.
- (4) The special exception use must be stated as existing and a restriction in all deeds to the property so long as such use is continued.
- (5) No more than two (2) bedrooms shall be permitted. No more than two (2) persons may reside in an In-Law Apartment.
- (6) The In-Law Apartment may be located only within a primary dwelling.
- (7) The exterior architectural character of the principal dwelling shall not be altered in a manner which departs from the primary feature of the building as a single-family dwelling unit.
- (8) Must meet all requirements of Pennsylvania Construction Code regulations.
- (9) The occupancy or rental of an in-law apartment by persons other than in-laws as defined in this ordinance is expressly prohibited.

8.04.8 Junk Yard (I-2 Heavy Industry District)

- (1) Subject to compliance with all criteria established in this Subsection and the Board's finding that a proposed use satisfies general criteria, a junk yard may authorized to be operated solely in an I-2 Heavy Industrial District.
- (2) All lot regulations governing uses in the I-2 Heavy Industrial District shall apply.
- (3) At all times, the lot shall be enclosed by a tight board or equivalent fence at least 8 feet in height which shall provide a complete buffer and screen, be constructed in compliance with regulations governing the zoning district and be kept painted and in good order and repair.
- (4) Proper drainage and stormwater management for the entire lot shall be provided in accordance with regulations of the Stormwater Management and Subdivision and Land Development Ordinances, in compliance with standards established in the Public and Private Improvements Code.
- (5) No automobile, tractor, vehicle or motor of any kind shall be placed or located in a junk yard unless and until all gas and oil is drained therefrom.
- (6) No municipal waste, recyclable materials and/or leaf waste as defined in the Municipal Waste & Recycling Ordinance shall be placed or left on the premises.
- (7) No burning of any materials shall be authorized to be done on the premises, except in strict compliance with the Open Burning Ordinance, as amended.
- (8) No junk yard business shall be carried on except between the hours of 7:00 a.m. and 8:00 p.m., prevailing time, Mondays through Saturdays.
- (9) The owner or operator of a junk yard authorized pursuant to this Section shall be obligated to apply annually for recertification, effective as of January 1 of each calendar year. Such application shall be made on a form authorized by the Board of Supervisors. Such application shall be accompanied by payment of the annual inspection fee as established by the Board of Supervisors. Upon receipt of an application for recertification, the Zoning Administrator or the Code Administrator shall inspect the premises to determine whether such premises and operation complies with standards established by this Section and conditions imposed by the Board. No junk yard shall be authorized without a current certification.
- (10) The Township shall have authority to inspect junk yard operations at any time. Should a junk yard fail to comply with all regulations upon which the use is authorized, the Zoning Administrator or the Code Administrator shall have authority to suspend or revoke the premises' certification.

8.04.9 Public/Public Utility Buildings and Structures

- (1) Where a proposed use is not expressly permitted in a zoning district, a public or public utility building or structure may be authorized in any zoning district.
- (2) The use shall meet the definition of the term as set forth in Article 2 and shall not be deemed to include any use otherwise specifically authorized in this Ordinance.
- (3) Where authorized in a Residential district, shall comply with all buffering, lighting, planting and other regulations generally governing permitted uses in the C-1 Local Commercial District.
- (4) Shall be considered a land development under the Subdivision and Land Development Ordinance if the proposed development meets the definition of "land development."

8.04.10 Wind Energy Conversion Systems

Land in all zoning districts may be used as a wind energy conversion system, subject to compliance with general criteria established in this Article, the specific criteria established in this subsection and those performance standards for the use as established in Section 6.13.

- (1) All regulations in Section 6.13 of the Ordinance governing lot regulations, setback regulations, performance standards, submission requirements and decommissioning shall be complied with.
- (2) The maximum height of a wind energy conversion system shall not exceed the maximum height of principal buildings or structures authorized in the zoning district or, if no maximum principal building height is prescribed in the zoning district, 50 feet.
- (3) Where the footprint for the proposed system, including all turbines, devices, buildings, structures and other impervious surface, is 1,500 square feet in area or greater, such development shall be deemed a land development and shall be subject to regulations in the Subdivision and Land Development Ordinance and shall comply with all submission, review, inspection and other regulations in that ordinance prior to a final zoning permit being issued.
- (4) Any authorized use whose development falls within regulation of the Stormwater Management Ordinance shall comply fully with all regulations in that ordinance.
- (5) The Board may attach such reasonable conditions as it deems necessary in the circumstances.

ARTICLE 9
NONCONFORMING LOTS, STRUCTURES, SIGNS AND USES

9.01 Intent and Purposes

- 9.01.1 If, within the zoning districts established by this Ordinance or due to amendments that may later be adopted, there exist lots, structures, uses or signs which were lawful before regulations were first enacted but which would be prohibited, regulated or restricted under the terms of this Ordinance, ordinances restated by this Ordinance and/or future amendments of this Ordinance, it is the intent of this Ordinance to permit these nonconformities until they are abandoned or removed, except as specifically provided to the contrary in this Ordinance.
- 9.01.2 Such lots, structures, uses and signs are declared to be incompatible with authorized lots, structures and uses in the zoning districts involved. It is the intent of this Ordinance that lots, structures, uses and signs be brought into compliance with existing regulations and that any expansion of a nonconformity be effected in accordance with then existing regulations, subject to the provisions of this Article.
- 9.01.3 A nonconforming lot, structure, sign or use shall not be extended, expanded or enlarged upon by (a) the addition of other uses or structures, if such additions are of a nature which would be prohibited generally in the district; (b) attachment of additional signs to a building; or (c) the placement of additional signs or display devices on the land outside the building.
- 9.01.4 To avoid undue hardship, this Ordinance shall not be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently commenced. "Actual construction" is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and where demolition or removal of an existing building or structure has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction so long as that work shall be diligently carried on until completion of the building or structure involved, in any event within twelve (12) months after the date on which a zoning permit was issued.
- 9.01.5 Where the zoning use classification of property is amended upon petition by the owner or equitable owner of such property, such amendment shall not be deemed one according protection to uses existing as of the date of such amendment, and the owner, upon amendment of the zoning classification, shall bring uses of the property into compliance with those permitted in this Ordinance for the district so requested by the owner. All petitions for rezoning shall include the owner's agreement to bring uses into conformity with those permitted in the requested zoning district.
- 9.01.6 If boundaries of a zoning district are changed so as to transfer land from one zoning district to another, other than pursuant to a petition by the owner or equitable owner of that land, this Article shall govern uses that thereby become nonconforming.

- 9.01.7 Nonconformities which are dimensional in nature shall not be deemed to have any natural right of expansion.
- 9.01.8 A nonconforming private residence or residential use shall not be deemed to have any natural right of expansion.
- 9.01.9 Except where specifically authorized in this Article, any change, expansion, enlargement, construction, reconstruction or structural alteration of a nonconforming lot, structure or use shall be allowed only upon the grant by the Zoning Hearing Board of a variance upon the Board's finding that grounds for a variance exist.

9.02 Nonconforming Lots of Record

- 902.1 Any existing lot of record within a subdivision or otherwise which was created prior to the enactment of this Ordinance and which is located in any district in which single family dwellings are permitted may be used for the erection of a single family dwelling and for a residential garage, addition or building accessory to a single family dwelling, even though the lot's area, width and/or depth is less than requirements established in this Ordinance; provided, that yard setback and other regulations shall be complied with. This section shall not alter provisions in the Subdivision and Land Development Ordinance pertaining to standards for subdivision waiver approval.
- 902.2 If two or more lots of record with continuous frontage are held in single ownership and if both, all or any of such lots do not meet the requirements in this Ordinance for lot area and width in the zoning district, the lands involved shall be considered to be an undivided parcel for purposes of this Ordinance. No portion of said parcel(s) shall be used or sold which does not meet lot width and lot area requirements established by this Ordinance, nor shall any division of the parcel(s) be made which leaves remaining any lot having a width or area less than the requirements established in this Ordinance. Any division of such parcel(s) containing a nonconforming use of a structure shall conform with the minimum lot width and area requirements for authorized uses. The Zoning Administrator, upon receipt of an application for permit, shall have authority to direct that the lots of record be replotted to create fewer lots if necessary to comply with the requirements of this Ordinance.

9.03 Nonconforming Structures

If a lawful building or structure exists at the effective date of this Ordinance that could not be built under the terms of this Ordinance, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 903.1 Enlargement and/or Alteration. No such building or structure may be enlarged, increased in height or have any structural alterations made in a way which increases its nonconformity, unless the Zoning Hearing Board after finding that an undue hardship exists authorizes a reasonable modification and all applicable area, setback, parking and loading regulations are complied with.
- 903.2 Damage or Destruction. Should such building or structure be damaged or destroyed by any means, it may be repaired or reconstructed; provided, that such restoration must be commenced within twelve (12) months after the date of damage and that the use and intensity of use is no more objectionable or no greater than existed prior to its destruction. For purposes of this subsection, "use and intensity of use" shall include but not be limited to use, height, area, illumination and deviation from setback and other applicable regulations. If work to restore the damaged structure is not commenced within twelve (12) months after the date of the damage, such building or structure shall not be reconstructed except in conformity with the provisions of this Ordinance.
- 9.03.3 If a nonconforming structure should become dilapidated such that complete restoration or replacement is necessary, such structure may only be reconstructed or replaced if permitted and as permitted under regulations of this Ordinance.
- 9.03.4 If a nonconforming structure should be removed, any reconstruction shall conform to all applicable regulations of this Ordinance.
- 9.03.5 Should such building or structure be moved for any reason for any distance on the same or other premises, it shall thereafter conform to the regulations for the zoning district in which it is located.
- 9.03.6 No expansion or enlargement of any building or structure shall be allowed within any identified flood plain that would cause any increase in flood heights.

9.04 Nonconforming Signs

9.04.1 Nonconforming signs shall be subject to the regulations of this Article governing nonconforming structures, as supplemented and/or modified by regulations of this Section:

9.04.1.1 Nonconforming signs may be repaired; provided, that no structural alterations shall be made which increase the area of the advertising matter.

9.04.1.2 Nonconforming signs may not be enlarged, added to or replaced by another nonconforming use or structure, except that substitution or interchange of poster panels and painted boards on nonconforming signs shall be permitted.

9.04.1.3 Replaced or repaired signs shall be of equal or lesser dimensions and constructed of the same or less durable material than the sign being replaced or repaired and shall contain no improvements or additions.

9.04.1.4 Nonconforming signs shall not be moved to a different location unless the Zoning Hearing Board finds that a relocation on the lot is necessary to comply with law.

9.04.1.5 A nonconforming sign must be removed or made to conform to this Ordinance in every respect within ten (10) days after notice from the Township, whenever:

- (1) It is not securely attached to the ground or some other object and can be easily removed.
- (2) It becomes so deteriorated that it no longer serves a useful purpose and is determined by the Township to be a nuisance.

9.04.2 Any sign in violation of the regulations in Article 7 governing Prohibited Signs shall be removed within ten (10) days after notice from the Township to do so.

9.05 Nonconforming Uses of Lots

Where a lawful use of a lot exists at the effective date of this Ordinance that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 9.05.1 No such nonconforming use shall be enlarged, increased, expanded or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance, unless the Zoning Hearing Board should determine that the enlargement or expansion is necessary by the natural expansion and growth of trade of the nonconforming use. This subsection is not intended and shall not be interpreted to extend the principle of natural expansion to a private residence or other uses not recognized by courts as within its application.
- 9.05.2 No such nonconforming use shall be moved, in whole or in part, to any portion of the lot not occupied by such use at the effective date of this Ordinance.
- 9.05.3 If such nonconforming use of the lot ceases or is discontinued for any reason for a period of more than 12 months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such lot shall conform to the regulations established in this Ordinance for the zoning district in which the lot is located.
- 9.05.4 Whenever a nonconforming use of a lot has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

9.06 Nonconforming Uses of Structures

- 9.06.1 No existing building or structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or otherwise have any structural alterations made to it except in changing the use of the structure to an authorized use in the zoning district, unless the Zoning Hearing Board shall determine that the enlargement, extension, construction, reconstruction or structural alteration is necessitated by the natural expansion and growth of trade of the nonconforming use and grant a variance allowing the same, subject to such reasonable conditions as the Board may attach. This subsection is not intended and shall not be interpreted to extend the principle of natural expansion to a private residence or other uses not recognized by courts as within its application.
- 9.06.2 The nonconforming use may be extended throughout any part of the building or structure that was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any lot or portion of a lot outside such building or structure and all area, yard and parking requirements for the district in which the building or structure is located shall be complied with.
- 9.06.3 A nonconforming use of a building or structure may be changed to another nonconforming use of the same or of a more restrictive nature so long as no structural alterations are made other than those directed by the Zoning Administrator in writing to assure the safety of the building or structure; provided, that such change shall (a) be registered by the Zoning Administrator; (b) constitute an abandonment of the former nonconforming use so changed; and (c) prohibit any future change to a less restrictive use.

9.06.4 Any building or structure and lot in combination in or on which a nonconforming use is superseded by an authorized use shall thereafter conform to the regulations for the zoning district in which such building or structure is located, and the nonconforming use may not thereafter be resumed.

9.06.5 If a nonconforming use of a building or structure, or of a building or structure and lot in combination, ceases or is discontinued for any reason for a period of more than 12 months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such building and/or structure and lot shall conform to the regulations established in this Ordinance for the district in which the lot is located.

9.06.6 Where nonconforming status applies to both the use and the building or structure, removal or destruction of the nonconforming building or structure shall eliminate the nonconforming use on the lot, except as is otherwise provided in Section 9.03.

9.07 Repairs and Maintenance

Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition any building or structure or portion thereof which has been declared to be unsafe by any official charged with protecting the safety of the public.

9.08 Nonconformity Distinguished

9.08.1 Any use approved as a permitted use, as a use on special exception or by a variance as authorized in this Ordinance shall not be deemed a nonconforming use.

9.08.2 Any lot, structure, use and/or use of a structure and/or a lot which was not lawful when this Ordinance was enacted or amended shall not be deemed nonconforming.

9.09 Administration

9.09.1 The Zoning Administrator is authorized to register nonconforming lots, buildings and structures, uses of lots and uses of buildings and structures existing in the Township.

9.09.2 When determinations are made in accordance with this Article that a nonconforming lot, building or structure or use of a lot or of a building or structure exists or may be altered, a record of the determination shall be maintained in the property file.

ARTICLE 10
ADMINISTRATION AND ENFORCEMENT

10.01 Zoning Administrator

The duty and authority of administration and enforcement of the provisions of this Ordinance is hereby conferred upon the Zoning Administrator and his or her subordinates and/or designees, who may not hold an elective office in Millcreek Township.

10.02 Application for Zoning Permit

10.02.1 When Permit Required. An application shall be submitted to the Zoning Administrator for the following activities, and it shall be unlawful and a violation of this Ordinance for any of the following activities to commence without a Zoning Permit first being issued in accordance with this Article:

- (1) Excavation for foundation;
- (2) Construction or alteration of any building or structure;
- (3) Construction of an addition to a building or structure;
- (4) Demolition or moving of a building or structure;
- (5) Making or effecting a change of occupancy or use of vacant land or any building or structure;
- (6) Movement of a lot line which affects an existing structure, such movement being subject to regulations established in the Township's Subdivision and Land Development Ordinance;
- (7) Construction or alteration of any drive or other access to a Township street or State highway;
- (8) Occupancy of any street or highway with building materials or of temporary structures for construction purposes.
- (9) Construction or installation of swimming pools or spas holding over 24" of water in depth;
- (10) Construction or alteration of signs;
- (11) Construction of fences having a height in excess of six feet (6').

10.02.2 Repairs. Application or notice to the Township is not required for ordinary repairs to buildings or structures, but such repairs shall not include: the cutting away of any wall, partition or portion thereof; removal or cutting of any structural beam or loadbearing support; removal or change of any required means of egress and/or rearrangement of parts of a structure affecting the egress requirements; or addition to, alteration of or replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, mechanical or other work affecting the public health or general safety. **NOTE: Certain repairs will require issuance of a UCC permit and inspection(s) under the Uniform Construction Code Ordinance, even where a Zoning Permit is not required.**

10.02.3 Form of Application. The application for a Zoning Permit shall be submitted in such written form as the Board of Supervisors shall adopt or prescribe, and must be accompanied by the fee therefor required under Resolution(s) adopted by the Board of Supervisors. An applicant shall provide all documents and information required under this or any other ordinance.

10.02.4 By Whom Application Made. Application for a Zoning Permit shall be made by the owner or lessee of the building or structure, or authorized agent of either, or by the building contractor or design professional employed or retained by such owner or lessee in connection with such work.

- (1) If the application is made by a person other than the owner in fee of the property, it shall be accompanied by an affidavit of the owner to the effect that the proposed work is authorized by the owner in fee, that the person making such application is authorized to do so on behalf of the owner; and that the owner shall be bound by all representations made on the application and by all regulations governing issuance of any permit(s).
- (2) The full names and addresses of the owner, applicant and the responsible officers, if the owner or the applicant is a corporation, shall be set forth in the application.

10.02.5 Application Requirements. In addition to other requirements imposed under this Article or other ordinance of the Township, all applications for a Zoning permit shall include:

- (1) **Description of work** - a general description of the proposed work, the location of the proposed work, the occupancy prior to and after the proposed work of all the building and/or structure and of all portions of the site or lot not covered by the building or structure and such additional information as is required by the Zoning Administrator.
- (2) **Proper Zoning** - The applicant shall establish that the land as zoned may lawfully be used as proposed, and that all regulations of this Ordinance are complied with. No permit shall be issued unless the use proposed is expressly permitted in the Zoning Ordinance and all applicable regulations are complied with, absent an adjudication of the Zoning Hearing Board authorizing such use and construction.

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- (3) **Site Plan** - An application for a Zoning Permit for any building or structure other than a one-family or two-family dwelling shall be accompanied by a site plan showing to scale the actual dimensions of each lot to be built upon, the size and location of all new construction and all existing buildings or structures on the site, distances from lot lines, established street grades and proposed finished grades, drawn in accordance with an accurate boundary line survey, together with such additional information as the Zoning Administrator may require to determine that the proposed structure and/or use of land conforms to the regulations of this Ordinance.
- (i) An application for a Zoning Permit proposing construction, alteration, reconstruction or other action as to a one-family or two-family residential dwelling shall set forth a plot plan showing the property lines, the location of all new or proposed construction and all existing buildings or structures on the site, distances from lot lines and such additional information as the Zoning Administrator may require to determine that the proposed structure and/or use of land conforms to the regulations of this Ordinance.
 - (ii) In cases of proposed construction activity other than one- and two-family residential dwellings, data from approved land development plans or plan amendments may be incorporated in the permit application in lieu of a new site plan.
 - (iii) In cases of proposed construction activity involving additions or renovations to buildings other than one- and two-family residential dwellings which do not require a land development plan or plan amendment, the Zoning Administrator shall be authorized to accept that plot plan generally required for one- and two-family residential dwellings unless a formal site plan is deemed necessary in the circumstances.
 - (iv) Where public sewer is not available, the site plan shall indicate the location of a private sewage disposal system.
 - (v) In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing buildings and structures that are to remain on the site or lot after demolition.
 - (vi) The site plan as set forth in the Zoning Permit as issued shall be the same as that submitted and approved for a construction or other UCC permit under the UCC Ordinance. No deviations from the site plan included in the approved Zoning Permit shall be allowed absent prior written approval by the Zoning Administrator.
- (4) **Grading Plan** - A grading plan meeting all Township specifications shall be submitted with an application for Zoning Permit where required, and shall be complied with in the course of construction pursuant to the Zoning Permit and the UCC permit.

- (5) **Stormwater Management Plan** - If required, a stormwater management plan for the premises shall be submitted, reviewed, certified and implemented at the applicant's cost in accordance with the Stormwater Management Ordinance and the Subdivision and Land Development Ordinance prior to issuance of any Zoning Permit.
- (6) **Access to State Highways and Township Streets** - No permit authorizing access to a State highway shall be issued until the applicant submits to the Zoning Administrator a highway occupancy permit issued by the Department of Transportation authorizing the access as proposed. No permit proposing access to a Township street by a use greater than minimum traffic volume shall be issued until such proposed access has been authorized by the Board of Supervisors in its approval of a subdivision plan or land development plan or otherwise. The Zoning Administrator may grant permits for minimum traffic volume access to a Township street where all conditions for such access have been met.
- (7) **Approvals Required** - No Zoning Permit or Use Certificate shall be issued unless the applicant submits with the application therefor written confirmation or photocopies of all approvals of Township and other governmental agencies required prior to such construction and/or use, these including but not limited to:
- (i) If a building or structure is to be served by public sewer, a copy of the issued permit to connect to the sewer system;
 - (ii) If a building or structure is to be served by on-lot septic, a copy of the Erie County Department of Health's septic approval for the proposed building, structure and/or use;
 - (iii) If a building or structure is to be served by public water and water mains do not abut the premises, written confirmation by the water authority that it is prepared to extend such mains and that applicant has furnished all required applications and fees therefor;
 - (iv) If required, recordation of an approved subdivision or land development plan;
 - (v) If required, a decision of the Zoning Hearing Board authorizing issuance of such permit.
- (8) **Service Connections (Demolition)** - Before a building or structure is demolished or removed, the owner or owner's agent shall notify all utilities having service connections within the structure. A Zoning Permit authorizing the demolition or removal of a building or structure shall require that prior to issuance of a UCC permit, the owner shall submit to the UCC building code official a certification that all service utilities and adjacent property owners have been notified of the proposed demolition and that service connections have been removed. Such certification shall be sworn or affirmed to before a Notary Public or verified subject to the penalties governing unsworn falsification to authorities.

10.02.6 Conditions on Permits

- (1) A Zoning Permit issued shall authorize only the use or construction specified on the permit and application, and no other.
- (2) A Zoning Permit shall not be issued until the fees prescribed for it have been paid.
- (3) The Township shall refuse to issue any permit to any permittee or owner who has refused to pay costs assessed in connection with this ordinance.
- (4) No Zoning Permit or Use Certificate shall be issued until all information required for its issuance has been submitted in proper form to the Zoning Administrator.
- (5) All work shall conform to the approved application for which the Zoning Permit has been issued and any approved amendments to the approved application or permit.
- (6) All new work shall be located strictly in accord with the approved site or plot plan.
- (7) If the land subject to the proposed building, structure, renovation and/or addition is located within a subdivision or land development previously approved by the Board of Supervisors, the owner(s) shall be responsible for ensuring that all grading, stormwater management, easements, conditions and other terms imposed on the approved plan are preserved and/or complied with during and after construction. A grading plan shall be required whenever revision to the approved grading plan is proposed.
- (8) If the applicant proposes to construct sidewalks and/or a driveway or other street access, the owner shall be responsible for ensuring that such sidewalks, driveway(s) and other street access are constructed in full conformity with Township specifications therefor as set forth in the Public and Private Improvements Code.
- (9) A Permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this Ordinance, the Uniform Construction Code Ordinance or any other ordinance or regulation governing the work, except as specifically stipulated by legally granted variance as described in the application.
- (10) No Permit shall be issued to any applicant or owner who is then in violation of the terms of a foundation permit, zoning permit, sign permit, UCC permit, development plan approval or agreement, use certificate, UCC occupancy certificate or other governmental approval and/or Township ordinance or regulation.

10.02.7 Amendments to Applications

- (1) Subject to the limitations of Section 10.06, amendments to a plan, application or other records accompanying the same shall be filed at any time before completion of the work for which the Zoning Permit is sought or issued.
- (2) Such amendment(s), if approved and accompanied by any required fee, shall be deemed part of the original application and shall be filed therewith.

10.03 Use Certificate

- 10.03.1 No vacant land shall be occupied or used and no structure erected, reconstructed, structurally altered or changed in use until a Use Certificate has been issued by the Zoning Administrator after proper application therefor and payment of fees prescribed for such certificate.
- 10.03.2 Where required under this Ordinance, a Use Certificate shall serve as confirmation that a property is zoned for the use proposed in the application and that requirements established in this Ordinance and/or the Subdivision and Land Development Ordinance for application for, issuance of and compliance with permits as issued have been met. A Use Certificate shall not be deemed or interpreted to constitute a certification by Millcreek Township that construction, reconstruction, alteration, demolition or other like activity has been conducted in accordance with standards prescribed in this Ordinance, nor shall it be presumed to involve an inspection of such construction activity.
- 10.03.3 A Use Certificate shall also be required in order to maintain, renew, change, expand or extend a nonconforming use existing at the time of the enactment of the Zoning Ordinance and Zoning Map, and shall state that the use does not conform with the provisions of the Zoning Ordinance and/or Zoning Map.
- 10.03.4 A Use Certificate, either for the whole or any part of a new building or structure or for alteration of an existing building or structure shall be applied for contemporaneously with application for a building permit, at which time all fees prescribed therefor shall be paid.
- 10.03.5 A Use Certificate for use or occupancy of vacant land or for the change in use of land or for the change in use of an existing building or structure shall be applied for and issued before any change in the use of land or of any building or structure may be made.
- 10.03.6 A Use Certificate for use or occupancy of vacant land or for change in the use of land or of an existing building or structure not requiring a Zoning Permit, where authorized and appropriate, shall be issued by the Zoning Administrator or his or her subordinate within ten (10) days after submission of a complete application and payment of all required fees.
- 10.03.7 The Zoning Administrator shall not issue a Use Certificate unless a proper application therefor has been filed and fees therefor paid at the time required under this Section.
- 10.03.8 A record of all Use Certificate applications and issued certificates shall be kept on file in the office of the Zoning Administrator, and a copy shall be furnished upon request to any person having an ownership or tenancy interest in the land or building affected by such application or certificate.
- 10.03.9 The Zoning Administrator shall refuse to issue a Use Certificate until and unless all requirements for its issuance have been met. If an application for a Use Certificate is not made and/or fees therefor paid in the time and manner prescribed in this Section, no Use Certificate shall be warranted or issued.

10.04 Foundation Permits

10.04.1 General Standards and Intent. This Ordinance shall not be interpreted to authorize issuance of permits to excavate or construct a foundation for a building or structure prior to issuance of a building permit.

10.04.2 No foundation permit shall be issued or authorized except where approved by the Board of Supervisors, and the Board of Supervisors shall authorize issuance of a foundation permit only where the following findings are made:

- (1) Applicant has exercised due diligence in planning the construction and, due to events beyond applicant's control which do not include the timing of acquisition of land, required zoning, permits and/or plan approvals or preparation of required plans, is unable to meet requirements for issuance of a construction permit; and
- (2) Applicant has applied for and been issued a Zoning Permit; and
- (3) Issuance of a foundation permit is necessary to allow the applicant to construct a building foundation prior to the onset of winter weather; and
- (4) Applicant has demonstrated that all requirements for issuance of a UCC building permit will be met within 30 days after any foundation permit is authorized; and
- (5) If required, Applicant has submitted a stormwater management plan which has been certified by the retained engineer as meeting applicable requirements, and such plan has been implemented or will be implemented within thirty (30) days after issuance of any foundation permit; and
- (6) Applicant in writing has certified that applicant will comply with all conditions imposed upon a foundation permit; will not engage in any activity beyond the construction of a foundation to grade; will meet all conditions for issuance of a UCC building permit within thirty (30) days after issuance of a foundation permit and will cease construction activity after construction of the foundation subject to such permit; and
- (7) All conditions established for issuance of such permit have been met.

10.04.3 A foundation permit if authorized shall be subject to the following conditions:

- (1) Such permit shall be valid for not longer than thirty (30) days; and
- (2) The applicant shall have tendered to Millcreek Township an irrevocable letter of credit in a sum not less than \$25,000.00, as security for applicant's full compliance with the terms of the foundation permit, such security to be available for payment of damages and all fines and costs imposed in the event applicant should violate terms of the foundation permit; and
- (3) Within 30 days after issuance of a foundation permit, applicant shall have submitted all plans, permits, approvals and other items required under the UCC Ordinance and other applicable ordinances for issuance of a UCC building permit; and

- (4) All work in constructing the authorized foundation shall be subject to regulations of the Pennsylvania Construction Code and to inspections by the retained building code official; and
- (5) Should applicant fail to submit all items required for issuance of a UCC building permit within thirty (30) days after issuance of the foundation permit and/or continue construction activity after the expiration of the issued foundation permit, applicant shall have violated this Ordinance and the terms of the foundation permit, and shall be subject to fines for each and every day a violation continues, a violation deemed to continue through the day prior to issuance of a UCC building permit; and
- (6) In the event of violation by the applicant, the Township shall be authorized to recover from the tendered financial security all fines prescribed by this Ordinance for such violation(s), together with all costs and attorneys' or engineering fees incurred by the Township as a consequence of the violation and/or the Township's enforcement; and
- (7) In the event of violation by applicant, no UCC building permit shall be issued until and unless all fines, fees and costs due as a result of violation of the terms and conditions of the foundation permit have first been paid.

10.05 Permits

10.05.1 Action on Application

- (1) The Zoning Administrator shall examine or cause to be examined all applications for permits and certificates and amendments thereto within a reasonable time after filing of all required documents.
- (2) If the application does not conform to the requirements of all pertinent laws, the Zoning Administrator shall reject such application in writing, stating the reasons therefor.
- (3) If the Zoning Administrator is satisfied that the proposed work conforms to the requirements of this and other applicable ordinances, he or she shall issue a permit or certificate therefor as soon as practicable.

10.05.2 Suspension or Revocation of Permit A Permit issued under this Ordinance may be suspended or revoked by the Zoning Administrator if it is determined that the terms of the permit as issued have been violated, that conditions imposed on the permit as issued have not been satisfied by the applicant in timely fashion or that applicant has failed to commence or complete work authorized within the time period authorized by the permit. If Township officials responsible for enforcement of ordinances other than the Zoning Ordinance which pertain to the authorized activity notify the Zoning Administrator that such regulations have been violated or that required conditions have not been complied with, the Zoning Administrator shall act to suspend or revoke the issued permit.

- (1) Where a Zoning Permit has been issued in connection with an activity that is subject to regulation under the UCC Ordinance, the Zoning officer shall notify the UCC building code official promptly upon suspension or revocation of a Zoning Permit.

- (2) Enforcement of regulations under Township ordinances other than this Zoning Ordinance shall be within the authority of those officials to whom such responsibility has been delegated by the Board of Supervisors.

10.05.3 Signature to Permit The signature of the Zoning Administrator or his or her designee shall be attached to every permit or certificate issued.

10.05.4 Form of Permit Applications for permits or certificates shall be submitted on such written form(s) as the Board of Supervisors shall adopt from time to time.

10.06 Time Limitations on Applications and Permits

10.06.1 An application for a Zoning Permit for any proposed work and/or a Sign Permit shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; provided, that the Zoning Administrator shall have authority to grant one or more extensions of time for additional periods not exceeding ninety (90) days each where good cause is shown.

10.06.2 A Zoning Permit shall become invalid if the applicant has not obtained a UCC building permit, where required, within six (6) months after issuance of the Zoning Permit, or if the authorized work has not commenced within six (6) months after the date on which the Zoning Permit or UCC building permit for the activity was issued, whichever is later.

10.06.3 Authorization granted by the Zoning Hearing Board or a Court of appropriate jurisdiction under a variance allowing issuance of a permit shall be valid for a period of six (6) months from the date of the Zoning Hearing Board's or Court's decision, whichever is later, and shall expire and become null and void if an application for the authorized permit is not submitted as required by this Article within six (6) months after the date of said decision.

10.07 Powers and Duties of Zoning Administrator

10.07.1 The Zoning Administrator and such assistants and subordinates as are designated by the Board of Supervisors shall have such duties and powers as are necessary to administer and enforce this Ordinance, including but not limited to the following, which shall apply to the Zoning Administrator and all other authorized employees:

- (1) Such officials shall receive and act upon applications for Permits to authorize the erection, reconstruction, alteration or repair of and additions to buildings and structures, Use Certificates, sign permits, construction of foundations and other matters under this Ordinance, and enforce compliance with this Ordinance.
- (2) Such officials shall receive and refer to the Zoning Hearing Board all applications for variance, use on special exception and other matters within the jurisdiction of said board.
- (3) Such officials shall receive and refer to the Planning Commission and Board of Supervisors all petitions requesting rezoning of properties.
- (4) Such officials shall refer to the Board of Supervisors such other applications or petitions as are directed to the Board of Supervisors for action.

- (5) Such officials shall receive and refer to the Solicitor applications for subdivision waiver approval and assist in review of such applications.
- (6) Such officials may, with the prior approval of the Board of Supervisors, engage such expert opinions as the Board of Supervisors deems necessary to report upon unusual technical issues which arise.
- (7) Such officials shall be responsible for enforcement of this Ordinance.
- (8) Such officials shall approve and issue a permit or certificate only when all requirements for its issuance have been met.
- (9) Where all requirements for a permit or certificate have not been met, such officials shall in writing deny such application, the writing to state the reason(s) for such denial.
- (10) Where a permit or certificate has been issued in reliance upon information submitted by the applicant which is later found to be materially untrue, or has been issued improvidently, such officials shall have authority to revoke such issued permit or certificate. Such revocation shall be in writing and state the reason(s) for revocation, and shall be sent to the person to whom the permit or certificate was issued via U.S. certified mail.
- (11) Such officials shall make such investigations as they deem necessary or appropriate in performance of their duties, and shall carry proper identification should they inspect buildings or premises in the performance of their duties.
- (12) Such officials shall issue all notices or orders necessary to act upon applications and ensure compliance with this Ordinance.
- (13) Such officials shall issue all stop work orders which may be necessary in event of violations of this Ordinance or of any issued permit or certificate.
- (14) Such officials are authorized to register nonconforming lots, structures and uses.
- (15) Such officials shall communicate with the building code official retained by the Township to administer and enforce the Uniform Construction Code, and shall receive and maintain on file reports, permits, certificates and other documents received from said building code official. Communications shall include all necessary or appropriate to proper administration of the ordinances, including but not limited to notices of violation of the respective regulations and assistance in enforcement proceedings.
- (16) Such officials shall issue all notices and prosecute all actions necessary to enforce this Ordinance and permits or certificates as issued.

10.08 Completion of Buildings

All buildings and structures started within six (6) months prior to the enactment date of the ordinance amending this Ordinance and not in conformity therewith shall be discontinued, provided:

10.08.1 No substantial construction has been made and construction is not prosecuted without delay and completed within a period of one year from said date; or

10.08.2 No contract or contracts have been let.

10.09 Fees

10.09.1 Fees, deposits and other charges shall be imposed and shall be paid at the time any application for permit, renewal, certificate or other approval, appeal or other item is submitted, in accordance with the schedule of fees established from time to time by Resolution of the Board of Supervisors. The Board shall have authority, by resolution, to modify the amount and/or nature of such items.

10.09.2 Petitions requesting rezoning of property shall be accompanied by a filing fee as prescribed by the Board of Supervisors to defray costs and fees for professional services.

10.09.3 Each appeal or application to the Zoning Hearing Board or Board of Supervisors, exclusive of appeals from action of the Zoning officer, shall be accompanied by a filing fee as prescribed by the Board of Supervisors to defray costs and fees for professional services.

10.09.4 Each appeal to the Zoning Hearing Board challenging propriety of action by the Zoning Administrator shall be accompanied by a filing fee as prescribed from time to time by the Board of Supervisors to defray costs of advertising, processing and professional services.

10.09.5 No petition, application, appeal or other submission shall be deemed complete until and unless accompanied by payment of all fees, deposits and other charges required for it.

10.10. Administrative Matters

10.10.1 The Zoning Administrator shall retain in permanent files all applications for zoning permits, use certificates, petitions for rezoning, applications for variance or use on special exception, appeals and other documents submitted to the Township or to the Zoning Hearing Board pursuant to this Ordinance and all decisions thereon.

10.10.2 The Zoning Administrator shall retain in permanent files all construction permits, final inspection reports and occupancy certificates issued under the Uniform Construction Code Ordinance and received from the building code official under that ordinance.

10.10.3 The Zoning Administrator shall submit to the Board of Supervisors monthly and annual written reports of UCC construction permits and of zoning permits for activities which are regulated by this Ordinance, and shall submit to other appropriate governmental entities reports of such activities as directed by the Board of Supervisors or its designee.

10.10.4 The Board of Supervisors is authorized to establish by Resolution procedures and forms for the proper implementation of this Ordinance.

10.11 Zoning Hearing Board

10.11.1 Appointment and Powers. The Board of Supervisors shall appoint a Zoning Hearing Board (within this Section, "Board") in accordance with the requirements of the MPC. The Board shall have the jurisdiction to hear and render final adjudications in the following matters:

- (1) Appeals from the determination of the Zoning Administrator, including, but not limited to, the granting or denial of any permit, or where it is alleged there is order in any order, requirement, decision or determination made by the Zoning Administrator in the administration and enforcement of this Ordinance.
- (2) Appeals from a determination by the Zoning Administrator or the Township Engineer with reference to administration of any floodplain or flood hazard provisions within this Ordinance.
- (3) Applications for uses on special exception authorized in Article 8 of this Ordinance.
- (4) Appeals for variance from the regulations of this Ordinance, subject to the requirements of this Section and Section 910.2 of the MPC.
- (5) Substantive challenges to the validity of any provision of this Ordinance, except those to be brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the MPC.
- (6) Challenges to the validity of a land use ordinance brought pursuant to Section 909.1(2) of the MPC.

10.11.2 Membership of the Board. The membership of the Board shall consist of three residents of the Township to be appointed by resolution of the Board of Supervisors. The Board of Supervisors by resolution may appoint at least one but not more than three residents of the Township to serve as alternate members of the Board. Other matters pertaining to the Board's membership, removal of members, vacancies, organization and expenditures shall be governed by Sections 903 and 905-907 of the MPC.

10.11.3 Appeals and Applications.

- (1) Forms. Appeals and applications to the Board shall be submitted to the Zoning Administrator on such forms as are adopted for use by the Board of Supervisors, which may require such additional information as said Board deems appropriate.
- (2) Fees. See Section 10.09.3 and 10.09.4, above.
- (3) Deadlines for Submission of Appeals and Applications
 - (i) All appeals from determinations of the Zoning Administrator or the Township Engineer and all appeals challenging the validity of a land use ordinance brought pursuant to Section 909.1(2) of the MPC under Sections 10.11.1(1), (2) and/or (6) of this Ordinance shall be filed with the Zoning Administrator not later than thirty (30) days after the date of the determination or of enactment to which said appeal pertains.

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- (ii) The Board of Supervisors shall have authority to establish deadlines for submission of appeals and applications for inclusion on a monthly agenda of the Board, such deadlines to ensure that public notice and other notice requirements of the MPC and/or this Ordinance are complied with.
 - (4) Transmission of Documents to Board. The Zoning Administrator shall transmit to the Board all documents submitted with an appeal or application and, where appeals from determinations or enacted ordinances are filed, all documents constituting the record upon which the action appealed from was taken.
 - (5) Notices.
 - (i) The Board shall fix a reasonable time for the hearing of an appeal and for any continued hearing.
 - (ii) The Zoning Administrator shall ensure that public notice of hearings of the Board as required by the MPC is given.
 - (6) Conflicts Between Maps. Should the street layout actually on the ground or as recorded differ from the street layout as shown on the Zoning Map, the Board shall interpret the Zoning Map in such a way as to carry out the purposes and intent of this Ordinance and the Zoning Map for the particular lot, section or district in question.
- 10.11.4 Conduct of Hearings. The Board shall conduct its hearings and issue decisions and adjudications in accordance with the requirements of MPC Section 908.
- 10.11.5 Board's Functions; Special Exceptions. The Board shall hear and consider application for uses on special exception in accordance with MPC Section 912.1, these supplemented by the provisions of Article 8 of this Ordinance, these including but not limited to general and specific criteria.
- 10.11.6 Board's Functions; Variances.
- (1) The board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance, provided that all of these findings are made where relevant:
 - (i) 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 subject property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located.
 - (ii) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable a reasonable use of the property.
 - (iii) That such unnecessary hardship has not been created by the appellant.

- (iv) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (v) 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.
- (2) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and of the MPC.

10.12 Planning Commission

10.12.1 Formation and Membership The Planning Commission shall be deemed to have been constituted by Sections 5.03 and 5.04 of the Subdivision and Land Development Ordinance, as may in the future be amended.

10.12.2 Powers and Duties. In addition to those powers and duties established in Section 5.04 of the Subdivision and Land Development, the Planning Commission shall:

- (1) Hear and refer to the Board of Supervisors its recommendation on petitions requesting a change in zoning of a premises.
- (2) Submit to the Board of Supervisors annually, not later than March 1, a report of its activities during the preceding calendar year, and such additional interim reports as the Board of Supervisors shall request.

10.13 Amendments

10.13.1 General. The regulations and provisions of this Ordinance may be amended from time to time, upon recommendation of the Planning Commission or the Zoning Hearing Board, upon the initiation of the Board of Supervisors or upon petition to the Board of Supervisors. A landowner's proposed curative amendment shall conform to the requirements for a proposed amendment initiated by petition.

10.13.2 Procedure and Notice. Amendments of this Ordinance shall be effected in accordance with the standards and notice requirements therefor established in the MPC. Approval of the Board of Supervisors shall be required for adoption of any amendment.

10.13.3 Action on Petition. The Board of Supervisors shall take final action upon such petition for amendment, supplement or change of this Ordinance within 120 days after the filing of the petition with the Secretary of the Township. If the Board of Supervisors shall fail to take action upon such petition within said time, the petition shall be deemed to have been denied.

10.13.4 Limitation on Resubmission of Petition After Denial. If a petition is denied, a new petition involving the same intended use may not be submitted for a period of one year from the date of such denial.

10.14 Violations and Penalties

10.14.1 Penalties for Violation. Any person who or which has violated or permitted the violation of any provision(s) of this Ordinance other than Section 6.09.3 {registration by providers of temporary storage facilities] shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township in accordance with Ordinance No. 96-8, as amended, pay a judgment of Six Hundred Dollars (\$600.00) for each such violation, plus all court costs and including all attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of determination of a violation by the District Magisterial Judge. Each day that a violation continues shall constitute a separate violation, unless the District Magisterial Judge 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 Magisterial Judge. Thereafter, each day that a violation continues shall constitute a separate violation.

- (1) A person or entity found to have violated regulations of this Ordinance requiring registration of providers of temporary storage facilities shall pay a fine of \$250.00 for each such violation, plus costs and attorney's fees.

10.14.2 Payment of Judgments, Costs and Fees. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to Millcreek Township.

10.14.3 Collection of Judgment. If the defendant neither pays nor timely appeals the judgment entered by the District Magisterial Judge, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure.

10.15 Enforcement Notice and Procedures

10.15.1 Enforcement Notice. If it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice. Such enforcement notice shall comply with requirements therefor as set forth in MPC Section 616.1 and in Ordinance Nos. 2007-6 and 96-8, as amended.

10.15.2 Service of Notice. An enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel and/or to any other person requested in writing by the owner of record.

10.16. Additional Enforcement Remedies

10.16.1 Action to Prevent, Restrain, Correct or Abate. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

10.16.2 Remedies Non-Exclusive. In the event of a violation of any provision of this Ordinance, the Township shall have authority to exercise or pursue any or all of the remedies available to it under this Article, the MPC and other applicable laws and ordinances. Election by the Township of one or more remedies shall not be deemed to exclude exercise of other available remedies.

10.17 Effective Date

This Ordinance shall become effective seven (7) days after its enactment.

10.18 Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

10.19 Repealor

All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed. The Sign Ordinance (No. 88-21) and the Junkyard Ordinance (No. 61-6) are expressly repealed upon the effective date of this Ordinance. This Ordinance amends and restates Ordinances No. 2, 100, 74-9 and all prior ordinances enacting and/or amending zoning regulations. All such ordinances are repealed upon the effective date of this Ordinance, subject to the provisions of this Article and Article 1.

BE IT ENACTED this 16th day of August, 2011.


Richard P. Figaski, Secretary

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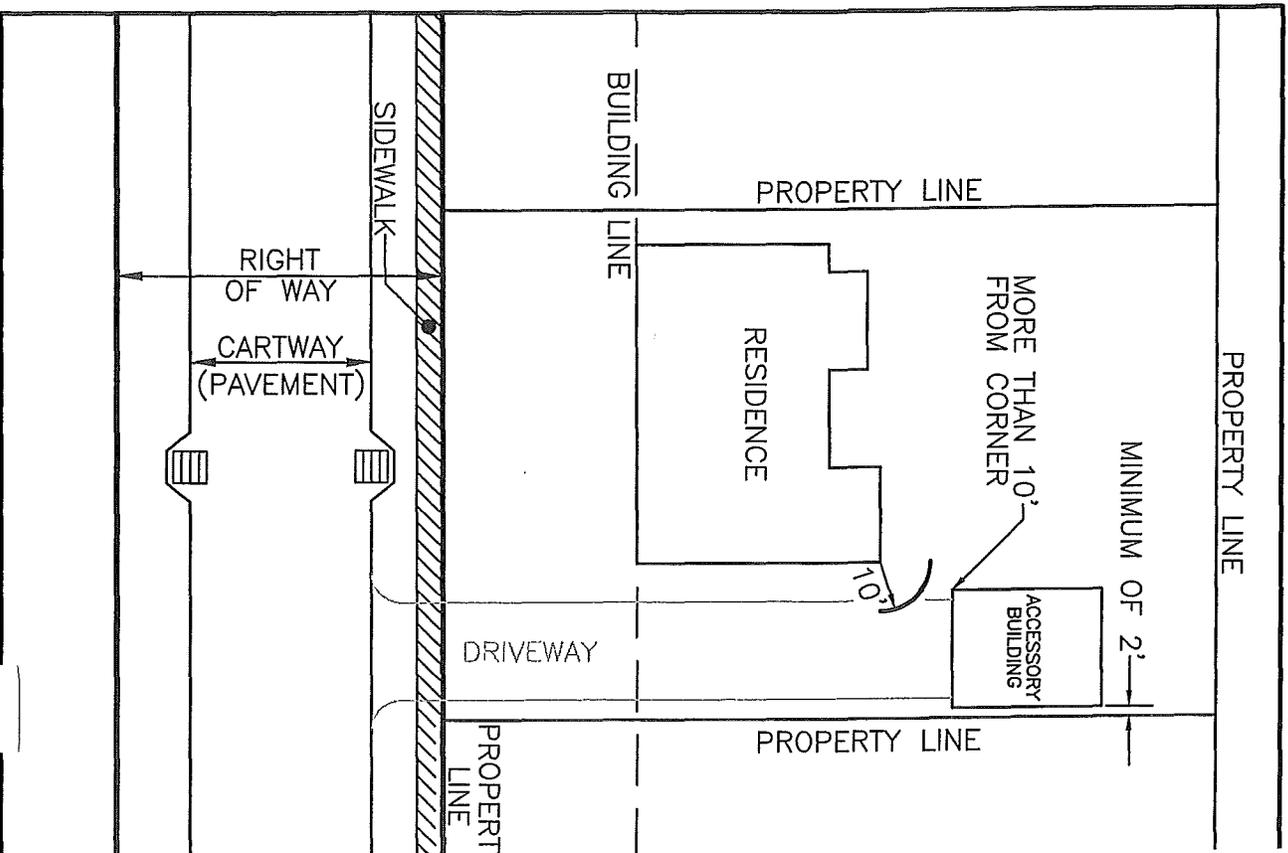
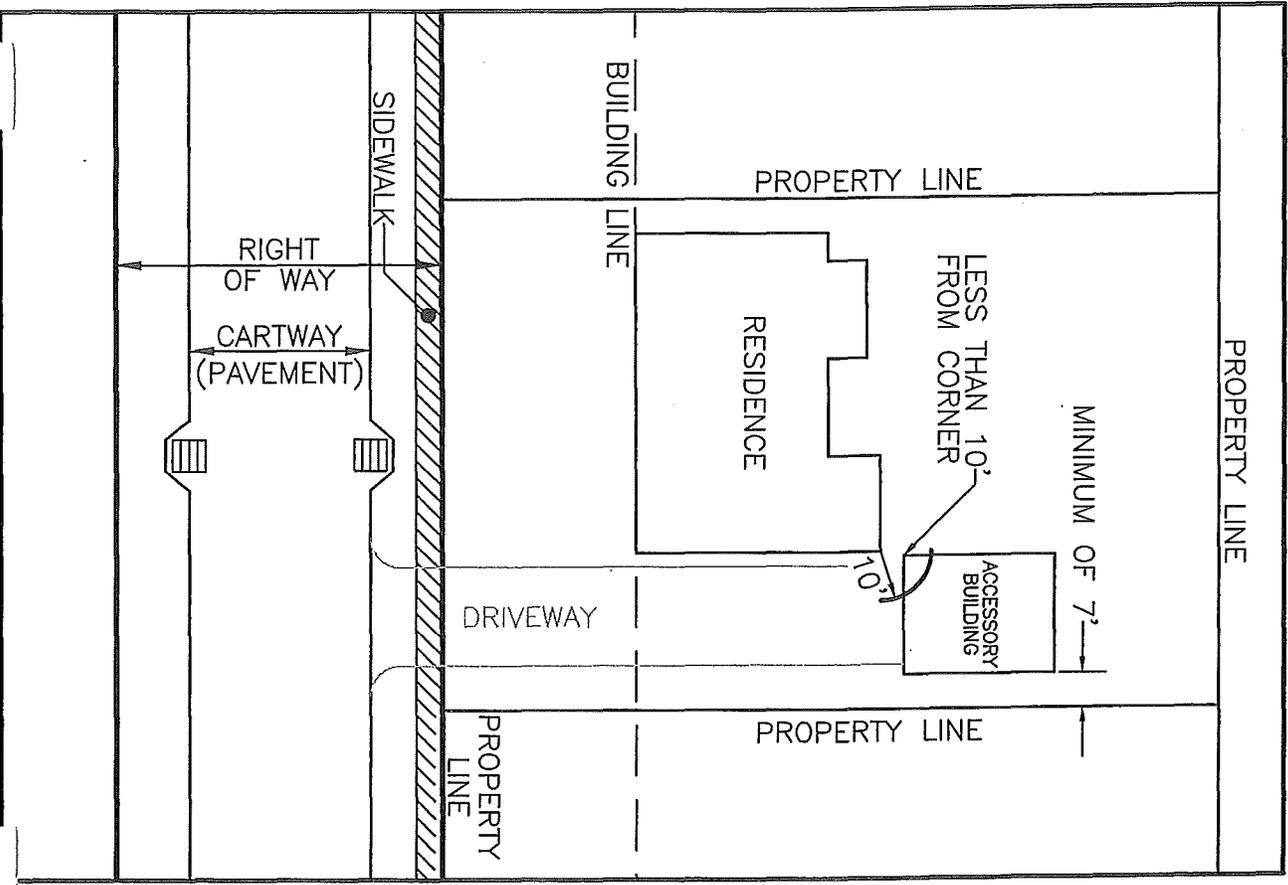
APPENDIX

A - ACCESSORY BUILDING SETBACKS

B - FENCING REQUIREMENTS

C - DEFINITION OF TYPES OF LOTS

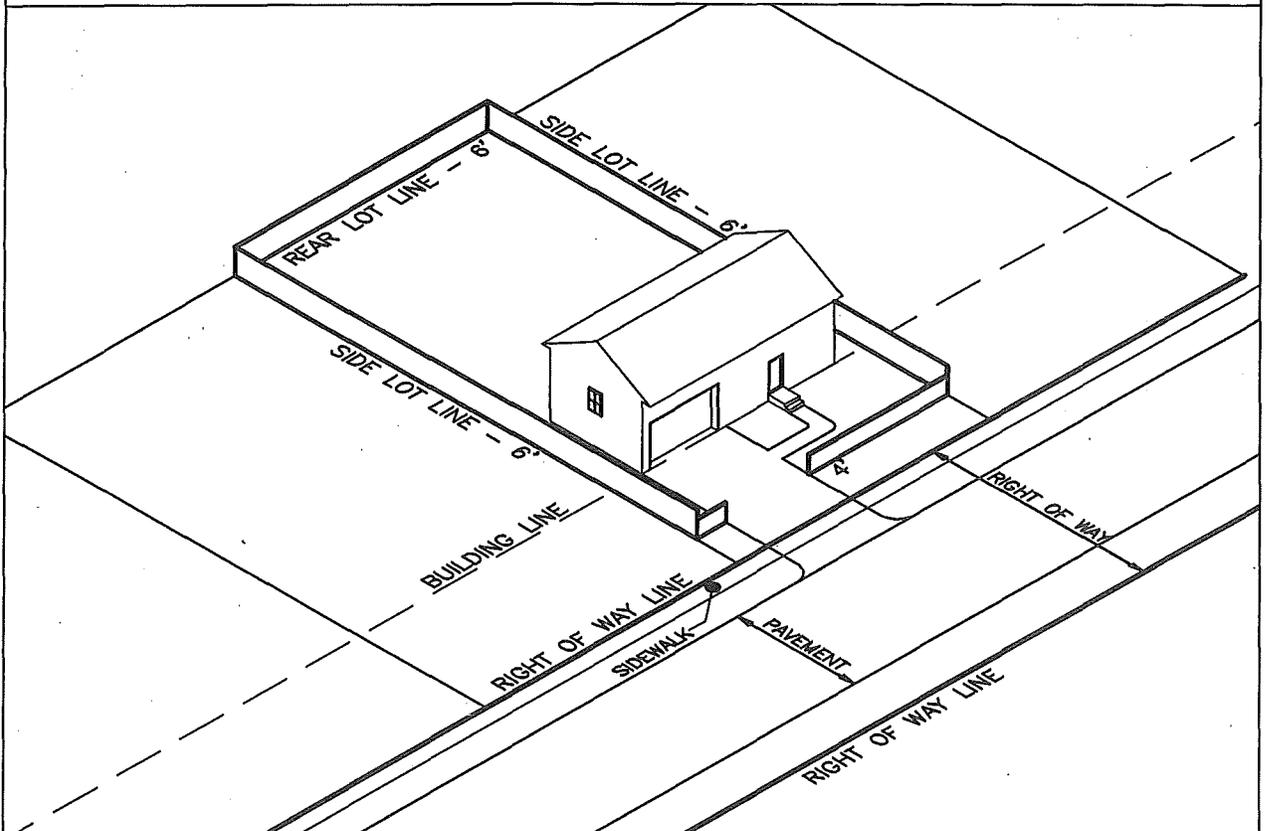
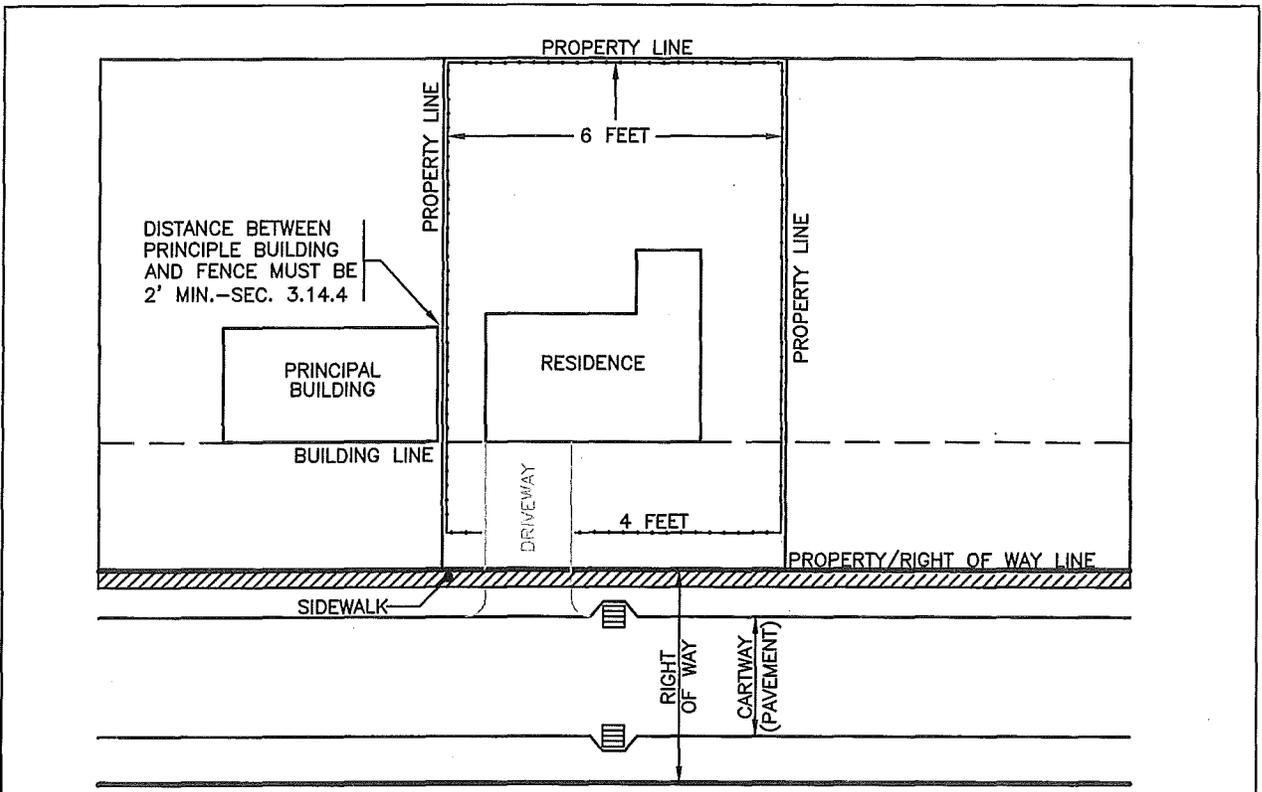
MILLCREEK TOWNSHIP ACCESSORY BUILDING SETBACKS APPENDIX A



MILLCREEK TOWNSHIP FENCING REQUIREMENTS

APPENDIX B

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DEFINITION OF TYPES OF LOTS

