

**LATIMORE TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA**

ZONING ORDINANCE

2008



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**THE LATIMORE TOWNSHIP
ZONING ORDINANCE**

An Ordinance permitting, prohibiting, regulating, restricting and determining the uses of land and watercourses; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land to be occupied by uses and structures; the density of population and intensity of use; and providing for the administration and enforcement thereof within the Township of Latimore.

The Board of Supervisors of the Township of Latimore, County of Adams, Commonwealth of Pennsylvania, by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, and any amendments and supplements thereto, do hereby ordain as follows:

**ARTICLE I
GENERAL PROVISIONS**

Section 101. Short Title.

This Ordinance shall be known as the "Latimore Township Zoning Ordinance."

Section 102. Purpose.

This Ordinance is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: The public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements.
- B. To prevent one or more of the following: Overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Ordinance is made in accordance with an overall program, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.
- C. To preserve, protect, and to foster agricultural pursuits including, but not limited to family farm operations, social and cultural aspects of the agricultural community, the effective economic use of agricultural lands, the protection of such farmlands from erosion and uses not compatible with efficient use of agricultural lands.

Section 103. Declaration of Conformance.

This Ordinance has been made with consideration for the character of the Township of Latimore, its various parts, and the suitability of the various parts for particular uses and structures; and is in accordance with the expressed or implied community development objectives of the comprehensive plan for the development of the Township.

Section 104. Zoning Officer.

The appointed position of Zoning Officer is hereby established for the administration of this Ordinance and said officer shall have such powers and authority as set forth within the Pennsylvania Municipalities Planning Code and this Ordinance.

Section 105. Zoning Hearing Board.

A duly established Zoning Hearing Board may, from time to time, be herein referred to as the Board and unless otherwise clearly indicated, the term "Board" shall refer to such Zoning Hearing Board.

Section 106. Interpretation.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Township and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Township, which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger space than is imposed or required by such ordinance, rules, regulations, or permits, or by easements, covenants, building restriction or agreements, the provisions of this Ordinance shall control.

ARTICLE II DEFINITION OF TERMS

Section 201. Application and Interpretation.

The words, terms and phrases set forth under Section 202 are defined in order to facilitate the interpretation of this Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Board. Words and phrases used shall be presumed to be used in their ordinary context unless such word or phrase is defined differently within this section. Unless otherwise expressly stated, words used in the present tense include the future; words used in the singular include the plural; the male gender includes the female gender; the word person includes a profit or non-profit corporation, company, partnership, association, or individual; the words used or occupied as applied to any land or building include the words intended, arranged, or designed to be used or occupied; the word lot includes plot or parcel; and the word shall or must is always mandatory.

Section 202. Definitions.

For the purpose of this Ordinance, the following words, terms and phrases have the meaning herein indicated:

Access Drive - A paved surface, other than a street, which provides vehicular access from a street or private road to a lot. Access drives shall be located and constructed so as to provide safe ingress and egress with respect to the lot. If the access drive provides access to a state highway, issuance of an access permit by PennDot shall be required prior to the issuance of any permit under this Ordinance.

Accessory Building - A building subordinate to and detached from the principal building on the same lot and used for such purposes as are customarily incidental to the principal building.

Accessory Structure - A subordinate structure or a portion of the principal structure on a lot, the use of which is customarily incidental to and consistent with that of the principal structure.

Accessory Use - A use customarily incidental and subordinate to the principal use of the principal building and located on the same lot with such principal use of building.

Acreage, Net - The total land area contained within a property or proposed site, exclusive of lands within a public or private street right-of-way.

Act - The latest version of the Pennsylvania Municipalities Planning Code, as amended.

Add-On Lot - A lot or a portion thereof adjacent to a property to which the lot or portion thereof is to become a part by subdivision and upon which there shall be no construction requiring an on-lot subsurface sewage disposal system.

Adult-Related Facilities - A business or club, which engages in one or more of the following areas of sales, services or entertainment:

1. Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
2. Adult Body Painting Studio: Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.
3. Adult Bookstore: Any establishment, which has more than twenty percent (20%) of its stock in trade consisting of:
 - A. Books, films, videotapes, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - B. Instruments, devices or paraphernalia (excluding prophylactics) which are designed for use in connection with specified sexual activities.
4. Adult Cabaret: A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. Adult Massage Establishment: Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. 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.
6. Adult Mini-Motion Picture Theater: An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of

material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any “figure studio” or “school of art” or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized there under, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with material distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Motion Picture Theater: An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
11. Adult News Rack: any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
12. Adult Out-Call Service Activity: Any establishment or business which provides an out-call service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
13. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the

purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.

14. Adult Theater: a theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
15. Any other related business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

Agent - Any person, other than the developer, who, acting for the developer, submits to the Commission and the Board of Supervisors plans for the purpose of obtaining approval thereof.

Agriculture - The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the raising of livestock such as cattle, cows, hogs, horses, sheep, goats, llamas, alpacas, deer, elk, bison, poultry, rabbits, birds, fish, bees, and other similar animals. This definition also includes noncommercial greenhouses and mushroom houses. Agriculture can involve the incidental slaughter of livestock, which have been raised on the site for no less than two-thirds of its lifespan. Excludes Concentrated Animal Operations.

Alley - A public thoroughfare other than a side street, which affords only a secondary means of access to abutting property and is not intended for general circulation.

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

Alterations, Structure - Any change to or addition of supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Amendment - A change in use in a district, which includes revisions to the zoning text and/or the official zoning map. The authority for any amendment lies solely with the Board of Supervisors.

Animal Equivalent Unit (AEU) - One thousand pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit.

AEU Per Acre - An animal equivalent unit per acre of cropland or acre of land suitable for application of animal manure.

Animal Hospital - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include outdoor and overnight boarding of animals.

Apartment, Conversion - A multiple-family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

Apartment House - A building occupied by three (3) or more dwelling units.

Area, Building - The total area taken on a horizontal plane at a level of the ground surrounding the main building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Area, Floor - The sum of the areas of the several floors of a building structure, including areas used for human occupancy in basements, attics and penthouses, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy or any floor space in an accessory building or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance or any such floor space intended and designed for accessory heating and ventilating equipment.

Area, Lot - The area within Latimore Township contained within the property lines of individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way, and including the area of any easement.

Attic - That part of a building, which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to the lower building story.

Automobile - A self-propelled free-moving vehicle primarily for conveyance on a street or roadway.

Automobile Filling Station - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which may not include major repairing, body and fender work, painting, vehicular sales, or rental or automatic car washes.

Automobile Sales - Any building or land devoted to the retail sales of passenger vehicles, including accessory service and repair facilities if conducted within a wholly enclosed building.

Automobile Service - The retail repair, servicing, maintenance and reconstruction of passenger vehicles, but not including car washes per se.

Base Flood - The flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).

Base Flood Elevation - The projected flood height of the base flood relative to mean sea level.

Basement - a story, partly underground but having one-half or more of its height (measured from floor to ceiling) above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement or determining floor area only if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.

Bed and Breakfast - A single-family detached dwelling where between one (1) and eight (8) rooms are rented to overnight guests on a daily basis for periods not exceeding two weeks. Meals may be offered only to registered overnight guests.

Billboard - A sign upon which images and/or messages of any kind are printed, posted, rendered electronically, or lettered, whether freestanding or attached to the surface of a building or other structure. A billboard is used to advertise products, services or businesses at a location other than the premises on which the sign is placed, or to disseminate other messages.

Board or Zoning Hearing Board - The Latimore Township Zoning Hearing Board.

Boarding House - A detached building arranged or used for sheltering or feeding, or both, for more than three (3) and not more than ten (10) individuals that do not constitute a family.

Building - Any construction on a lot, including covered porches or bay windows and chimneys, having a roof supported by columns and walls and intended for the shelter, housing or enclosure of persons, livestock or chattels and including covered porches, bay windows, chimneys, tents, awnings, or vehicles situated on private property and used for the purpose stated above. For purposes of the Floodplain Zone, the word "building" shall include gas or liquid storage tanks.

Detached: A building which has no party wall.

Semi-detached: A building which has only one party wall in common.

Attached: A building which has two or more party walls in common.

Building Height - A vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the building; but not including chimneys, towers, spires, elevator penthouses, tanks and similar projections.

Building Line - A line parallel to the front, side or rear lot line established to provide the required yard and building setback.

Building Setback Line - The rear line of the minimum front yard as herein designated for each district, measured from the street right-of-way line.

Campground - A lot, tract, or parcel of land upon which two or more campsites are located or established, intended and maintained for occupation by transients in recreational vehicles or tents.

Campsite - A plot of ground within a campground intended for occupation by a recreational vehicle or tent.

Car Wash - A principal or accessory use whereby structures equipped with apparatuses for the washing, waxing and/or vacuuming of vehicles are provided.

1. Automatic Car Wash: A self-serve car wash in which the vehicle enters a washing bay and is cleaned solely by a mechanized process.
2. Full Service Car Wash: A car wash in which attendants are responsible for some portion of the washing process.
3. Self-Service Car Wash: A car wash in which the vehicle enters a washing bay and is cleaned by the vehicle's occupant(s) using available equipment and cleaners.

Carport - An unenclosed structure for the storage of one or more vehicles in the same manner as a private garage, which may be covered by a roof supported by columns or posts except that one or more walls may be the walls of the main building to which the carport is accessory.

Cartway - The surface of a street, access drive, driveway or alley available for vehicular traffic, including travel lanes and parking lanes, but not including curbs, sidewalks or swales.

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

Cemetery - Land used or intended to be used for the burial of the deceased, including columbariums, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof. This definition shall not include crematoria, which shall be considered as funeral homes.

Channel - A natural or artificial watercourse with a definite bed and banks, which confine and conduct continuously or periodically flowing water.

Church and Related Uses - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and the church-related educational and/or day care facilities.

Clear Sight Triangle - An area of unobstructed vision at street intersections defined by two street lines and by a line of sight between two points on the street lines at a given distance from the intersection.

College or Boarding School - Comprehensive educational institution providing housing and dining accommodations, recreational facilities and health services for students, in addition to educational facilities which is owned and/or operated as a single management and maintenance unit with common open space, parking utilities, maintenance and service facilities and services.

Commercial Recreation Facility - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including, but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc. This does not include adult-related uses or shooting ranges as defined herein.

Commercial Truck - A vehicle that exceeds a gross vehicle weight (truck plus rated payload) of ten thousand (10,000) pounds.

Commission - The Latimore Township Planning Commission, unless otherwise noted.

Common Open Space - Any area of land or water, or combination of land and water, within a development site designated and intended for use by all residents of the development or the general public. Land included within the right-of-way lines of streets and storm water detention basins with impervious surfaces shall not be classified as common open space. Common open spaces shall not include required setbacks between buildings and street rights-of-way, driveways, access drives, parking areas, and property lines of the development. No dwelling unit, residential accessory buildings, or parking or loading areas may be located within common open spaces.

Comprehensive Plan - The complete plan for the continuing development and re-development of Latimore Township as recommended by the Planning Commission and currently adopted by the Board of Supervisors.

Concentrated Animal Operation (CAO) - An agricultural use involving the commercial keeping and handling of livestock in excess of two (2) Animal Equivalent Units (AEU's) per acre.

Conversion Apartments - The adaptation of one single-family detached dwelling to two (2) or more dwelling units.

County - Adams County, Pennsylvania.

Court - An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

Cul-de-sac - A dead-end street equipped with a circular vehicle turnaround at its terminus.

Curb Level - The officially established grade of the curb in front of the mid-point of the lot.

Dangerous Animals - Any animal other than domestic dogs and cats which in wild state are carnivorous or which because of their nature or physical makeup are capable of inflicting serious physical harm or death to human beings, including (but not limited to) such animals which

belong to the cat family, or snakes which are poisonous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup, including all constrictors, and all bears, wolverines, badgers, lions, tigers, and such other animals as the Zoning Officer determines by written rules to be dangerous animals. The written rules shall be designed to name specific kinds of animals that fall within the categories defined herein as dangerous animals, and such rules shall be consistent with the terms of this Ordinance.

Density, Net - The number of dwelling units permitted in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public and/or private streets.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

Distribution - A process whereby materials, goods, or products are imported, stored by one person, and then delivered to another.

District - A zoning district as laid out on the zoning map, along with the regulations pertaining thereto.

Dormitory - A building occupied by and maintained exclusively for faculty, students or other such persons affiliated with a school, church, recreational or educational facility or other recognized institution and when regulated by such institution.

Double Frontage Lot - A lot with front and rear street frontage on two streets.

Driveway - A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property. This does not include agricultural field access right-of-way.

Dwelling - A building or structure designed for living quarters for families, including modular housing, resting directly on and securely anchored to a concrete or bonded masonry foundation extending below the frost level and supporting the entire perimeter or a concrete slab so supported; but not including hotels, rooming houses, or other accommodations used for transient occupancy, or recreation vehicles, tents, converted vehicles, or other make-shift structures.

Dwelling Group - A group of two (2) or more two-family or multi-family dwellings, in any combination, occupying a lot in single ownership.

Dwelling, Multi-Family - A dwelling designed for and occupied exclusively by three (3) or more families, having three (3) or more dwelling units, including apartment houses, garden apartments, row houses, and townhouses.

Dwelling, Single-Family - A dwelling designed for and occupied exclusively by one (1) family, having only one (1) dwelling unit and having two (2) side yards.

Dwelling, Two-Family - A dwelling designed for and occupied exclusively by two (2) families, having only two (2) dwelling units and having two (2) side yards (such as double houses and duplexes).

Dwelling Unit - A number of separate rooms used for living and sleeping purposes, having a kitchen with fixed cooking facilities and sanitary facilities arranged for occupancy by one (1) family. No more than one (1) dwelling unit will be allowed per lot; except conversions, apartments, convalescent, and healthcare facilities.

Earthmoving Activity - Any construction or other activity, which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and moving, depositing or storing of soil, rock or earth, excluding the tilling of the soil.

Easement - The grant by a property owner of a right, not dedicated to any public entity, for limited use of private land, within which the property owner may not erect any permanent structures but within which the property owner shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee of the limited use.

Exotic Wildlife – The phrase includes, but is not limited to, all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals, which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals were bred or reared in captivity or imported from another state or nation.

Exotic Wildlife Dealer – Any person who imports into this Commonwealth, possesses, buys, sells, locates or finds for a fee, barter, donates, gives away or otherwise disposes of more than one bird or one animal classified as exotic wildlife.

Family - One (1) or more persons who live in one (1) dwelling unit and maintain a common household. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage or adoption; provided that such a “family” shall contain no more than five (5) unrelated persons. May also include domestic servants and gratuitous guests, but not occupants of a club, fraternal, lodging or boarding house.

Farm - Any parcel of land with ten (10) or more acres which is used in the raising of agricultural products, including, but not limited to, trees, livestock, poultry, agronomic and forage products, or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

Farm Occupation - An accessory use to the primary agricultural use of a property in which residents engage in a secondary occupation conducted on the active farm.

Farm-Related Business - A principal use that may, or may not, be located upon a farm, at which goods and services are rendered in support of local farming operations.

Farmers And/Or Flea Market - A retail sales use where more than one vendor displays and sells general merchandise that is new or used. Farmers and/or flea markets can include indoor and outdoor display of merchandise.

Feeder Road - A roadway that directly connects to U.S. Route 15 or Traffic Route 94.

Fence - Any structure constructed of wood, metal, wire mesh or masonry erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purpose of this Ordinance, a masonry wall is considered to be a fence; also, for the purpose of this Ordinance, when the term “lot line” is used in relation to fences, it shall be synonymous with “rear yard”, “side yard”, and “front yard” line(s). This does not include any fences erected principally to control agricultural livestock.

Fill - Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including, but not limited to, levees, bulkheads, dikes, jetties, embankments, and causeways.

Financial Institutions - A bank, savings and loan association, credit union, finance or loan company, etc.

Flag Lot - A lot meeting all requirements for the District in which it is located except the street frontage is reduced to no less than twenty five (25) feet. Front yard depth shall be measured from that point where the lot width meets the requirements of the District in which it is located.

Floodplain - An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

Floodproof - Any combination of structural and non-structural additions, changes or adjustments to structures, which reduce or eliminate flood damage to property, structures and their contents.

Floodway - The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the base flood elevation more than one (1) foot.

Flood Elevation - The projected height, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), reached by floods of various magnitudes and frequencies in the floodplain areas.

Floor Area, Habitable - The sum of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen or bedroom but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court, except in the case of mobile homes in which case the external dimensions of said homes shall control.

Frontage - The linear measurement taken along a property's common boundary with an adjoining street right-of-way, other than that of a limited access highway.

Funeral Home - A principal use for the preparation and viewing of the dead prior to burial or cremation. Funeral homes shall not include cemeteries, columbariums, mausoleums, nor entombments, but do include mortuaries and crematoriums.

Garage - An accessory building or that portion of a principal building used for the storage of one or more automobiles and/or other vehicles accessory and incidental to the principal use of the premises, provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one automobile is leased to a non-occupant of the premises.

Golf Course - A golf course with a minimum of 2,800 yards of play in nine (9) holes.

Grade, Finished - The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

Governing Body - The Board of Supervisors of the Township of Latimore, Adams County, Pennsylvania.

Gross Acre - Based on the entire area of the development including all structure area and all open space including but not limited to yard areas, water areas, parking areas, internal streets and drives, and one-half the width of boundary streets not including any limited access highway.

Hazardous Material - Materials which have the potential to damage health, endanger human life or impair safety.

Hazardous Waste - Any garbage, refuse, sludge from an industrial or other wastewater treatment plant, sludge from a water supply treatment plant, or air pollution facility and other discarded material including solid, liquid, semi-liquid, or contains gaseous material resulting from municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities, or any combination of the above, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
3. Does not include activities performed under an approved nutrient management plan.

Hazardous Waste Facility - Any structure, group of structures, aboveground or underground storage tanks, or any other area or buildings used for the purposes of permanently housing or temporarily holding hazardous waste for the storage or treatment for any time span other than the

normal transportation time through the Township.

Home Occupation - A use customarily conducted within a dwelling, carried on by the residents thereof, and which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the primary function of the dwelling as a residence.

Hospital - A place for the diagnosis, treatment or other care of humans and having facilities for inpatient care, including such establishments as a sanatorium, sanitarium and preventorium, licensed as such by the Commonwealth of Pennsylvania.

Hotel - A building designed for occupancy primarily as a temporary abiding place for individuals who are lodged with or without meals, in which building: (1) 50 percent or more of the gross floor area shall be devoted to residential use; (2) business may be conducted when accessory and incidental; (3) there may be club rooms, ballrooms and common dining facilities; (4) such hotel services as maids, telephone, and postal services may be provided.

Impervious Surface - Any material that covers the land, which inhibits the percolation of storm water directly into the soil, including but not limited to buildings, pavement, and storm water facilities that discharge storm water off the site.

Industrial Park - A tract of land laid out in accordance with an overall plan for a group of industries, with separate building sites designed and arranged on streets, with utility services, setbacks, side yards, landscaped yards and covenants controlling the architecture and uses.

Junk - Any and all discarded material or articles whether scrap ferrous or non-ferrous material such as is not ordinarily disposed of as rubbish or refuse, including but not limited to scrap copper, brass, iron, steel, glass, lumber, rope, rags, paper, rubber, debris, batteries, and wrecked, scrapped, ruined or dismantled motor vehicles or parts thereof.

Junkyard - Any outdoor establishment or place of business, which is maintained, used or operated for storing, keeping, buying or selling junk. It shall not include automotive repair, body, or rebuilder shops, garages, or service stations operated principally for the public repair, maintenance and service of motor vehicles, which business has stored on the premises not more than three (3) junked, unlicensed, inoperable motor vehicles for the purpose of parts salvaging or parts thereof arranged in a neat and orderly fashion used with regularity in connection with the operation of such automotive business.

Kennel - The sheltering for consideration of three or more dogs that are more than 6 months old.

Landowner - The legal or beneficial owner or owners of land, including the holder of any option or contract to purchase (whether or not such option of contract is subject to any condition), a lessee having a remaining term of not less than forty (40) years or other person having a proprietary interest in land shall be deemed to be a landowner for the purposes of this Ordinance.

Livestock - Domesticated animals such as: cattle, deer, elk, buffalo, cows, hogs, horses, sheep,

goats, llamas, alpacas, poultry, rabbits, birds, fish, bees and other similar animals. It does not include animals such as lions, tigers, cougars, wolves and similar wild animals.

Loading Space - An off-street paved surface suitable for the loading or unloading of goods and having direct usable access to a street or alley.

Lot - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot, Corner - A lot, which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting on 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 intersect at an angle of less than 135 degrees.

Lot Coverage - A percentage of the lot area, which may be covered with an impervious surface (e.g. buildings, driveways, parking area, sidewalks).

Lot, Interior - A lot other than a corner lot.

Lot of Record - a lot identified on a subdivision plan or a deed or other instrument of conveyance recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania.

Lot Depth - The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot Line, Rear - Any lot line which is parallel to or within 45 degrees of being parallel to a street line, except for lot lines that are themselves street lines and, in the case of a corner lot, the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, the lot line farthest from any street shall be considered a rear lot line.

Lot Line, Side - Any lot line, which is not a street line or a rear lot line.

Lot Line, Street - The dividing line between the street and the lot also known as right-of-way line.

Lot, Through - An interior lot having frontage on two parallel or approximately parallel streets.

Lot Width - The distance measured between the side lot lines at the required right-of-way line. In a case where there is only one side lot line, between such lot line and the opposite rear lot line or street line.

Manufacturing - A function involving either the processing or production of materials, goods, or products.

Manure - The fecal and urinary excrement of livestock and poultry, often containing spilled feed, bedding, or litter.

Manure Storage Facility - A detached structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in-ground storage, earthen bank, stacking area, and above-ground storage.

Maximum Flood Elevation - The water surface elevations of a flood which would completely fill the floodplain to its boundaries.

Mean Sea Level - The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

Medical or Dental Clinic - Any building or group of buildings occupied by licensed medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

Menagerie – Any place where one or more wild birds or wild animals, or one or more birds or animals which have similar characteristics and appearance to birds or animals wild by nature, are kept in captivity for the evident purpose of exhibition, with or without charge.

Mini-Warehouses - A group of buildings or structures designed for and rented to unrelated parties for the purpose of storing personal property.

Mobile Home - A dwelling unit so constructed as to permit its being conveyed on the public streets or highways and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

Mobile Home Park - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Modular Housing - A dwelling unit assembled or partially assembled away from the site on which it will be located and produced as a standardized unit.

Motel - A group of attached or detached buildings containing sleeping rooms or living units with accessory facilities designed for temporary use by automobile tourists or transients, including auto courts, motels, motor lodges and similar establishments.

Municipality - The Township of Latimore, County of Adams, Commonwealth of Pennsylvania.

New Construction - Structures for which the start of construction commenced on or after the effective date of this section.

Non-Conforming Lot - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the Zone in which it is located by reason of such adoption or amendment.

Non-Conforming Sign - A sign which does not conform to the regulations of a district in which it is located.

Non-Conforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use provisions of this ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment. This also includes a structure or part of a structure approved as a supplemental use.

Non-Conforming Use - A use, whether of land or of structure, which does not comply with the applicable use provisions of this ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment.

Nursing or Convalescent Home - A building designed and used for the full-time care of human beings and which may include housing or lodging, meals and nursing.

Nutrient Management Act - An Act of the Pennsylvania State Legislature enacted in May 1993 (3 P.S. §§1701-1719) as amended.

Obstruction - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, (1) which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or (2) which is placed where the flow of the water might carry the same downstream to the damage of life and property.

Office - A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

On-Lot Sewer Service - The disposal of sewage generated by one principal use with the use of safe and healthful means within the confines of the lot on which the use is located, as approved by the DEP.

On-Lot Water Service - The provision of a safe, adequate and healthful supply of water to a single principal use from a private well.

One Hundred (100) Year Flood - A flood which is likely to be equaled or exceeded once every one hundred (100) years (i.e., that has a one percent (1%) chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army

Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

One Hundred (100) Year Flood Boundary - The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a one percent (1%) chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, or a licensed surveyor or professional engineer, registered by the Commonwealth of Pennsylvania is necessary to define this boundary.

One Hundred (100) Year Flood Elevation - The water surface elevations of the one hundred (100) year flood.

Open Space - A space unoccupied by buildings or paved surface and open to the sky on the same lot with the building.

Own, Keep or Harbor – To have legal title to or custody or control over any dangerous animal in the Township.

Parks, Public and/or Non profit - Those facilities designed and used for recreation purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) are operated on a nonprofit basis. This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses, amusement arcades, off-track betting parlors and shooting ranges.

Parking Lot - An accessory use in which required, and possibly, additional parking spaces are provided subject to the requirements listed in Section 514 of this Ordinance.

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

Person – Includes any natural person, association, partnership or organization or corporation.

Pesticide - Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

Petroleum Product - Oil petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as sludge, as oil refuse, or mixed with other wastes.

Planned Residential Development - An area of land, controlled by one owner, to be developed as a single entity for a number of dwelling units which may include limited non-residential uses

accessory thereto, the development plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established under the provisions of this ordinance.

Planning Code - The Pennsylvania Municipalities Planning Code, Act 247, 53 PS 10101, ff., as amended.

Plat - A map, plan or layout showing the subdivision of land and indicating the location and boundaries of individual properties.

Premises - The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in common with such buildings or uses, the following are not considered to be part of the premises on which the activity is conducted, and any signs located on such land are to be considered off-premises advertising:

1. Any land which is not used as an integral part of the principal activity, including land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity; and extensive undeveloped highway frontage contiguous to the land actually used as a commercial facility, even though it might be under the same ownership.
2. Any land, which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
3. Any land which is in closer proximity to the highway than to the principal activity, and developed or used only in the area of the sign site or between the sign site and the principal activity and whose purpose is for advertising purposes only. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if the site is located on a narrow strip of land which is non-buildable land, or is a common or private roadway, or is held by easement or other lesser interest than the premises where the activity is located.

Private Club - An organization catering exclusively to members and their guests, or premises or building for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related facilities nor off-track betting parlors, as defined herein.

Private School - Any elementary or secondary school privately owned or operated by a private individual or organization.

Public Hearing - A formal meeting held pursuant to public notice by the governing body or

planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters.

Public Meeting - A forum held pursuant to notice under the Act of July 1986 (P.L. 388, No. 84), known as the Sunshine Act, and subsequent amendments.

Public Notice - Notice published once each week for two consecutive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven days from the date of the hearing. Public notice for rezoning, special exception and/or variance requests shall also include the posting of sign(s) at a conspicuous location(s) upon the subject property to notify potentially interested citizens; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

Public School - An elementary or secondary school operated by a local governmental authority.

Public Uses - Any use that is available to the general public by right or custom. It includes but is not limited to parks, recreation facilities, polling places, government buildings or utilities.

Public water - A municipal water supply system, or a comparable common water facility approved and permitted by DEP. Such systems are capable of serving multiple users.

Publicly-Owned Facility - Owned, operated, or controlled by a government agency (Federal, State or local - - including a corporation created by law for the performance of certain specialized governmental functions). This includes educational institutions and facilities and museums.

Quarry - Land used for the purpose of extracting stone, sand, clay, gravel, top soil or other mineral for sale and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

Radioactive Material - Any natural or artificially produced substance, which emits radiation spontaneously.

Recreation Vehicle - Any portable or mobile vehicle used or designed to be used for travel, recreation, and/or temporary living purposes; regardless of any other intended use and whether or not its wheels, rollers, or skids are in place. A recreation vehicle shall include trailer, camper, boat, boat trailer, snow mobile, airplane, or other similar vehicle which may provide partial and usually temporary living and sleeping quarters and which may or may not include a kitchen and/or bathroom conveniences.

Regulatory Flood Elevation - The one hundred (100) year flood elevation plus a freeboard of one (1) foot.

Reverse Frontage Lot - A lot extending between and having frontage on an arterial or collector street and a local street with vehicular access solely from the latter.

Riding Academies - A principal use whereby equestrian instruction is offered and horses are kept, bred, trained and/or exercised upon land not occupied by the owner of the horse(s).

Right-of-Way - The area of land reserved or dedicated for use as a road, street, highway, avenue, or other passageway, within which the property owner shall not have the right to make any other use of the surface of the land except that allowed to the public in general if the reservation or dedication were accepted.

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

Screen Planting - An evergreen vegetative material of sufficient height and density to conceal from the view of passing motorists and adjacent property owners the structures and uses on the premises on which the screen planting is located.

Semi-Publicly-Owned Facility - Owned, operated or controlled by a private non-profit organization of a public service nature and duly recognized as such by the Commonwealth of Pennsylvania. This includes: hospitals, medical clinics, nursing or convalescent homes, educational institutions and facilities, museums and resorts.

Serious Physical Harm to Persons – Any of the following:

1. A mental illness or emotional condition serious enough to require hospitalization or prolonged treatment;
2. Physical harm involving a substantial risk of death;
3. Physical harm involving partial permanent incapacity or total permanent incapacity;
4. Physical harm causing permanent disfigurement or temporary serious disfigurement; and
5. Physical harm causing acute pain lasting long enough to result in substantial suffering or causing any degree of prolonged or incurable pain.

Setback - The required distance that buildings and structures must be set back from right-of-way or property lines.

Sewer, Public - A public sewer is any municipal or privately owned sewer system in which sewage is collected from buildings and piped to an approved sewage disposal plant or central

septic tank disposal system. It may also be referred to as off-lot or off-site sewer. This shall include capped sewers when installed to Township specifications.

Sewer, Private - An on-lot septic tank disposal system generally providing for disposal of effluent for only one building or a group of buildings on a single lot.

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

Shooting Range - A place where firearms and other projectile-type weapons (e.g. guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) can be shot for recreation, competition, skill development and/or training. Nothing within this definition shall be construed to include hunting when conducted in accordance with the rules and regulations of the Commonwealth of Pennsylvania.

Single and Separate Ownership - The ownership of a lot by one or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot. Ownership shall be considered separate and distinct where lots have been separately described as such, by metes and bounds, in a recorded deed or conveyance prior to the enactment of this Ordinance, or an amendment thereto, and have continued since that date to be so separately described in all subsequent recorded deeds of conveyance.

Sign - Any surface, fabric, device or structure (including billboards or poster panel) bearing lettered, pictorial or sculptured matter designed for visual communication and used for the purposes of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or any official traffic control sign or device.

Special Exception - The approval of a use which is other than a basic permitted use of a zone district, or a modification of the regulations of this Ordinance, which the Zoning Hearing Board is permitted to authorize in specific instances listed in this Ordinance, under the terms, procedures and conditions prescribed herein.

Specified Anatomical Areas - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities - For the purposes of this Ordinance, this term shall include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or

2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
5. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or
6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

Stables - Buildings or structures used on a commercial basis for housing and feeding horses, donkeys or mules. It also includes related structures for feed and equipment storage.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it; if there is no floor above it, then the space between any floor and the ceiling immediately above it.

Street - A public or private right-of-way, which affords primary vehicular or pedestrian access to abutting properties and includes such designations as avenue, boulevard, road, highway, freeway, lane, parkway and viaduct. For purposes of this Ordinance it shall not include alley or similar terms designating secondary access.

Street Grade - The officially established grade of the street on which a lot fronts, or in its absence the established grade of other streets on which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Structure - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, but does not include patios, driveways, walks, parking areas and sand mounds at yard grade.

Structure Height - A structure's vertical measurement from the mean level of the average ground abutting the structure to the highest point of the structure.

Subdivision - The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, partition by the court for distribution to heirs or devisees, or building or lot development.

Supervisors (Board of Supervisors) - The Board of Supervisors of the Township of Latimore, Adams County, PA.

Swimming Pool - A body of water in an artificial or semi-artificial receptacle or other container, including, but not by way of limitation, earthen, of twenty-four (24) inches or more in depth, used or intended to be used for public, semi-public or private swimming by adults or children or both adults and children, whether or not any charges or fees are imposed upon such adults or children, operated and maintained by any person whether he be any owner, lessee, operator, licensee, or concessionaire, exclusive of a farm pond and shall include all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels and community associations.

Testing - A function involving the examination and assessment of qualities, performances and/or capabilities of a product, good or material.

Township - Latimore Township, Adams County, Pennsylvania, as represented by the Board of Supervisors, or their duly authorized agents.

Tract - All land, which was (1) owned by the same owner or owners, and (2) defined under a single deed, on the date of this Ordinance.

Truck Stop - A planned center in which three (3) or more different truck and transport-related uses are provided on a common site.

Use - Any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, Accessory - A use located on the same lot with a principal use or clearly incidental or subordinate to and customary in connection with the principal use.

Use, Principal - The main use of a lot.

Variance - A modification of the regulations of this Ordinance granted by the Zoning Hearing Board on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to appropriate provisions of this Ordinance and Section 912 of the Pennsylvania Municipalities Planning Code (Act 247).

Water Facility - Any water works, water supply, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

Wetland - Area with the characteristics of wetland as defined by the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, DEP, and the U.S. Soil conservation Service. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U.S. Fish and Wildlife Service.

Wireless Communication Antennae - Any structure designed for transmitting or receiving radio, television, or telephone communications, including omni-directional or width antennae, directional or panel antennae, and microwave dish antennae which may be mounted on an

existing building or on a communications tower and including the accessory equipment cabinet necessary to operate the antenna. This definition does not include personal use communication receiving antennae less than 12 feet in diameter.

Wireless Communication Towers - Any structure whether free standing or attached to a building designed to support communications antennae, including monopole, self-supporting, any guyed towers and one or more of the following mounts for antennae: rotatable platform, fixed platform, multi-point, side arm and pipe mounts for microwave dishes. This definition does not include any structure used to mount personal use communication antennae less than 12 feet in diameter.

Yard - A space open to the sky and unoccupied by any building, structure (excluding accessory structures), or merchandise for display or sale, located on the same lot with a building or structure.

Yard, Front - A yard extending the full width of the lot and situated between the street right-of-way line and the building line projected to the side lines of the lot. The depth of the front yard shall be measured between the building line and the street right-of-way line.

Yard, Rear - A yard extending the full width of the lot and situated between the rear line of the lot and the building line projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the building line.

Yard, Side - A yard situated between the building line and the side line of the lot and extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed a side yard.

Zoning - The designation of specified districts within the Township, reserving them for certain uses together with limits on lot size, heights of structures and other stipulated requirements.

Zoning Officer - The duly appointed municipal official designated by the Board of Supervisors as the administering and enforcing officer for this Ordinance.

Zoning Permit - A building permit or occupancy permit or both, whichever is required in specific circumstances, or a document issued by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

**ARTICLE III
DESIGNATION OF DISTRICTS**

Section 301. Districts.

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

A-C-I	Agricultural-Conservation-I District
A-C-II	Agricultural-Conservation-II District
R-A	Residential-Agricultural District
R-LM	Residential-Lake Meade District
R-S	Residential-Suburban District
C-I	Commercial-Industrial District
F-P	Flood Plain District

Section 302. Zoning Map.

The boundaries of said Districts shall be as shown upon the map designated "Latimore Township Zoning Map" dated February 27, 2006 and as revised from time to time. The said map, and all the notations, references, and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.

Section 303. District Boundaries.

Where uncertainty exists as to boundaries of any District as shown on said map, the following rules shall apply:

- A. District boundary lines are intended to follow or be parallel to the centerline of streets, streams, and railroads and lot or property lines as they exist on plans of record at the time of the adoption of this Ordinance, unless such District boundary lines are fixed by dimensions as shown on the map.
- B. Where a District boundary is not fixed by dimensions and where it approximately follows lot lines, or approved subdivision plans, and where it does not scale more than ten (10) feet there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- C. In un-subdivided land or where a District boundary divides a lot, the location of such boundary, unless dimensions indicate the same, shall be determined by the use of the scale appearing on the map.
- D. Where dimensions are shown such that a District boundary is fixed at a specified distance from a road or state highway, the distance shall be measured as follows:

1. From the legal right-of-way line along U.S. Route 15.
2. From the centerline of all other roads or highways.

E. In subdivided land where a District boundary line divides a lot held in single and separate ownership, the regulations of a District may extend over either portion of the lot, at the applicant's discretion, a distance of not more than fifty (50) feet beyond or across the District boundary line providing such extension does not extend the District boundary along a street or road.

Section 304. Interpretation of Boundaries.

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

Section 305. Uses Permitted.

The uses permitted in the Districts established by this Ordinance and the permitted extent of these uses is as shown in Articles IV through V. The uses shown as permitted in each zone are the only uses permitted in that zone. Unless otherwise noted, the use or dimensional standards are the requirements for each use.

Section 306. Uses With Nuisance Effect.

In no case is a use permitted which by reason of noise, dust, odor, appearance, or other objectionable factor creates a hazard, or other substantial adverse effect upon the reasonable enjoyment of the surrounding property.

All normal farm practices shall be excluded from this provision in that they shall not be deemed uses with a nuisance effect.

**ARTICLE IV
DISTRICT REGULATIONS**

**A - C - I
AGRICULTURAL - CONSERVATION - I DISTRICT**

Section 401. District Purpose.

The purpose of this District is to:

- A. Conserve those areas predominated by prime agricultural land and steep slopes;
- B. Protect essential watershed, stream valley and flood plain areas;
- C. Ensure open space necessary to the health, safety and welfare of the citizens; and
- D. Permit development and activities compatible and appropriate thereto.

Section 402. Basic Use Regulations.

In this District, buildings, structures and lots shall be subject to the following basic use regulations:

A. Permitted Uses

- 1. Agriculture including cultivating the soil, producing crops and forage, dairying, raising and keeping livestock, excluding the development of new or expansion of existing Concentrated Animal Operations.
- 2. Forestry and horticulture including producing flowers and other ornamental plants.
- 3. Preservation and conservation activities including but not limited to game lands, game farms, wildlife preserves, man-made lakes and reservoirs.
- 4. One single-family dwelling per lot.
- 5. Sale of agricultural and horticultural products raised or produced on the premises.
- 6. Signs as permitted by and subject to the related regulations of this Ordinance
- 7. Churches.
- 8. Bed and Breakfast.
- 9. Stables and Riding Academies
- 10. Accessory structures and uses associated with but incidental to the above permitted uses, which may include home occupations, subject to the related regulations of Article V of this Ordinance.

B. Supplemental Uses (when approved as a Special Exception by the Zoning Hearing Board).

- 1. Farm Occupations.
- 2. Forestry.

3. Mining.
4. Migrant Worker Camps.
5. Home Occupations.
6. Flood control activities that are necessary for protecting the public safety.
7. Conservation activities that are necessary to protect the natural resources of the District.
8. Accessory structures and uses associated with but incidental to the above supplemental uses subject to the related regulations of Article V of this Ordinance.

Section 403. Basic Spatial Regulations.

In this District, all buildings, structures and lots shall be subject to the following basic spatial related regulations, which shall be considered as a minimum standard:

A. Lot Requirements

1. Area

- a. The lot area and lot area per dwelling unit shall not be less than one acre for a lot for which a conventional subsurface sewage system has been approved.
- b. The lot area and lot area per dwelling unit shall not be less than 2.98 acres gross area for a lot for which any type of sewage system other than a conventional subsurface system has been approved and which meets all requirements of DEP.
- c. The minimum lot size for all non-residential uses shall be as necessary to meet the other spatial requirements of the District, off-street parking and loading, and to adequately provide for any water, sewer or drainage facilities.

2. Width

- a. The lot width at the street right-of-way line shall be not less than one hundred fifty (150) feet.

B. Yard Requirements

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

1. Front yard-depth, fifty (50) feet.
2. Side yards (2)-width, twenty (20) feet each.
3. Rear yard-depth, thirty (30) feet.
4. Special Buffering

In addition to such buffering and screening as may be required under Article V of this

Ordinance, all structures involving the raising and keeping of animals shall be set back a distance of at least one hundred (100) feet from any dwelling and all agricultural uses authorized, permitted or authorized by special exception shall be set back a distance of at least one hundred fifty (150) feet from any adjoining residential lot or zone district. In the case of uses permitted by special exception, the required buffer yard shall be planted with an evergreen vegetative screen.

C. Lot Coverage

The lot coverage by all buildings and structures shall be not greater than thirty percent (30%).

D. Building Height

No building or structure, excluding agricultural and public service structures, shall be erected to a height in excess of thirty-five (35) feet.

E. Off-Street Parking and Loading

Off-street parking, loading and unloading areas shall be provided in accordance with the related regulations of this Ordinance.

F. Paved Area

Not more than fifteen (15%) of the lot area may be paved with an impervious surface.

G. Lot Allocations

Single-family in the Agricultural-Conservation shall be subject to the following limitations:

1. There shall be permitted on each tract of land the subdivision of single-family dwelling lots (not including one existing dwelling) according to the following chart:

<u>Size of Tract</u>	<u>Number of Single-family Dwelling Lots Permitted</u>
Less than 2 Acres	0
2 – 5 Acres	1
6 – 10 Acres	2
11 – 30 Acres	3
31 – 60 Acres	4
61 – 90 Acres	5
91 – 120 Acres	6

<u>Size of Tract</u>	<u>Number of Single-family Dwelling Lots Permitted</u>
121 – 150 Acres	7
151 – 180 Acres	8
181 – 210 Acres	9
211 Acres and over	10

2. Once subdivided, no tract or lot may be further subdivided for a period of seven (7) years from the date of plan recording for each subdivision. Add-on lots and lot line adjustments are exempt from this requirement.

A - C - II
AGRICULTURAL - CONSERVATION - II DISTRICT

Section 411. District Purpose.

The purpose of this District is to:

- A. Conserve those areas predominated by prime agricultural land and steep slopes; to protect essential watershed, stream valley and flood plain areas; to ensure open space necessary to the health, safety and welfare of the citizens; and to permit development and activities compatible and appropriate thereto.
- B. Protect agriculture from incompatible uses, which may also interfere with normal and customary practices within the Agricultural - Conservation District.
- C. Recognize that Concentrated Animal Operations are legitimate uses of land, which must be provided for in the Township.
- D. Identify those areas of the Township, which are most appropriate for Concentrated Animal Operations, while also recognizing the need to buffer such uses from areas of existing and proposed residential and commercial development.

Section 412. Basic Use Regulations.

In this District, buildings, structures and lots shall be subject to the following basic use regulations:

- A. Permitted Uses
 - 1. Agriculture including cultivating the soil, producing crops and forage, dairying, raising and keeping livestock.
 - 2. Forestry and horticulture including producing flowers and other ornamental plants.
 - 3. Preservation and conservation activities including but not limited to game lands, game farms, wildlife preserves, man-made lakes and reservoirs.
 - 4. One single-family dwelling per lot.
 - 5. Sale of agricultural and horticultural products raised or produced on the premises.
 - 6. Signs as permitted by and subject to the related regulations of this Ordinance.
 - 7. Riding Stables.
 - 8. Churches.
 - 9. Accessory structures and uses associated with but incidental to the above permitted uses which may include home occupations, subject to the related regulations of Article V of this Ordinance.

B. Supplemental Uses (when approved as a Special Exception by the Zoning Hearing Board).

1. Farm Occupations.
2. Forestry.
3. Mining.
4. Migrant Worker Camps.
5. Home Occupations.
6. Flood control activities that are necessary for protecting the public safety.
7. Conservation activities that are necessary to protect the natural resources of the District.
8. Development of new or expansion of existing Concentrated Animal Operations (CAO's) subject to Section 612 of these regulations.
9. Shooting Ranges.
10. Butcher Shops.
11. Accessory structures and uses associated with but incidental to the above supplemental uses subject to the related regulations of Article V of this Ordinance.

Section 413. Basic Spatial Regulations.

In this District, all buildings, structures and lots shall be subject to the following basic spatial related regulations which shall be considered as a minimum standard:

A. Lot Requirements

1. Area
 - a. The lot area and lot area per dwelling unit shall not be less than one acre for a lot for which a conventional subsurface sewage system has been approved.
 - b. The lot area and lot area per dwelling unit shall not be less than 2.98 acres gross area for a lot for which any type of sewage system other than a conventional subsurface system has been approved and which meets all requirements of DEP.
 - c. The minimum lot size for all non-residential uses shall be as necessary to meet the other spatial requirements of the District, off-street parking and loading, and to adequately provide for any water, sewer or drainage facilities.

2. Width

The lot width at the street right-of-way line shall be not less than one hundred fifty (150) feet.

B. Yard Requirements

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

1. Front yard-depth, fifty (50) feet.
2. Side yards (2)-width, twenty (20) feet each.
3. Rear yard-depth, thirty (30) feet.
4. Special Buffering

In addition to such buffering and screening as may be required under Article V of this Ordinance, all structures involving the raising and keeping of animals shall be set back a distance of at least one hundred (100) feet from any dwelling and all agricultural uses authorized, permitted or authorized by special exception shall be set back a distance of at least one hundred fifty (150) feet from any adjoining residential lot or zone district. In the case of uses permitted by special exception the required buffer yard shall be planted with an evergreen vegetative screen.

C. Lot Coverage

The lot coverage by all buildings and structures shall be not greater than thirty percent (30%) except as otherwise stipulated in this Section.

D. Building Height

No building or structure, excluding agricultural and public service structures, shall be erected to a height in excess of thirty-five (35) feet.

E. Off-Street Parking and Loading

Off-street parking, loading and unloading areas shall be provided in accordance with the related regulations of this Ordinance.

F. Paved Area

Not more than fifteen (15%) of the lot area may be paved with an impervious surface.

G. Lot Allocations

Single-family in the Agricultural-Conservation shall be subject to the following limitations:

1. There shall be permitted on each tract of land the subdivision of single-family dwelling lots (not including one existing dwelling) according to the following chart:

<u>Size of Tract</u>	<u>Number of Single-family Dwelling Lots Permitted</u>
Less than 2 Acres	0
2 – 5 Acres	1
6 – 10 Acres	2

<u>Size of Tract</u>	<u>Number of Single-family Dwelling Lots Permitted</u>
11 – 30 Acres	3
31 – 60 Acres	4
61 – 90 Acres	5
91 – 120 Acres	6
121 – 150 Acres	7
151 – 180 Acres	8
181 – 210 Acres	9
211 Acres and over	10

2. Once subdivided, no tract or lot may be further subdivided for a period of seven (7) years from the date of plan recording for each subdivision. Add-on lots and lot line adjustments are exempt from this requirement.

R - A
RESIDENTIAL - AGRICULTURAL DISTRICT

Section 421. District Purpose.

The purpose of this District is to:

- A. Encourage the continued use of the land for agricultural purposes, and permit those uses which are compatible with agricultural operations; and
- B. Preserve open space and to permit residential development which will not require extensive public services or facilities and to otherwise create conditions conducive to carrying out these and other broad purposes of this Ordinance.

Section 422. Basic Use Regulations.

In this District, buildings, structures and lots shall be subject to the following basic use regulations:

A. Permitted Uses

- 1. Agriculture including cultivating the soil, producing crops and forage, dairying, raising and keeping livestock.
- 2. Forestry and horticulture including producing flowers and other ornamental plants.
- 3. Preservation and conservation activities including but not limited to game lands, game farms, wildlife preserves, man-made lakes and reservoirs.
- 4. One single-family or two-family dwelling per lot.
- 5. Publicly owned facilities and utilities.
- 6. Semi-publicly owned uses of an educational, religious, cultural, recreational or medical nature; not including commercial amusements.
- 7. Sale of agricultural and horticultural products raised or produced on the premises.
- 8. Animal hospitals, kennels, stables and riding academies.
- 9. Signs as permitted by and subject to the related regulations of this Ordinance.
- 10. Bed and Breakfast
- 11. Churches.
- 12. Accessory structures and uses associated with but incidental to the above uses which may include home occupations, subject to the related regulations of Article V of this Ordinance.

B. Supplemental Uses (when approved as a Special Exception by the Zoning Hearing Board)

- 1. Farm Occupations.
- 2. Forestry.

3. Mining.
4. Clubs and lodges of a fraternal nature
5. Home Occupations
6. Migrant worker camps
7. Flood control activities that are necessary for protecting the public safety.
8. Conservation activities that are necessary to protect the natural resources of the District.
9. Accessory structures and uses associated with but incidental to the above supplemental uses subject to the related regulations of Article V of this Ordinance.
10. The housing and care of exotic wildlife, including (but not limited to) exotic wildlife dealers and menageries.

Section 423. Basic Spatial Regulations.

In this District, all buildings, structures and lots shall be subject to the following basic spatial related regulations, which shall be considered as minimum standards:

A. Lot Requirements

1. Area

- a. The lot area and lot area per dwelling unit shall not be less than one acre for a lot for which a conventional subsurface sewage system has been approved.
- b. The lot area and lot area per dwelling unit shall not be less than 2.98 acres gross area for a lot for which any type of sewage system other than a conventional subsurface sewage system has been approved and which meets all requirements of DEP.
- c. The minimum lot size for all non-residential uses shall be as necessary to meet the other spatial requirements of the District, off-street parking and loading, and to adequately provide for any water, sewer, or drainage facilities.

1. Width

The lot width at the street right-of-way line shall be not less than one hundred fifty (150) feet.

B. Yard Requirements

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

1. Front yard-depth, fifty (50) feet.
2. Side yards (2)-width, twenty (20) feet each.

3. Rear yard-depth, thirty (30) feet
4. Special Buffering.

In addition to such buffering and screening as may be required under Article V of this Ordinance, all structures involving the raising and keeping of animals shall be set back a distance of at least one hundred (100) feet from any dwelling and all agricultural uses authorized, permitted or authorized by special exception shall be set back a distance of at least one hundred fifty (150) feet from any adjoining residential lot or zone district. In the case of uses permitted by special exception the required buffer yard shall be planted with an evergreen vegetative screen.

C. Lot Coverage

The lot coverage by all buildings and structures shall be not greater than thirty percent (30%).

D. Building Height

No building, excluding agricultural and public service related structures, shall be erected to a height in excess of thirty-five (35) feet.

E. Off-Street Parking and Loading

Off-street parking, loading and unloading areas shall be provided in accordance with the related regulations of this Ordinance.

F. Paved Area

Not more than fifteen percent (15%) of the lot area may be paved with an impervious surface.

R - LM
RESIDENTIAL - LAKE MEADE DISTRICT

Section 431. District Purpose.

The purpose of this District is to:

- A. Provide for the orderly development of the Lake Meade residential development;
- B. Provide for the public health;
- C. Prevent the overcrowding of the land;
- D. Encourage the preservation of open space;
- E. Exclude activities of a commercial or industrial nature and any activities not compatible with residential development;
- F. Provide for owner convenience and avoid undue congestion of the roads; and
- G. Otherwise create conditions conducive to carrying out the purposes of this Ordinance.

This District coincides with areas where water and sewer utility services are available.

Section 432. Basic Use Regulations.

In this District, buildings, structures and lots shall be subject to the following basic use regulations:

Permitted Uses

- 1. Single Family Detached Residences.
- 2. Private Recreation Buildings and Uses, including but not limited to, community buildings, swimming pools, parks, and commercially operated marinas.
- 3. Public or Semi-Public Uses, including but not limited to, property owners association offices, fire department, or community buildings.
- 4. Accessory uses and structures associated with but incidental to the above uses.

Section 433. Basic Spatial Regulations.

In this District, all buildings, structures and lots shall be subject to the Warranty Deed Restrictions and Covenants on all Lake Meade properties and the rules and regulations of the Lake Meade Property Owners Association. Evidence of conformity shall be provided to the Township by the Lake Meade Property Owners Association prior to Building Permit approval.

Section 434. Resubdivision.

Resubdivision of a lot will not be permitted to reduce the size of any lot unless two or more lots have been joined together in one description, and then resubdivision shall not reduce any proposed lot to be smaller than the original lot lines for a numbered lot as set forth on the recorded plats of the Lake Meade Subdivision recorded in the Adams County Recorder of Deeds Office in Plat Book 1, page 1, et seq.

R - S
RESIDENTIAL - SUBURBAN DISTRICT

Section 441. District Purpose.

The purpose of this District is to:

- A. Provide for the orderly expansion of typical suburban residential development;
- B. Provide for the public health and to prevent the overcrowding of the land through the application of maximum housing densities;
- C. Encourage the preservation of public open space;
- D. Exclude activities of a commercial or industrial nature and any activities not compatible with residential development;
- E. Provide for the public convenience and avoid undue congestion of the roads; and
- F. Otherwise create conditions conducive to carrying out the purposes of this Ordinance.

Section 442. Basic Use Regulations.

In this District, buildings, structures and lots shall be subject to the following basic use regulations:

- A. Permitted Uses
 - 1. One single-family, two-family, or multi-family dwelling per lot.
 - 2. Conversion apartments not exceeding three (3) dwelling units per structure.
 - 3. Publicly owned facilities and utilities, excluding solid waste disposal.
 - 4. Signs as permitted by and subject to the related regulations of this Ordinance.
 - 5. Planned Residential Development. (See Article VIII).
 - 6. Churches.
 - 7. Accessory structures and uses associated with but incidental to the above permitted uses subject to the related regulations of Article V of this Ordinance.
- B. Supplemental Uses (when approved as a Special Exception by the Zoning Hearing Board).
 - 1. Multi-family dwellings and conversion apartments exceeding three (3) dwelling units per structure.
 - 2. Mobile home parks subject to the related Use Regulations of this Ordinance.
 - 3. Semi-publicly owned uses of an educational, religious, cultural, recreational or

- medical nature; not including commercial amusements.
4. Home Occupations.
 5. Forestry.
 6. Mining.
 7. Flood control activities that are necessary for protecting the public safety.
 8. Conservation activities that are necessary to protect the natural resources of the District.
 9. Accessory structures and uses associated with but incidental to the above supplemental uses subject to the related regulations of Article V of this Ordinance.

Section 443. Basic Spatial Regulations.

In this District, all buildings, structures and lots shall be subject to rules and regulations of DEP and to the following spatial related regulations, which shall be considered as minimum standards:

A. Lot Requirements (except as may be modified in the case of a permitted and approved Planned Residential Development or Mobile Home Park).

1. Area

a. With public water and sewer:

- (1) Single-family dwelling - the lot area shall be not less than eight thousand (8,000) square feet.
- (2) Two-family dwelling - the lot area shall be not less than five thousand (5,000) square feet per dwelling unit.
- (3) Multi-family dwellings - the lot area shall be not less than eight thousand (8,000) square feet plus two thousand (2,000) square feet per each dwelling unit in excess of one.

b. With public sewer only:

- (1) Single-family dwelling - the lot area shall be not less than fifteen thousand (15,000) square feet.
- (2) Two-family dwelling - the lot area shall be not less than nine thousand (9,000) square feet per dwelling unit.
- (3) Multi-family dwellings - the lot area shall be not less than fifteen thousand (15,000) square feet plus three thousand (3,000) square feet per each dwelling unit in excess of one.

- c. With neither public sewer nor public water: (includes lots serviced with public water but no public sewers).
 - (1) The lot area and lot area per dwelling unit shall be not less than one acre for a lot for which a conventional subsurface sewage system has been approved.
 - (2) The lot area and lot area per dwelling unit shall be not less than 2.98 acres gross area for a lot for which any type of on-lot sewage system other than a conventional subsurface sewage system has been approved and which meets all requirements of DEP.
- d. The minimum lot size for all non-residential uses shall be not less than one acre or as necessary to meet any other spatial requirements of the District, the use, off-street parking, loading, and to adequately provide for any water, sewer, or drainage facilities.

2. Width

The lot width at the street right-of-way lines shall be not less than:

- a. Seventy-five (75) feet with lot area less than ten thousand (10,000) square feet.
- b. Ninety (90) feet with lot area of at least ten thousand (10,000) square feet but less than twenty thousand (20,000) square feet.
- c. One hundred twenty (120) feet with lot area of at least twenty thousand (20,000) square feet but less than one acre.
- d. One hundred fifty (150) feet with lot area of one acre or greater; or as necessary to meet any other spatial requirements of the District, the use, off-street parking, loading, and to adequately provide for any water, sewer, or drainage facilities.

B. Yard Requirements

Each lot shall have front, side and rear yards of not less than the depth and width indicated below; except as may be modified in the case of a permitted and approved Planned Residential Development or Mobile Home Park.

- 1. Front yard - depth, thirty (30) feet.
- 2. Side yards (2) - width, ten (10) feet each.
- 3. Rear Yard - depth, twenty (20) feet.
- 4. Special Buffering.

C. Lot Coverage

The lot coverage by all buildings and structures shall be not greater than fifty percent (50%).

D. Building Height

No building or structure, excluding agricultural and public service structures, shall be erected to a height in excess of thirty-five (35) feet except as may otherwise be permitted under a permitted and approved Planned Residential Development.

E. Off-Street Parking and Loading

Off-street parking, loading and unloading areas shall be provided in accordance with the related regulations of this Ordinance.

C - I
COMMERCIAL - INDUSTRIAL DISTRICT

Section 451. District Purpose.

The purpose of this District is to:

Provide reasonable standards for the development of highway-oriented commercial and industrial uses along the roadside in areas where such uses already exist and where, due to the character of undeveloped land, the development of commercial and industrial uses is feasible and appropriate. The standards of this District are designed to separate access roads from major thoroughfares; to minimize traffic congestion; to protect adjoining residential uses; and to otherwise create conditions conducive to carrying out the purposes of this Ordinance.

Section 452. Basic Use Regulations.

In this District, buildings, structures and lots shall be subject to the following basic use regulations:

A. Permitted Uses

1. Hotels, motels and restaurants.
2. Home Occupations.
3. Drive-in theaters, golf courses, bowling alleys, skating rinks, swimming pools, and other amusement and recreational uses.
4. Supermarkets, laundromats, department stores and convenience stores.
5. Shopping centers or malls.
6. Animal hospitals, pet shops and kennels.
7. Publicly owned utility facilities and uses.
8. Agricultural, horticultural and forestry product processing, sales and supply.
9. Agricultural and automotive equipment sales, service and supply
10. Construction equipment and material storage, sales and supply.
11. Warehousing and wholesaling establishments.
12. Mini-warehouses.
13. Dry cleaning and laundering.
14. Campgrounds
15. Car washes
16. Shooting Ranges.
17. Sawmills.
18. Antique Sales.
19. Migrant Worker Camps.
20. Signs as permitted by and subject to the related regulations of this Ordinance.
21. Parking lots and garages
22. Butcher shops

23. Farm-Related Businesses.
24. Farmers and/or Flea Markets.
25. Churches
26. Accessory structures and uses associated with, but incidental to the above permitted uses
subject to the related regulations of Article V of this Ordinance.

B. Supplemental Uses (when approved as a Special Exception by the Zoning Hearing Board).

1. Vehicle service stations, repair garages, vehicle and mobile home sales, including fuel storage and supply.
2. Manufacturing.
3. Amusement Arcades.
4. Junk Yards.
5. Quarrying.
6. Airstrips, Airports and heliports.
7. Mobile Home Parks.
8. Research Laboratory.
9. Landfills, Disposal Sites.
10. Cemeteries.
11. Manufacturing.
12. Mining.
13. Forestry.
14. Adult Related Facilities.
15. Truck or Motor Freight Terminals, and Truck Stops.
16. Flood control activities that are necessary for protecting the public safety.
17. Conservation activities that are necessary to protect the natural resources of the District.
18. Commercial advertising signs.
19. Communication Antennae.
20. Communication Towers.
21. Accessory Structures and uses associated with but incidental to the above supplemental uses subject to the related regulations of Article V of this Ordinance.

Section 453. Basic Spatial Regulations.

In this District, all buildings, structures and lots shall be subject to the following basic spatial regulations which shall be considered as the minimum standards.

A. Lot Requirements

1. Area

- a. With public water and sewer, the lot area shall be not less than eight thousand (8,000) square feet.
- b. With public sewer only, the lot area shall be not less than fifteen thousand (15,000) square feet.
- c. With neither public sewer nor public water: (includes lots serviced with public water but no public sewers):
 - (1).The lot area and lot area per dwelling unit shall be not less than one acre for a lot for which a conventional subsurface sewage system has been approved.
 - (2).The lot area and lot area per dwelling unit shall be not less than 2.98 acres gross area for a lot for which any type of on-lot sewage system other than a conventional subsurface sewage system has been approved and which meets all requirements of DEP.
- d. The minimum lot size for all non-residential uses shall be not less than one acre or as necessary to meet any other spatial requirements of the District, the use, off-street parking, loading, and to adequately provide for any water, sewer, or drainage facilities.

2. Width

The lot width at the street right-of-way lines shall be not less than:

- a. Seventy-five (75) feet with lot area less than ten thousand (10,000) square feet.
- b. Ninety (90) feet with lot area of at least ten thousand (10,000) square feet but less than twenty thousand (20,000) square feet.
- c. One hundred twenty (120) feet with lot area of twenty thousand (20,000) square feet or greater; or as necessary to meet any other spatial requirements of the District, the uses, off-street parking, loading, and to adequately provide for any water, sewer, or drainage facilities.

B. Yard Requirement

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

1. Front yard - depth, thirty (30) feet, or the width of a required buffer yard.
 2. Side yards - width, ten (10) feet; provided that when a mutual agreement is provided in writing by the adjoining property owners, no side yards shall be required where two or more uses adjoin side to side; however, in no case shall common walls be permitted between properties of separate ownership. In the case of a series of adjoining structures abutting and paralleling a public right-of-way, an unobstructed passage of at least twenty (20) feet shall be provided at grade level at intervals not more than four hundred (400) feet apart.
 3. Rear Yard - depth, fifty (50) feet, plus additional width necessary to provide for any required buffer yard.
3. Buffer yards required in lieu of other spaces:
- a. Where abutting a residential district, a buffer yard of not less than twenty-five (25) feet shall be required.
 - b. Where abutting a street that abuts a residential district, a buffer yard of not less than fifteen (15) feet measured from the street right-of-way shall be required.
 - c. Where abutting a stream, a buffer yard of not less than fifteen (15) feet in width, measured from the edge of the stream shall be required.
 - d. All of the foregoing buffer yards shall be planted and maintained with an evergreen vegetative material to include a screen planting.
 - e. Buffer yards may be crossed by access roads and service drives not more than thirty-five (35) feet in width.

C. Lot Coverage

1. The lot coverage by all buildings and structures shall not be greater than fifty percent (50%).
2. No less than ten percent (10%) of the lot area shall be covered with a vegetative material. The ten percent (10%) area can be provided in whole or in part by the portion of the buffer yards that are planted with a screen planting.

D. Building Height

No building or structure except material processing elevators shall exceed thirty-five (35) feet.

E. Off-Street Parking and Loading

Off-street parking, loading and unloading areas shall be provided in accordance with the related regulations of this Ordinance.

F - P
FLOOD PLAIN DISTRICT

Section 461. District Purpose.

The purpose of this District is to:

- A. Promote the general health, welfare and safety of the community;
- B. Reduce financial burdens imposed on the community, its governmental units and its individuals by preventing excessive development in areas subject to periodic flooding;
- C. Minimize danger to public health by protecting water supply and natural drainage; and
- D. Promote responsible flood proofing measures within the Flood Plain District.

Section 462. Basic Use Regulations.

A. Permitted Uses

- 1. All uses, activities and development within the Flood Plain District shall be undertaken in strict compliance with the provisions of this Ordinance and all other Township ordinances. In addition, all such uses, activities and development shall be undertaken only in compliance with all applicable Federal and State laws including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- 2. Prior to any proposed alteration of any stream or watercourse within the Township, notice shall be given to and, when applicable, a permit shall be obtained from DEP, Bureau of Dams and Waterway Management. Notice of such proposed alteration or relocation shall be given by the Owner to all affected adjacent municipalities.
- 3. Preservation and conservation activities including, but not limited to, game lands, game farms, and wildlife preserves.
- 4. No mobile homes, whether intended for use as a dwelling or for any other purpose, shall be located within the Flood Plain District.
- 5. In the Floodway, no modifications, alteration, repair, or new construction of buildings, structures, fill or any combination of these shall be permitted which would impair its ability to carry and discharge flood waters or increase the elevation of the one hundred (100) year flood.

6. In the Floodway, the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment:
 - a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - b. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
 - c. Accessory uses such as yard areas, gardens, play areas and pervious parking areas, loading areas and airport landing strips.
 - d. No grading of land or deposit of fill or other development shall be permitted in the Floodway, except where necessary to accomplish one of the permitted or special uses, and no alternate plan is feasible. In addition, a report prepared by a Registered Professional Engineer who is a civil engineer or engineer qualified in hydrology having a Professional Engineer License in the Commonwealth of Pennsylvania shall be submitted to the Board of Supervisors certifying that the proposed activity will not impair the capacity of the Floodway to carry and discharge flood waters or increase the elevation of the one hundred (100) year flood. No grading or filling shall take place until written approval is received from the Board of Supervisors.
 7. In portions of the Flood Plain District other than the Floodway, the development or use of any land shall be permitted provided that any development, use or substantial improvement complies with all the requirements of the underlying zone and further provided that no mobile home shall be permitted within the Flood Plain District. In addition, all development and substantial improvement shall comply with any requirements of the Township Subdivision and Land Development Ordinance.
- B. Supplemental Uses (when approved as a Special Exception by the Zoning Hearing Board).
1. Dams, impoundment basins, culverts and bridges approved by DEP.
 2. Storm sewer-flap gates shall be provided on all storm water outfalls where an area or portion thereof is susceptible to back flooding.
 3. Utilities and public facilities and improvements such as railroads, streets, transmission lines, pipe lines, water and sewage treatment plants, and other similar or

related uses.

4. Storage of materials and equipment provided that they are not buoyant, flammable or explosive and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
5. Other similar uses and activities provided they cause no increase in flood heights and/or velocities or possibility of contamination. All uses, activities and structural developments shall be undertaken in strict compliance with the flood proofing provisions contained in all other applicable ordinances.

In the Floodway, no use shall be permitted by special exception which would impair the ability of the Floodway to carry and discharge flood waters or increase the water surface elevation of the one hundred (100) year flood except where the effect on flood heights is fully offset by stream improvements.

In passing upon applications for special exceptions and variances the Zoning Hearing Board shall consider all relevant factors and procedures specified in other sections of the Zoning Ordinance and the following:

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exceptions or variances shall be granted for any proposed use, development, or activity that will cause any increase in flood levels in the Flood Plain District.
- b. The danger that materials may be swept on to other lands or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- e. The importance of the services provided by the proposed facility to the community.
- f. The requirements of the facility for a waterfront location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development anticipated in

the foreseeable future.

- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in time of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

Section 463. Special Regulations.

In case of any dispute concerning the boundaries of a Flood Plain District, an initial determination shall be made by the Zoning Officer, based on information provided by the Township Engineer.

Any party aggrieved by a decision of the Zoning Officer as to the boundaries of the Flood Plain District, which may include the grounds that the said data referred to therein is or has become incorrect because of changes due to natural or other causes, may appeal to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the appellant.

Section 464. Municipal Liability.

The grant of a zoning permit or approval of a subdivision plan in the Flood Plain District shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.

Section 465. Flood Control Facilities.

The Board of Supervisors, when it deems it necessary for the protection of the public health, safety or welfare, or required by the Adams County Conservation District or DEP may require the applicant for any permit under this ordinance to construct holding ponds, retention basins or other facilities for the purpose of protecting other properties from flooding.

**ARTICLE V
GENERAL REGULATIONS**

Section 501. Accessory Buildings

- A. Accessory buildings shall not be constructed in any front yard.
- B. Accessory buildings shall not be constructed in that portion of the side yards that is the minimum open space required for side yards as set forth under the applicable District regulations.
- C. An accessory building may be erected within a rear yard provided that:
 - 1. It shall be at least ten (10) feet from any property line bordering the required rear yard area.
 - 2. It shall be at least ten (10) feet from the nearest wall of the main building; or this may be reduced to five (5) feet if no windows or other openings in either building are involved; or the accessory buildings may be integrated with the main building by contiguous walls, breezeway, or other connection.
- D. A Zoning Permit is not required for an accessory building having a floor area of one hundred (100) square feet or less.

Section 502. Buffering.

- A. In general, buffering, either in the form of yard space or screening, is required in any commercial, office, industrial and high density residential areas where they border low density residential areas; around existing residential properties within certain areas; and where specifically called for in this ordinance.
- B. Where streets, highways, railroads or rivers serve as District boundaries, no buffering may be required along such boundary. Screening may be required by the Zoning Hearing Board if it determines screening is necessary for the safety or welfare of adjoining residents.
- C. Where streams or other bodies of water serve as District boundaries, such streams or rivers may serve to meet the buffering requirements provided such is approved by special exception.
- D. Screening may be required by the Zoning Hearing Board within any District where a commercial, industrial, office, institutional or high residential use is proposed adjacent to

existing or proposed uses of a different character if it determines screening is necessary for the safety or welfare of adjoining residents.

- E. Vegetation screening planted for use as a commercial or residential screening shall not be permitted to grow over property lines and must be maintained.

Section 503. Buffer Yards.

- A. If not specified otherwise, buffer yards shall be at least fifty (50) feet in width, measured from the applicable District boundary line. Buffer yards may be coterminous in required front, side or rear yards, but in no case shall the combined width be less than fifty (50) feet.
- B. In all buffer yards, the interior twenty-five (25) foot width shall be planted with grass seed, sod or ground cover and maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations.
- C. No structure, manufacturing or processing activity or storage of materials shall be permitted in the buffer yard; however, parking of passenger automobiles may be permitted in the portion of the buffer yard exclusive of the exterior twenty-five (25) foot width, if not specified otherwise.
- D. Within the exterior twenty-five (25) feet, screening in accordance with Section 517 shall be included.

Section 504. Control of Traffic and Highway Access

- A. The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas and access to highways. Where a driveway or access road gives access to a State road or highway, approval by the Pennsylvania Department of Transportation shall be required.
- B. Whenever required and/or provided under the provisions of this Ordinance, all access drives to or from public rights-of-way shall be designed according to the following standards:
 - 1. Except in the case of single-family and two-family dwellings when served by a minor residential street and approved by the Township Supervisors:
 - a. The general layout shall be such that there will be no need for motorists to back over public rights-of-way.
 - b. Non-residential access drives shall be paved and shall not exceed thirty-five (35) feet in width within twelve (12) feet of the street right-of-way, excepting as increased by the curb radii.

- c. The number of access drives shall not exceed two per lot on anyone street frontage. The Zoning Hearing Board may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.
- d. Access drives shall not cross the street right-of-way line:
 - (1) Within forty (40) feet of the right-of-way line of an intersecting street and in no case less than ten (10) feet from the point of tangency when the intersecting street lines are joined by a curve; notwithstanding the above and when deemed reasonably necessary for safety by the Zoning Hearing Board, this dimension shall be increased for access drives to shopping centers, other commercial, industrial, public or institutional uses. Such access drives shall be located on major streets where practical, in a manner to permit safe ingress and egress.
 - (2) Within fifteen (15) feet of a fire hydrant, catch basin or drain inlet.
 - (3) Within forty (40) feet of an access drive-
 - (4) Within three (3) feet of a property line unless two adjoining owners mutually agree in writing to a common access drive.
- e. Access to the public highway or street shall be controlled in the interest of public safety. The off-street parking, loading, and service areas on all properties used for any purpose other than single-family residence, required by this Article shall be physically separated from the highway or street by a pipe rail or fence at least three (3) feet high and/or a planting strip.
- f. General Safety Requirements - Sight Distance. Driveways shall be located in safe relationship to vision, and shall not exceed a slope of eight percent (8%) within twelve (12) feet of the street line. Where drives enter a bank through a cut, unless a retaining wall is used, the side slopes of the cut shall be graded to not more than one-half (1/2) foot vertical to one (1) foot horizontal within ten (10) feet of the point the drive intersects with the right-of-way line. The angle between the centerline of the access drive and the intersecting street shall be ninety (90) degrees or as near thereto as site conditions permit.
- g. Submission of Plans: A scaled drawing of proposed off-street parking and loading areas, access drives, and walks shall be submitted as part of the required plot plan. Any plan requiring access onto a State Highway shall be approved by the Pennsylvania Department of Transportation; and access to local roads shall be subject to approval by the Board of Supervisors.

Section 505. Conversion of Dwellings to More Units.

A residence may not be converted to accommodate an increased number of dwelling units unless:

- A. The yard dimensions shall meet the yard dimensions required by the zoning regulations for new structures in that District;
- B. The lot area per family equals the lot area requirements for new structures in that District;
- C. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that District;
- D. The conversion is in compliance with all other relevant Codes and Ordinances.

Section 506. Drainage Regulations.

- A. All erosion and sedimentation controls set forth in the existing or hereafter enacted Subdivision and Land Development Ordinance and the following regulations shall apply to structures hereafter erected adjacent, or near, to streams and drainage channels. Should a conflict in regulations arise the Planning Commission shall determine which one shall apply.
 - 1. In all Districts, no permanent structure shall be permitted within fifteen (15) feet of the edge of any stream or existing natural drainage channel or such additional space as may be required by the Zoning Hearing Board because of existing conditions.
 - 2. If normal agricultural operations require a fence to cross a stream or drainage channel such fence shall be permitted only if it does not restrict the natural flow of water.
 - 3. All structures and lots must be adequately drained at all times.
 - 4. Fill materials may be placed along the outer lines of any stream or drainage way when approved as a special exception and authorized by the Zoning Hearing Board and when so approved shall be subject to the following conditions:
 - a. Factual evidence shall be submitted to the Zoning Hearing Board indicating that the cross section area of the stream drainage will not be reduced and will be sufficient to contain anticipated run-off based on past frequency records.
 - b. Evidence shall be submitted indicating the approval and permission for the proposed fill from DEP or the appropriate government agency.
 - c. All other regulations of the Commonwealth of Pennsylvania governing all activities within and adjacent to stream bed areas shall be in full force and effect.

Section 507. Driveways.

An application for a permit for any driveway shall be submitted to the Zoning Officer for approval. The application shall be accompanied by a plan or sketch showing the location and other information required by this Section.

A. Driveways serving single-family and two-family dwellings

1. Number

- a. The number of driveways may not exceed one (1) per lot.
- b. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.

2. Width

Driveways shall be a minimum of ten (10) feet in width, and may not exceed thirty-five (35) feet.

3. Offsets

Driveways may not enter a public street within:

- a. Sixty (60) feet of the street right-of-way line of an intersecting street.
- b. Fifteen (15) feet of a fire hydrant.
- c. Five (5) feet of a property line other than at a street intersection.

4. Distances; Slope, Cuts

- a. A driveway must be located in safe relationship to sight distance and barriers to vision. The driveway may not exceed a slope of five (5) percent within ten (10) feet of the shoulder of the street. Where a drive enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed fifty (50) percent in slope within twenty-five (25) feet of the point at which the driveway intersects the street right-of-way. The height of the bank must not exceed three (3) feet within ten (10) feet of the street.
- b. The minimum angle between the centerline of the driveway and the street shall be not less than sixty-five (65) degrees.

B. All other driveways

1. Shall conform to item 2,3, and 4 above.
2. Shall meet the design requirement of the Latimore Township Subdivision and Land Development Ordinance. In the event of a conflict between any of the above requirements and the Subdivision and Land Development Ordinance, the Subdivision and Land Development Ordinance requirements shall prevail.

Section 508. Floor Area, Habitable.

The minimum habitable floor area of any dwelling unit hereafter established shall be as follows:

- A. Three hundred (300) square feet in the case of apartments designed for and occupied by one person.
- B. Four hundred (400) square feet in the case of all other apartment units.
- C. Nine hundred (900) square feet in the case of all other dwelling units.
- D. Seven hundred twenty (720) square feet in the case of mobile homes in Mobile Home parks.

Section 509. Height Regulations.

- A. The height of any building may exceed the maximum permitted height by one foot for each additional foot by which the width of each side yard exceeds the minimum yard regulations for the District in which the building is located; however, such additional height shall not exceed the maximum permitted by more than fifteen percent (15%).
- B. Height regulations shall not apply to spires, belfries, cupolas, penthouses, or domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, utility poles or towers, television antennae, silos, necessary mechanical appurtenances, or agricultural and public safety related structures.

Section 510. Illumination.

The following standards shall apply to all exterior light fixtures within the Township, except street lighting and associated traffic devices provided by a public utility or governmental entity within a public right-of-way.

- A. The light from any luminary shall be directed downward and shaded, shielded or directed to prevent direct light from being cast beyond an angle of 35 degrees from a downward vertical axis, and to prevent glare or other objectionable problems to surrounding areas. Unshielded lamps, bulbs and tubes are not permitted, except for residential base-mounted lamps and driveway post lamps utilizing 60 watt or lesser wattage light bulbs (specifically not including spotlight or floodlights).
- B. Lighting shall be designed so that the illumination does not exceed one-tenth (0.10) foot-candles beyond the property line from which the lighting originates.
- C. Except for public street lights and traffic lights, freestanding lighting fixtures shall not exceed thirty (30) feet in height. Security or floodlighting may exceed this height requirement when attached to a building provided that such lighting shall be arranged and installed to deflect and focus lights away from adjacent properties.

- D. No luminaries shall have any blinking, flashing or fluttering lights or other illuminating device that has a changing light intensity, brightness or color, nor will any beacon lights be permitted, except for temporary holiday lighting.
- E. Neither the direct or reflected light from any luminary shall create a disabling glare causing traffic hazards to motor vehicle operators or public thoroughfares.
- F. Parking areas shall be lighted using support poles; lighting standards and luminaries, or building mounted lights. The fixtures shall be located within or adjacent to parking areas, in raised traffic islands, parking bay separators, adjacent landscape areas, or on the exterior side and rear walls of buildings. Poles, standards or luminaries shall be located so as not to be damaged by automobiles being parked (front overhand-minimum 39 inches; rear overhand – minimum 60 inches).
- G. Levels of lighting in pedestrian and vehicular use areas should adhere to the following standards:

<u>Type of Development</u>	<u>Minimum Average Foot-candle Level</u>
Pedestrian Walkways and Sidewalks	0.2 – 0.4
Residential Streets	0.4 – 0.6
Multi-Family Developments	0.6 – 0.8
Signs Required to be Illuminated	0.6 – 1.2
Recreational/Institutional Activity	1.0 – 1.2
Industrial/Office Campus Areas and Parking Lots	0.5 – 1.0
Commercial Areas and Parking Lots	0.5 – 1.0

- H. Where possible, short post lighting should be incorporated to reduce glare. Any divergence from the above quantities shall still remain within the limits of the Standards of the (I.E.S.).

Section 511. Non-Conforming Lots, Lot Areas, Add-Ons and Access.

- A. Where a lot held in single and separate ownership at the effective date of this Ordinance does not meet the minimum lot area requirements for the District in which it is located, no structure may be constructed, erected or altered except upon authorization as a special exception.
- B. Where a lot held in single and separate ownership, because of unusual conditions of slope, lot depth or lot width cannot be reasonably developed within the yard area requirements of the District in which it is located, such yard area requirements may be decreased as a special exception.

Any reduction of yard area requirements shall be the minimum needed to provide relief.

- A. Where a lot which is intended to be conveyed to and become an integral part of an adjoining property and a note to that effect has been placed on the subdivision lot area requirements for the District in which the lot is located may be waived.
- B. For property held in single and separate ownership at the effective date of this Ordinance, the subdivision of one (1) flag lot for the purpose of a single-family dwelling may be permitted.

Section 512. Modular and Mobile Homes as Dwelling Units.

- A. All modular and mobile homes used as dwelling units shall meet or exceed minimum standards of all local and state building, housing, electrical, plumbing and other codes.
- B. When used as a dwelling unit, all modular and mobile homes shall have the wheels, tow bars, or any other means of propulsion, removed.
- C. When used as a dwelling unit, all modular and mobile homes shall be placed on a permanent support of concrete or masonry construction. Masonry walls shall be placed upon footers set below frost line.
- D. The area directly beneath the modular or mobile home shall be one continuous concrete pad four (4) inches thick and reinforced with a minimum of six (6) inch by six (6) inch No. 8 by No. 8 welded wire mesh.
- E. Every modular or mobile unit placed on a permanent support shall be provided with devices for anchoring the unit to prevent overturning or uplift. Where concrete platforms are provided, anchorage shall be provided by eyelets embedded in the concrete with adequate anchor plates or hooks to withstand wind forces in excess often (10) pounds per square foot.
- F. The longitudinal gradient and cross slope of an area; consisting of the dimensions of the home plus twenty (20) feet in all directions, shall not exceed five (5) percent. The minimum slope in any direction shall be one (1) percent.
- G. In cases where the perimeter of the modular or mobile home is not enclosed by a permanent foundation, a permanent fire resistant "skirt" shall be attached to the outside face of the modular or mobile home on all four (4) sides.
- H. Adequate ventilation shall be provided for the crawl space-as long as proper protection is made to prevent intrusion by rodents and/or other vermin.

Section 513. Non-Conforming Uses.

A use legally established as of the effective date of this Ordinance as amended which does not conform to the regulations of the District in which it is located shall be subject to the following:

- B. Non-Conformance Listing. The Zoning Officer shall list and register and record to the satisfaction of the Board of Supervisors, all non-conforming uses and structures. Such list shall be available for public inspection upon request.

C. Certification of Non-Conformance. A certificate shall be issued by the Zoning Officer for all uses and/or structures in conflict with the regulations of the Zone in which they are situated, when requested by the owner thereof.

D. Continuation. Any lawful uses of a structure or land existing at the effective date of this Ordinance may be continued although such uses do not conform to the provisions of this Ordinance.

E. Extensions

1. A non-conforming use of a building may be extended throughout the building if no structural alterations are made therein.
2. A non-conforming use may be extended upon a lot occupied by such use and held in single and/or separate ownership at the effective date of this Ordinance when authorized as a special exception; provided that such an extension does not replace a conforming use, does not violate the yard requirements of the Zone in which the non-conforming use exists, and the expense of the extension does not exceed 80 percent of the fair market value of the building or structure existing at the time of enactment of this Ordinance.
3. A non-conforming expansion of a CAO may not exceed 50% of its size at the date of this Ordinance, or to the maximum provided by a CAO, whichever is less.

E. Changes

1. If no structural alterations are made, any non-conforming use of a structure, or structure and premises may, as a special exception, be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the District than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
2. Any structure, or structure and land in combination, on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District, and the non-conforming use may not thereafter be resumed.

F. Restoration. A non-conforming building which is damaged by fire, explosion, or act of nature, may be reconstructed, repaired or rebuilt and used for the same purposes, provided that:

1. The reconstruction of the building is commenced within one year from the date of the destroying of the building and is carried to completion without undue delay, and
2. The reconstructed building does not exceed the height, area, and volume of the building destroyed, and

3. The reconstructed building shall comply with the area regulations of the District in which it is located; provided, however, reconstruction may be carried out upon existing sound foundations, and
 4. The reconstruction costs do not exceed fifty (50) percent of the pre-damaged fair market value, and
 5. The reconstruction reduces the nonconformity of the structure to the maximum extent feasible.
- G. Alterations. A non-conforming building or structure may be altered, improved or reconstructed provided such work does not exceed fifty (50) percent of the fair market value of the building or structure or provided the building or structure is changed to a conforming use.
- H. Abandonment. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three year period (except when death, involuntary or government action impedes access to or use of the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the District in which it is located.
- I. District Changes. Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District of a different classification, the foregoing provisions shall apply to any non-conforming uses existing therein.

Section 514. Off-Street Parking. Loading and Unloading.

A. General Regulations

1. Off-street parking 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 the public right-of-way.
2. The design, surfacing, access and lighting of off-street parking, loading and unloading facilities shall be in conformance with the related provisions of this Section, provided further that no off-street parking, loading or unloading facility shall be located less than ten (10) feet from any property line, except where a street access way crosses a property line, nor be laid out in such a manner as would allow vehicles to project into any adjoining property.

3. A garage 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. Parking spaces may be located on a lot other than that containing the principal use with the approval of the Zoning Hearing Board.

B. Parking Facilities Required

Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used shall be provided with not less than minimum parking spaces, as set forth below, which spaces shall be readily accessible to the users served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

1. Residential Parking

- a. Dwelling. One-family, two (2) parking spaces for each family unit.
 - b. Dwelling. Two-family, two (2) parking spaces for each family unit.
 - c. Multi-family dwellings including conversion apartments. The total number of parking or garage spaces shall not be less than two (2) times the number of dwelling units in the building. A garage accessory to an apartment house shall provide only for the storage of vehicles of the owner, tenants, and employees. The required number of parking spaces may be reduced for dwellings designed for and erected to house elderly citizens, but not to less than twenty percent (20%) of the number of dwelling units provided.
 - d. Boarding or rooming houses, hotels, motels, and tourist homes. At least one parking space for each guest room. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall not be less than those required for restaurants, in addition to those required for guest rooms.
 - e. For the purpose of this Ordinance, in Residential Districts when parking spaces are required for dwellings, an attached or unattached garage or carport on the premises and that portion of the driveway off the public right-of-way may be considered as space.
2. Commercial Parking. The following regulations shall be applied to new facilities included within and/or comprising shopping centers, plazas, and neighborhood centers hereafter erected. The requirements herein may be modified and in some cases removed by the Zoning Hearing Board when it is determined by the Board that requirements are too stringent or otherwise not applicable; or that public parking lots and facilities are available in sufficient number to negate the need for customer parking on the premises.

- a. Theaters, auditoriums, churches, schools, stadiums, or any other place of public or private assembly. At least one (1) parking space for each three (3) seats provided for public or private assembly.
- b. Retail stores and other places for trade or business. One (1) vehicle space for each two hundred (200) square feet of floor area for public use plus one (1) for each one and one-half (1 ½) employees.
- c. Restaurants, tearooms, and cafeterias including taprooms, taverns and nightclubs. One (1) vehicle space for each fifty (50) square feet of floor area for public use.
- d. Bowling Alley. Five (5) vehicle spaces for each alley.
- e. Office Building. At least one (1) parking space for each two hundred fifty (250) square feet of floor area or fraction thereof, or one (1) space for each one and one-half (1 ½) employees, whichever requirement is the greater.
- f. Repair garages, automotive sales and service establishments, and gasoline service stations. At least one (1) parking space for each two hundred (200) square feet of floor or ground area, or fraction thereof, devoted to repair or service facilities, which shall be in addition to the space allocated for the normal storage of motor vehicles. In no event shall parking be permitted on the public rights-of-way.
- g. Parking Garages. No parking space shall be required in yard areas; however, no parking shall be permitted on the public rights-of-way.
- h. Hospitals, Sanitariums, Nursing Homes and Assisted Living Facilities. At least one (1) parking space for each two (2) patients for whom accommodations are provided in the case of medical hospitals, and one (1) parking space for each three (3) patients for whom accommodations are provided in the case of such facilities as sanitariums and nursing homes; such spaces shall be in addition to those necessary for doctors, administrative personnel and other regular employees.
- i. Medical, dental and other health care offices. Six (6) vehicle spaces for each practitioner plus one (1) space for each employee.
- j. Drive-in and outdoor Establishments. Provisions for parking for drive-in facilities must meet the approval of the Zoning Hearing Board and under no conditions will parking on the public rights-of-way be permitted.
- k. Dance Halls, Roller Rinks, Clubs, Lodges and other similar places. At least one (1) parking space for each two hundred (200) square feet of floor area.
- l. Swimming Pool. At least one (1) parking space for each five (5) persons for whom facilities for dressing are provided; or at least one parking space for every sixty (60) square feet of water surface, including areas for swimming, wading and diving, whichever requirement is the greater.

- m. Undertaking Establishments. At least one (1) parking space for each one hundred (100) square feet of floor area for public use. Such space shall be in addition to: (1) employee parking needs; and (2) a service area for mobile equipment, such as hearses and ambulances.
 - n. Other Commercial Buildings. At least one parking space for each three hundred (300) square feet of floor area, or fraction thereof, or one parking space for each one and one-half (1 ½) employees, whichever requirement is the greater.
3. Home Occupations. (Note the following guides are for spaces in addition to the ones required for the residence):
- a. Legal Office: One space for each employed person (the resident attorney, an associate, etc.) and two additional spaces for clients and occasional sales persons or consultants.
 - b. Architects, Landscape Architects, Engineers and Accountants. One space for the resident and one additional space for each employee. Two additional spaces for clients and/or other visitors.
 - c. Physicians and Dentists: One space for the resident and one additional space for each employee, associate or other affiliated person; and three (3) additional spaces for patients.
 - d. Realtors, Insurance Agents, Offices of Elected Officials: Three (3) spaces.
 - e. Barber Shops and Beauty Parlors: Four (4) spaces. If there is only one customer facility provided, (one barber chair, one dryer, etc.) three (3) spaces may be approved.
 - f. Dressmakers, Milliners and others: Three (3) spaces.
4. Commercial and Industrial Parking. These regulations shall apply to industrial expansion and industrial installation erected after the effective date of this Ordinance. Off-street parking shall be provided in accordance with the following schedule:
- a. Industrial and manufacturing establishments. One and one-half (1-½) vehicle parking spaces for each two (2) employees when the establishment operates with only one (1) shift. In the case of multiple shifts, one (1) parking space for each employee on the largest shift shall be provided.
 - b. Truck terminals and wholesale warehouses. One and one-half (1-½) parking spaces for each two (2) employees on the largest shift.

- c. Visitors. Space shall be provided in addition to the above parking requirements according to the specific needs. For the purpose of this Ordinance, traveling salesmen and out-of-town personnel are visitors.

C. Loading and Unloading Space

- 1. In addition to the off-street parking space required herein, any building erected, converted or enlarged in any District for commercial, office building, manufacturing, wholesale, hospital or similar uses, shall provide adequate off-street area for loading and unloading of vehicles according to the following schedule:

Use	Gross Floor Area Square Feet	Minimum Number Of Spaces
Stores, manufacturing, wholesale, commercial, hospitals, laundry mortuary, dry cleaning	Under 8,000	1
	8,000 to 40,000	2
	40,000 to 250,000	3
	Each additional 200,000	1
Office Buildings, Hotels	Under 100,000	1
	100,000 to 300,000	2
	Each additional 300,000	2

- 2. In no case where a building is erected, converted or enlarged for commercial, manufacturing, or business purposes shall the public rights-of-way be used for loading or unloading of material.
- 3. Off-street loading and unloading spaces shall conform to the following:
 - a. No exterior portion of an off-street loading or unloading facility (including access drives) shall be located within fifty (50) feet of any land within a residential zone. Where possible, off-street loading and unloading facilities shall be located on the face of a building not facing any adjoining land in a residential zone;
 - b. Every loading and unloading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide for two-way travel, or fifteen (15) feet wide for one-way travel, exclusive of any parts of the curb and gutters;
 - c. Off-street loading and unloading facilities (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off-street loading of the loading or unloading facility surface, particularly next to access drives;
 - d. The following lists the required minimum loading and/or unloading space sizes, in feet (excluding access drives, entrances and exits):

<u>Facility</u>	<u>Length</u>	<u>Width</u>	<u>Height (If covered or obstructed)</u>
Industrial, Wholesale And Storage Uses	63 ft.	12 ft.	15 ft.
All Other Uses	33 ft.	12 ft.	15 ft.

- e. Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be arranged so as not to be directed, reflected or cause glare off the site; and
- f. All off-street loading and unloading facilities shall be surrounded by a fifteen-foot wide landscape strip, designed in accordance with paragraph M and N of this Section.

D. Service Areas (Parking, Drives and Loading)

1. Residential Districts

- a. Service areas may be placed in required yard areas but not closer than ten (10) feet from any property line.
- b. Where the extremities of a service area are closer than twelve (12) feet from any property line, curbs shall be installed and shall be located such that when wheels (front or rear) of a vehicle are in contact, no portion of the vehicle will overhang any part of the adjacent yard area or landscape strip by more than two and one-half (2 1/2) feet.
- c. Joint drives serving contiguous lots are not recommended. They may be approved as a special exception by the Zoning Hearing Board when no alternative is available.
- d. Off-street service areas must have an all-weather paving capable of providing a solid, dust-free surface at all times.
- e. Off-street service areas shall otherwise comply with the requirements as hereinafter set forth.

2. Commercial Oriented Districts

- a. Off-street service areas shall be provided for every commercial enterprise hereafter erected or substantially altered.
- b. Off-street service areas, where permitted, may be placed on the premises provided that:
 - (1) no part of any vehicle on the premises shall overhand any adjacent yard area or landscape strip by more than two and one-half (2 1/2) feet.
 - (2) storage of material shall not be permitted unless within a structure or behind a screen providing visual protection to adjacent properties.

(3) they comply with the requirements as hereinafter set forth.

- c. All off-street service areas shall be paved so as to provide an all-weather surface, firm and dust free at all times. Paving shall be as specified by the Township Engineer.

3. Industrial Oriented Districts

- a. Off-street service areas may be placed anywhere on the premises except where specifically prohibited. (Buffer yards and portions of yards adjacent to public right-of-way lines.)
- b. No parking or loading area shall be established within ten (10) feet of any property line and shall otherwise conform to the requirements as hereinafter set forth.

E. Drainage

Parking lots shall be graded to a minimum slope of three-quarter percent (0.75%) to provide for drainage.

F. Parking Space Sizes

The following lists required minimum space sizes in feet:

Parallel 22 x 8

Non-parallel 20 x 10

Physically Handicapped 20 x 13

G. Design Standards for Handicapped Parking Spaces

Off-street parking facilities shall conform with the Americans With Disabilities Act Accessibility Guidelines.

H. Aisles

Aisles are intended principally to provide vehicular access within a parking compound and entrance/exit area for individual parking spaces. Aisles may not be used to intersect streets. All aisles shall have the minimum widths indicated in the following table:

<u>Angle of Parking</u>	<u>Width of Driveway in Feet One-Way Traffic</u>	<u>Width of Driveway in Feet Two-Way Traffic</u>
90 Degrees	22	24
60 Degrees	18	24
45 Degrees	13	24
30 Degrees	12	24
Parrallel	12	24

All aisles in areas where there is no parking permitted shall be twelve (12) feet wide for each lane of traffic.

I. Marking of parking Spaces and Interior Drives

All parking lots shall be adequately marked and maintained for the purpose of defining parking stalls and interior drives. As a minimum, the lines of all parking stalls and interior drives (including directional arrows, etc.) shall be solid and four (4) inches in width. Parking lots with greater than thirty (30) spaces shall define parking spaces from aisles by raised curbs.

J. Curb Radii

Not less than four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.

K. End Stalls

All dead-end parking lots shall be designed to provide sufficient backup area for all end stalls.

L. Lighting

Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to reflect or glare on adjoining lots or streets.

M. Perimeter Landscaping

1. When a parking lot abuts a street, a landscape strip shall be provided along the entire streetline. This landscaping strip may be located within any other landscape strip required to be located along a street.
2. The following lists the required width of landscape strips:

Number of Spaces in Parking Lot Including Joint Facilities	Landscape Strip Width in Feet	
	Side and Rear Yard	Street R.O.W. Line
Less than 100	10	20
100 to 250	10	25
Over 250	10	30

3. Vegetative ground cover alone is not sufficient to meet this requirement. A mixture of deciduous and evergreen trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each seventy-five (75) linear feet of landscaping area. These trees shall have a clear trunk at least five (5) feet above finished grade level.

N. Interior Landscaping

1. In any parking lot containing twenty-five (25) or more parking spaces (except a parking garage), five percent (5%) of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping may be used at the end of parking space rows to break up rows of parking spaces, at least every ten parking spaces, and to help visually define travel lanes through or next to the parking lot.

2. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.
3. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas.
4. Ground cover alone is not sufficient to meet this requirement. Strips and interior landscaping shall comply with the following:
 - a. Any required landscaping shall include a combination of three (3) or more of the following elements: deciduous trees, ground cover, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscaping area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.
 - b. For each seven hundred and fifty (750) square feet of required area for landscape strips, one shade/ornamental tree shall be provided. For every three hundred (300) square feet of interior landscaping required, one shade tree shall be provided. If deciduous, these trees shall have a clear trunk at least five (5) feet above finished grade; if evergreen, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.
5. Parked vehicles may not overhang interior landscaped areas more than two and one-half (2 1/2) feet. Where necessary, curbing shall be provided to insure no greater overhang.
6. If a parking lot under twenty-five (25) spaces is built without interior landscaping, and later, additional spaces are added so that the total is twenty-five (25) or more, the interior landscaping shall be provided for the entire parking lot.

O. Speed Bumps

All speed bumps provided as part of access drives or parking lot aisles shall be marked with permanent yellow diagonal stripes. In no case shall the overall height (or depth) of speed bumps exceed two (2) inches.

P. Joint Parking Lots

1. In commercial shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty percent (20%). Therefore, the resulting joint parking lot will be required to provide at least eighty percent (80%) of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed upon the lot to provide

convenient walking distance between every vehicle and each of the shopping center's stores.

2. Required parking spaces may be provided in spaces designated to jointly serve two (2) or more establishments or uses, provided that the number of required spaces in such joint facility shall be less than the total required separately for all such establishments or uses. Where it can be conclusively demonstrated that one (1) or more such uses will be generating a demand for parking spaces, primarily during periods when the other use(s) is not in operation, the total number of required parking spaces may be reduced to:
 - a. That required number of spaces that would be needed to serve the use generating the most demand for parking; plus,
 - b. Twenty percent (20%) of that number of required parking spaces needed to serve the use(s) generating the demand for the lesser spaces.

Q. Prohibited Use of a Parking Lot

Automobile parking lots are for the sole purpose of accommodating the passenger vehicles of persons associated with the use, which requires them. Parking lots shall be used for the following:

1. The sale, display or storage of automobiles or other merchandise;
2. Performing services (including services to vehicles);
3. Loading and unloading purposes except during hours when business operations are suspended; and,
4. Except in specifically designated areas, the parking of recreational vehicles as defined herein.

Section 515. Performance Standards.

The purpose is to establish minimum environmental standards with which all proposed land uses and structures must comply. Evidence of ability to comply with the following shall be required prior to the issuance of a Zoning and/or Building Permit, and continued compliance shall be required during the operation of such land uses and structures.

A. Coverage Guidelines

If not specified otherwise, all buildings, parking lots and structures shall not exceed thirty (30) percent of land area exclusive of open space.

B. Privacy

All new land developments and structures shall, by site planning, location and orientation of structures, provide visual and acoustical privacy between themselves and adjoining lots and structures. The conditions of existing adjacent lots and structures shall govern the design of new lot developments and structures in the question of privacy.

C. Open Space

1. Open space shall be required as deemed necessary to preserve slope area, protect natural drainage ways, provide for public utilities, and to meet any other open space requirements of the Township Subdivision and Land Development Ordinance.
2. In the case of Planned Residential Developments or Cluster Developments, no less than twenty-five (25) percent of the total land area shall be devoted to recreational use and common open space, in addition to the space required for slopes and drainage ways in (1) above; and adequate assurance for the perpetuation and grounds maintenance thereof shall be provided by the developer.

D. Noxious Uses

All uses of land, buildings and structures shall be prohibited that may be noxious or injurious by reason of the production or emission of water pollutants, dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, or similar substances or conditions; provided, however, that all agricultural activities controlled through good agricultural husbandry practices are permitted and any other uses may be permitted if adequate provisions, restrictions, and safeguards to protect the health, safety, and the general welfare of the community are established by a written agreement between the Developer and the Township, and further subject to the USE REGULATIONS of the District in which the use is to be located and compliance with applicable State and Federal regulations as they are periodically amended.

1. Noise.

The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands stated below. The sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to the specifications published by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z 24.3 - 1944, American Standards Association, Inc., New York, New York; and the American Standard Specification for an Octave B Filter Set for the Analysis of Noise and Other Sounds, Z 24.10 -1953, American Standards Association, Inc., New York, New York shall be used). Sound pressure levels shall be measured at the property line on which the emission occurs. The maximum permissible sound pressure levels for smooth and continuous noise shall be as follows: (All of the following decibel levels shall apply in each case).

<u>Frequency Band</u> <u>(Cycles per Second)</u>	<u>Maximum Permitted</u> <u>Sound Pressure Level (Decibels)</u>
0 – 150	67
150 – 300	59
300 – 600	52
600 – 1200	46
1200 – 2400	40
2400 – 4800	34
Above 4800	32

If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given herein.

<u>Type of Operations or Character of Noise</u>	<u>Corrections in Decibels</u>
Noise occurs between the hours of 10 P.M. and 7 A.M.	-3
Noise occurs less than 5 percent of any one-hour period	+5
Noise is of periodic character (hum, scream, etc.) or impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse; and impulse peaks shall not exceed the basic standards given above).	-5

2. Smoke and Gases.

- a. No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on the Ringlemann Smoke Chart published by the U.S. Bureau of Mines, except that smoke of a shade not darker than No.2 on the Ringlemann Chart may be emitted for not more than 4 minutes in any 30-minute period.
- b. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, animals, vegetation or property or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating emission is herewith prohibited.
- c. No emission of liquid or solid particles from any chimney or other source shall exceed three-tenths (0.3) grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees F. and 50% excess air in stack at full load.

3. Odor.

Odorous matter released by any operation or activity shall not exceed the odor threshold concentration beyond lot lines, measured either at ground level or habitable elevation. The standard for measuring the intensity of odor in the air shall be the "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)" ASTM Method D1391-57, American Society of Testing and Material, Philadelphia, Pennsylvania, 1957.

4. Heat.

No use shall produce heat perceptible beyond its lot lines.

5. Glare.
 - a. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted. No light in excess of five-tenths (0.5) footcandles shall be emitted on adjoining property for a distance of more than twenty-five (25) feet from the property line of the property on which the source of the light is located.
 - b. All lighting devices located within one hundred (100) feet of any property line adjoining a residential use or zoning classification shall be designed with shields, reflectors or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety degrees (90°). "Cutoff angle" is defined as the angle formed by a line drawn from the direction of the light rays at the ground from the light source above which no light is emitted.
6. Vibrations.

No use shall cause earth vibrations or concussions detectable beyond the limits of the property except as permitted by Rules and Regulations of DEP.
7. Fire Hazards.

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
8. Radioactivity or Electrical Disturbance.

No use shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
9. Air Pollution.

Air pollution shall be subject to the requirements and regulations established by DEP.
10. Erosion.

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties or public right of ways.
11. Water Pollution.

Water pollution shall be subject to the requirements and regulations established by DEP.
12. Ground Water.

No use shall be permitted which would contaminate or destroy any public or private ground water supply.
13. Storm Water.

All storm water management systems shall be designed to control storm water runoff so that the storm water runoff at the site boundary after development is no greater

than the pre-development runoff for any storm event up to and including the hundred (100) year storm.

All storm water runoff control facilities (i.e., pipes, inlets, and open channels) shall be designed in conformance with the applicable standards of PennDOT, the Soil Conservation Service, DEP and regulations adopted pursuant to the requirements of the Pennsylvania Storm Water Management Act.

As a minimum, all storm water runoff control facilities shall be designed to accommodate the twenty-five (25) year storm event runoff.

E. Enforcement Provisions.

The Zoning Officer, prior to the issuance of a Zoning Permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements are to be eliminated or reduced to acceptable limits and tolerances. In addition, the Zoning Officer may require the posting of a bond sufficient to guarantee compliance.

F. Measurement Procedures.

Methods and procedures for the determination of the existence of any dangerous and elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, and DEP.

Section 516. Required Trash Areas.

- A. All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure.
- B. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Officer shall be required.

Section 517. Setback Requirements for Corner Buildings.

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located. The two (2) remaining lot lines shall have a setback distance equal to the side yard setback requirement for that district.

Section 518. Screening.

- A. Plant materials used in the screen planting shall be at least four (4) feet in height when planted and of such species as will produce, within two years, a complete visual screen of at least eight (8) feet in height.
- B. The screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one (1) year.
- C. The screen planting shall be so placed and maintained that, at maturity, it will be not closer than three (3) feet from any street right-of-way or property line.

- D. A clear-sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.
- E. The screen planting shall be broken only at points of vehicular or pedestrian access.

Section 519. Signs.

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

A. General Signs

1. The following types of signs shall be permitted in all Districts:
 - a. Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided: (1) the size of any such sign is not in excess of six (6) square feet, and (2) not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
 - b. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer, or other person interested in such sale or development, may be erected and maintained, provided: (1) the size of any sign is not in excess of six (6) square feet, and (2) not more than two signs are placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
 - c. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided: (1) the size of any such sign is not in excess often (10) square feet; and (2) not more than one such sign is erected on each five hundred (500) feet of street frontage.
 - d. Signs bearing the word "sold" or the word "rented" with the name of the persons effecting the sale or rental may be erected and maintained, provided the conditions in subsection "a" hereof, are complied with.
 - e. Signs of mechanics, carpenters, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided: (1) the size thereof is not in excess of

twelve (12) square feet; and (2) such signs are removed promptly upon completion of the work.

- f. Trespassing signs, or signs indicating the private nature of a driveway or property provided that the size of any sign shall not exceed two (2) square feet.
- g. Signs of schools, colleges, churches, hospitals, sanitariums, or other institutions of a similar nature may be erected and maintained, provided: (1) the size of any such sign is not in excess of thirty-two (32) square feet; and (2) not more than two signs are placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage.
- h. Off-premise signs advertising the sale of farm products when permitted by this Ordinance, provided: (1) the size of any such sign is not in excess of thirty-two (32) square feet; and (2) not more than two signs in anyone direction of travel from the premises are used.
- i. Signs advertising home occupations shall be not larger than four (4) square feet, bearing the name and occupation of the practitioner; and no more than two (2) such signs shall be permitted.

B. Business Identification Signs

- 1. Signs bearing the name of the occupant and products manufactured, processed, sold or displayed may be erected and maintained on the premises of permitted commercial and industrial uses. The size of business identification signs shall not exceed one hundred (100) square feet in area; and if attached to a wall surface of the building, shall not project beyond the ends of the wall nor more than five (5) feet above the roof line.
- 2. For related businesses (e.g. office-professional service, real estate, apartment, etc.), signs identifying the business and service, or the apartment name shall not exceed twenty-five (25) square feet in area.
- 3. Signs as permitted in Residential District.
- 4. Signs identifying businesses in non-conforming structures and the non-conforming use of land shall not exceed twenty (20) square feet in area. Such signs may be backlit. Completely hidden diffused lighting may also be accepted.

C. Commercial Advertising Signs

- 1. Commercial advertising signs, outdoor advertising structures, or billboards which advertise products or businesses not connected with the site or building on which they are located shall be permitted and regulated as a separate, supplemental use in the CI District.

2. No such sign shall be located at a lesser distance than two hundred (200) lineal feet for (a) the district boundary of any adjoining residential district; or (b) any building used for residential purposes.
3. No such sign shall be located on a lot having a frontage or width along the street, road or highway adjacent to the sign of less than one hundred fifty (150) feet.
4. No commercial advertising sign shall be closer than fifty (50) feet to any property line, nor located closer than fifty (50) feet to the legal right of way of any existing street, road or highway or from the dedicated right of way line of any street, road or highway as shown in a subdivision or land development plan approved by the Township.
5. There shall not be more than one (1) commercial advertising sign structure per lot displaying a maximum of three hundred (300) square feet of advertising space. A backup structure facing in the opposite direction with an interior angle of less than ninety (90) degrees and conforming with the general lines and measurements of the first structure shall also be permitted provided the aggregate advertising space thereon shall not exceed three hundred (300) square feet.
6. No portion of any sign shall exceed a height of twenty-five (25) feet above ground level.
7. All such signs shall be attached to the ground by a single vertical metal or concrete post, pillar, pole or column.
8. Signs shall not be located on the same side of any road, street or highway at a lesser distance from each other (measured in both directions) than one thousand (1,000) lineal feet.
9. Signs may be illuminated, but no direct ray of light shall extend beyond the face of the sign.
10. The construction of all commercial advertising signs shall comply with all building construction regulations of the Township.
11. Every sign shall be identified on the structure with the name of the owner.
12. All properties upon which a billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter or vector habitation.
13. No billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.

D. General Regulations for All Signs

1. The following regulations shall apply to all permitted sign uses:
 - a. Signs must be constructed of durable material, maintained in good condition and not allowed to become dilapidated.
 - b. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view.
 - c. No sign, other than an official traffic sign, shall be erected within or over a public right-of-way, unless authorized by the PennDOT or Board of Supervisors.
 - d. No permit shall be required for the erection, alteration, or maintenance of any signs as permitted in subsection "A" hereof, General Signs.
 - e. Each sign, signboard, poster, or advertising bulletin and all appurtenances shall be removed when the circumstances leading to its erection or display no longer apply.
 - f. No sign, whether stationary, animated, sequential, flashing or oscillating, shall be permitted in any District when by reason of its intensity, color, location or movement it may interfere or cause confusion with traffic lights, signals, or other controls or be detrimental to adjoining property.
2. Except for commercial signs under Section C., no sign in Latimore Township shall exceed one hundred (100) square feet.

3. Lights for Signs

No light, whether constant, flashing or oscillating, shall be permitted in any District when by reason of intensity, color, location, or movement or direction of its beam, it may interfere or abrogate public safety or be detrimental to occupants of adjoining property.

Section 520. Special Uses.

This Ordinance shall not apply to any building of the Township if the Board of Supervisors shall, after a public hearing, decide that such building or extension thereof or such use of any premises is reasonably necessary for the convenience or welfare of the public.

Section 521. Storage and Parking of Certain Vehicles.

- A. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residential property other than in completely enclosed buildings.
- B. One (1) boat, and one (1) travel trailer may be stored in any District if they have a current license, and provided that:
 1. The vehicle shall not project beyond the front line of the dwelling.
 2. The lot is improved with a dwelling occupied by the owner of the vehicle(s).
 3. The vehicle(s) should be placed in such a manner so there is no encroachment into the side and rear yard set-back areas.

Section 522. Swimming Pools.

- A. Every outdoor swimming pool must conform to all applicable requirements of State Law and in addition must be completely surrounded by a fence or wall not less than four (4) feet in height, which shall be constructed according to Section 522 of this Ordinance. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- B. The pool may not be located closer than twenty (20) feet to any property line of the parcel upon which it is located; however, the required fence enclosure may be located between one (1) of the minimum required setback lines and the property line. When located between the setback line and the property line, such a fence shall not exceed eight (8) feet in height.
- C. No swimming pools or enclosures shall be constructed in the front yard of any lot or tract of land in any District.
- D. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.
- E. If a pool is elevated two and one-half (2 1/2) feet or more above existing grade by a vertical wall or support to contain water, the fence or wall requirement may be modified by the Zoning Hearing Board.

Section 523. Temporary Buildings.

- A. Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any District during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.
- B. Storage of such facilities or equipment beyond the completion date of the project shall require a Zoning Permit authorized by the Zoning Officer.

Section 524. Unenclosed Storage.

- A. In all Districts, no outdoor stockpiling of any material or outdoor storage of trash is permitted in front yards.
- B. Except as provided in other Township Ordinances, the accumulation of trash or junk out-of-door for a period in excess of fifteen (15) days is prohibited in all Districts.

Section 525. Uses Not Provided For.

Whenever in any District established under this Ordinance a use is not specifically permitted, an application shall be made by a property owner to the Zoning Officer for such use. The Zoning Officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar and

compatible with permitted uses in the District and in no way is in conflict with the general purpose and intent of this Ordinance.

Section 526. Visibility at Intersections.

On any comer lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet between the centerline grades of the intersecting streets within the "clear-sight-triangle" area defined in accordance with the Township Subdivision and Land Development Ordinance.

Section 527. Walls and Fences.

- A. No fence or wall (except a retaining wall or a wall of a building permitted under the terms of this Ordinance) over four (4) feet in height shall be erected closer to any wall of a residence (on the subject property or a neighboring property) than the required side yard width of the applicable District, unless that portion of the fence or wall exceeding four (4) feet in height shall contain openings therein equal to fifty percent (50%) or more of the area of said portion of fence or wall; provided that the required openings shall be deemed to include any openings that occur in that portion of the fence or wall that is within the first four (4) feet of height of the fence measured from the ground.
- B. In any District, no fence or wall (except a retaining wall or wall of a building permitted under the terms of this Ordinance) shall be erected to a height of more than eight (8) feet in any yard area, unless authorized by Special Exception.
- C. This does not include any fences erected principally to control agricultural livestock.

Section 528. Yards.

A. Front Yard Exception

- 1. When the setback of existing buildings is greater than the minimum provided, the required setback of a building hereafter erected shall be the same as or greater than the average setback of existing buildings in the same block on the same side of the street.
- 2. The front yard of a proposed building may be decreased in depth to the average formed by the alignment of existing buildings within one hundred (100) feet on each side of the proposed building, and within the same block, if such alignment of existing buildings is less than the front yard requirement for the District.

B. Rear Yard Exception

- 1. When a rear yard abuts an alley, a structure shall not be erected closer than twenty-five (25) feet from the centerline of said alley.

C. Projections

- 1. No principal building, and no part of a building shall be erected within, or shall project into the front, side or rear yard of a lot, except cornices, eaves and gutters, steps, chimneys, or similar appurtenances, which may project into yard areas

provided that the projection is not more than eighteen (18) inches. However, covered porches, stoops, patios and attached carports, whether enclosed or unenclosed shall be considered as part of the principal building and shall not project into a required yard area.

D. Storage of Material in Yards

1. The outdoor display or storage of any equipment or material, other than incidental lawn ornaments, furniture and play equipment, shall not be permitted in any front yard area required by this Ordinance.
2. This does not apply to implements of husbandry in the A-C-I or A-C-II Districts.

Section 529. Keeping Dangerous Animals.

- A. Prohibitions. Except as provided in Subsection B. below, no person shall own, keep or harbor dangerous animals in the Township.
- B. Exceptions. Subsection A above shall not apply to any keeping of such animals in a bona fide licensed veterinary hospital for treatment, or to persons who lawfully hold permits for exotic wildlife possession, exotic wildlife menageries, or as exotic wildlife dealers; provided, however, all such persons shall comply with all other provisions of this Ordinance.
- C. Notice of Keeping Dangerous Animals. Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal on premises in the Township, the Zoning Officer shall forthwith cause the matter to be investigated and if, after investigation, the facts indicate that such person named in the complaint is, in fact, the owner, or is keeping or harboring any such dangerous animal in the Township, he/she shall forthwith send written notice to such person, requiring such person to safely remove said animal from the Township within three (3) days of the date of said notice. Notice as herein provided shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, or has escaped or is at large, in which case the Zoning Officer shall cause said animal to be immediately seized and impounded, according to the provisions of Subsection D below, or killed, if seizure and impoundment are not possible without of risk of serious physical harm or death to any person.
- D. Seizure and Impounding of Dangerous Animal. The Zoning Officer shall forthwith cause to be seized and impounded any dangerous animal where the person owning, keeping or harboring such animal has failed to comply with the notice sent pursuant to Subsection C above. Upon a seizure and impoundment, said animal shall be delivered to a place of confinement, which may be with any organization, which is authorized by law to accept, own, keep or harbor such animals. If, during the course of seizing and impounding such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the Zoning Officer may render said animal immobile, by means of tranquilizers or other safe drugs, or if that is not safely possible, then said animal may be killed.
- E. Cost to be Paid by Responsible Persons. Any reasonable costs incurred by the Zoning Officer in seizing, impounding or confining any dangerous or wild animal shall be

charged against the owner, keeper or harbinger of such animal, and shall be collected by the Township Solicitor. Such charges shall be in addition to any fine or penalty provided for violating this Ordinance.

**ARTICLE VI
USE REGULATIONS**

Section 601. Adult-Related Facilities.

- A. Each Adult-Related Facility shall be located on a single lot having a minimum area of five (5) acres.
- B. The lot width at the street right-of-way line shall be a minimum of two hundred (200) feet.
- C. The lot of such business shall not be located within five hundred (500) feet of any residence, residential use, or residential zoning district.
- D. The lot of such business shall not be located within one thousand (1000) feet of any religious structure, public recreation facility, school facility, daycare center or public library.
- E. The lot of such business shall not be located within one thousand (1000) feet of another adult related facility.
- F. No material, merchandise, film or services offered for sale, rent, lease, loan, or for view shall be exhibited, displayed or graphically represented outside of a building or structure or that can be seen from the exterior of the building.
- G. Signs for such business shall be limited to wall mounted signs. No sign for such business shall be erected depicting or giving a visual representation of the types of items and/or services offered within the establishment; nor display any representations of the human form.
- H. Each and every entrance of the structure shall be posted with a notice of at least four (4) square feet that the use is an adult regulated facility restricting persons under the age of eighteen from entrance.
- I. The building occupied as an adult related facility shall have an opaque covering over all windows and/or glass doors to prevent items and/or services from being visible from the outside of the building.
- J. Any buildings or structures must be set back at least one hundred (100) feet from any property or street right-of-way line.
- K. A buffer yard at least one hundred (100) feet wide must be located on the site in all instances.
- L. Trees and shrubs must be planted in the buffer yard so as to form an effective visual

barrier between the business and all adjoining properties, including road frontage. Trees shall be of such dimensions and variety that they will achieve a minimum height of six (6) feet in the year after issuance of the permit.

- M. Lot coverage, including building, structures, sidewalks, parking areas and all other impervious material, shall not exceed fifteen (15) percent.
- N. Satisfactory provisions shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases).
- O. Strict adherence to any and all other ordinances of Latimore Township.

Section 602. Airstrips, Airports and Heliports.

- A. All airstrips or airports shall have a minimum lot area of twenty (20) acres, and three (3) acres for Heliports.
- B. The approach zone to any of the proposed runways or landing strips shall be in accordance with the regulations of applicable Federal and/or State agencies.
- C. There shall be no existing flight obstructions such as towers, chimneys or other tall structures or natural obstructions outside of the airport and located within the proposed approach zones.
- D. Any building, hangar or structure shall be located a sufficient distance away from the landing strip in accordance with the recommendations of applicable Federal and/or State agencies.
- E. Building heights in airport approach zones shall be limited to provide a clear glide path from the end of the useable landing strip. The glide path shall be a plane surface laid out in accordance with the operating characteristics of the aircraft for which the airport is designed. The first five hundred (500) feet of the glide path shall be wholly within the airport property.
- F. The applicant shall furnish evidence of the obtainment of a license from PennDOT, Bureau of Aviation, prior to the approval of the supplemental use application.
- G. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred (300) feet from any property line.

Section 603. Amusement Arcades.

- A. All activities shall take place within a completely-enclosed building.
- B. The applicant must furnish evidence as to how the use will be controlled so as to not constitute a nuisance due to noise or loitering outside the arcade.

- C. In addition, any accessory uses (e.g., snack bar) shall also require parking in accordance to Section 513. B. 2. of this Ordinance.
- D. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

Section 604. Antique Sales.

- A. Any outdoor display of articles for sale shall be at least fifty (50) feet from any property or street line.
- B. Adequate off-street parking must be provided as required in Section 513 of this Ordinance.
- C. A sign no larger than fifty (50) square feet may be permitted and shall be set back at least forty (40) feet from any street line.

Section 605. Campgrounds.

- A. All campgrounds shall have a minimum lot area of ten (10) acres.
- B. Setbacks - All campsites shall be located at least fifty (50) feet from any property line and one hundred (100) feet from any street line.
- C. The proposed campground must comply with the appropriate health, sanitary and safety regulations of Latimore Township and the Commonwealth of Pennsylvania.
- D. Each campsite shall provide a minimum of one thousand five hundred (1,500) square feet, and shall either provide parking space for one automobile which will not interfere with the convenient and safe movement of traffic, or equivalent parking shall be provided in a common area or lot.
- E. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- F. Consideration shall be given to traffic problems. If the nature of the campground is such that it will generate a high volume of vehicular traffic, then access shall be via an arterial or collector street.
- G. No campground may be located within one thousand (1,000) feet of an existing dwelling.

Section 606. Cemeteries.

- A. All burial plots or facilities shall be located at least 100 feet from all property lines or rights-of-way.

B. Assurances must be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

C. No burial plots or facilities are permitted on flood plain land.

Section 607. Colleges or Boarding Schools.

A. All colleges or boarding schools shall have a minimum lot area of twenty (20) acres.

B. Sewer and water systems approved by DEP must be utilized.

C. Access shall be via an arterial or collector street.

D. Buildings shall be at least fifty (50) feet apart, except that where they face end to end or corner to corner they shall be at least thirty (30) feet apart.

E. Maximum building coverage shall not exceed forty (40) percent of the total land area.

F. Any buildings or other structures must be set back at least fifty (50) feet from any property line.

G. The lot width at the street right-of-way line shall be a minimum of two hundred (200) feet.

Section 608. Private Clubs.

A. Access must be via an arterial or collector street.

B. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.

C. The use shall not constitute a public or private nuisance.

Section 609. Commercial Recreational Establishments (Outdoor Or Indoor).

A. Setbacks - The area to be used for recreational purposes must be set back at least fifty (50) feet from any property or street line.

B. Access shall be via an arterial or collector street.

C. Where an outdoor recreational use, other than a golf course, adjoins a residential use, trees or shrubs must be planted on the site of this use so as to form an effective visual barrier between the outdoor recreational use and adjoining residential properties.

D. Any booths or other structures used for the collection of admission and/or parking fees

shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining roads. If, at any time after the opening of the commercial recreation facility, the Township determines that traffic back-ups are occurring on adjoining roads, and such back-ups are directly related to the means of access to the subject property, the Township can require the applicant to revise the means of access to relieve the undue congestion.

- E. Traffic Impact - The applicant shall furnish a traffic study prepared by a professional traffic engineer.
- F. Any exterior public address system shall be designed and arranged so that the audible levels of any messages conveyed over the system will not exceed the ambient levels of the use. Such measurements shall be conducted at the property lines.

Section 610. Commercial Or Training Schools.

- A. All commercial schools shall have a minimum lot area of five (5) acres.
- B. The lot width at the street right-of-way line shall be a minimum of two hundred and fifty (250) feet.
- C. Access shall be via an arterial or collector street.

Section 611. Communication Antennas, Towers and Equipment.

- A. Any commercial structures shall be set back from each property line at a distance one and one-half (1-1/2) times its height.
- B. All towers shall be completely enclosed by an eight (8) foot high fence and self-locking gate.
- C. All ground-mounted satellite dish antennas that are used to transmit video format data shall be completely enclosed by an eight (8) foot high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended.
- D. The applicant shall furnish expert testimony regarding the construction methods or other measures used to prevent (1) the toppling of any structure onto adjoining properties and/or roads; and (2) the wind-borne scattering of ice onto adjoining properties and/or roads.
- E. Communications Towers

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Wireless Communications Antennas.
2. The applicant shall demonstrate that the proposed Communications Tower and Communications Antenna mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
3. Communications Towers shall comply with all applicable Federal Aviation Administration and Commonwealth Bureau of Aviation regulations.
4. Any applicant proposing the construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Tower on an existing building, structure, or Communications Tower. Written documentation of such good faith effort shall be provided with the Special Exception application. A good faith effort shall require that all owners of potentially suitable structures within a one (1) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and that reinforcement cannot be accomplished.
 - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure, and that the interference cannot be abated.
 - c. The existing structures are not of adequate location, space, access, or height to accommodate the proposed antennas and equipment or to allow the antennas and equipment to perform their intended function.
 - d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - e. A commercially reasonable agreement could not be reached with the owners of such structures.
5. Access to the Communications Tower and Communications Equipment Building shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least (10) feet with a dust-free, all weather surface for its entire length.

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 the minimum lot size requirements for the applicable zoning district.
7. Although submission of a land development plan shall be required, recording of the plan of subdivision or land development shall not be required for a lease parcel on which a Communication Tower is proposed to be constructed.
8. The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function provided, however, that the maximum height of any Communications Tower shall be one hundred ninety (190) feet.
9. The base of Communications Towers shall be landscaped so as to screen the foundation and base of the Communications Equipment Building from view from abutting properties.
10. The Communications Equipment Building shall comply with the required yard and height requirements of accessory structures in the applicable zoning district.
11. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Communications Tower will be designated and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association, and applicable Latimore Township Building Ordinances, if any.
12. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address, and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
13. All guy wires associated with a guyed Communications Tower shall be clearly marked so as to be visible at all times, and shall be located within a fenced enclosure.
14. The site of a Communications Tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public. An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of six (6) feet at planting, and shall reach a minimum height of fifteen (15) feet at maturity. Any trees, which die within a year of planting, shall be replaced by the applicant.
15. No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation

Administration, or other governmental agency, which has jurisdiction.

16. Communication Towers shall be protected and maintained in accordance with the requirements of Latimore Township Ordinances.
17. The applicant shall sign a Tower Removal Agreement, with language satisfactory to the Latimore Township Solicitor, providing that if a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period. The agreement shall include a tower removal bond of sufficient amount, as determined by the Latimore Township Engineer, to enable the removal of the tower by the Township should the applicant fail to meet the provisions of the Tower Removal Agreement.
18. One (1) off-street parking space shall be provided within the fenced area required by this section.
19. The applicant shall demonstrate that the proposed tower will not negatively affect surrounding areas as a result of support structure failure, falling ice or other debris, or radio frequency interference. All towers shall be fitted with anti-climbing devices, as approved by the manufactures.
20. A list of the contents of the equipment building or box, with specific attention to any potentially unsafe or toxic substances, including batteries, located in the facility shall be provided to the Township.
21. Information regarding the intended power supply and auxiliary power supply for the facility shall be provided to the Township.
22. Where the construction of new support structure is proposed, the applicant shall use a monopole where the proposed site meets one (1) or more of the following locational criteria:
 - a. Within one (1) mile of an area or property listed in the National Register of Historic Places.
 - b. Within one (1) mile of an area or property deemed eligible by the State Historic Preservation Officer to be eligible for listing in the National Register of Historic Places.
 - c. Within five hundred (500) feet of any residential subdivision or land development containing more than twenty-five (25) contiguous dwelling units and a dwelling unit density of greater than one (1) dwelling unit per acre.

Section 612. Concentrated Animal Operations (CAO's).

- A. Owners of all CAO's shall submit to the Township a Nutrient Management Plan as defined under the Draft Nutrient Management Act and developed in accordance with the current Rules and Regulations of the State Conservation Commission, and produce evidence that the Plan has been approved by the Adams County Conservation District.
- B. All operations and facilities shall comply with any other Township Ordinances dealing with manure storage and handling.
- C. The Plan shall be accompanied by drawings outlining the locations and nature of existing and proposed facilities drawn to scale and be of sufficient specificity that the Township or its representative(s) can easily determine the exact location and nature of the facility, and must be in compliance with the Latimore Township Subdivision and Land Development Ordinance.
- D. The Plan shall describe the method and facilities used to remove, store, transport, treat or dispose of all livestock or poultry wastes during all seasons. The Plan shall include calculations of the number of AEU's proposed, the amount of manure produced, the amount of land needed for its disposal and proof that sufficient land is owned or leased to safely dispose of all manure. Amounts of fertilizer planned to be used shall be included in the Plan.
- E. If the land owned by the operator of a CAO is not adequate for the total disposal of manure to be generated, the operator must demonstrate to the Board of Supervisors that acceptable arrangements have been made with owner(s) of other permitted land adequate for disposal of the total manure generated at all times.
- F. All land on which manure is to be applied must have a current Conservation Farm Plan which is being implemented.
- G. The Nutrient Management Plan shall include provisions for control of runoff, and the protection of ground and surface water. The operator must also comply with other Township ordinances with respect to odor, vectors and other nuisances not inconsistent with the Pennsylvania Right to Farm Law.
- H. The owner of a CAO must establish and maintain an access to the Operation so that all motor vehicles making a right turn (whether entering or leaving the property) can do so without first having to enter the left hand travel lane of the public highway upon which the property is located. The Township Zoning Hearing Board shall have the right to designate the direction in which traffic to and from the Operation shall travel.
- I. The owner of a CAO whose property is located along a Township road must improve the highway upon which the property is located to PennDOT standards for the type of traffic generated by the Operation from the nearest PennDOT highway from which the traffic will originate and depart to the point of access to the Operation, including the full width of the access drive.

- J. 1. Minimum lot size shall be 50 contiguous acres. Where a lot is comprised of more than one tract, the owner of such tracts shall combine them under a single deed, which will preclude individual tracts from being placed in separate ownership without processing a subdivision plan in accordance with the Latimore Township Subdivision and Land Development Ordinance. The deed shall be recorded in the Adams County Recorder of Deeds Office, and a copy of such deed shall be included in the applicant's Supplemental Use application.
2. Setbacks: The following setbacks are required:
- a. For new CAO's the structure housing the Operation shall be located no closer than two hundred (200) feet from any front property line, no closer than one hundred fifty (150) feet from any side or rear property line, no closer than seven hundred (700) feet from any dwelling or water well not owned by the owner of the Operation, any church, school, public building, community park or institutional building. For expansion of existing CAO's, any additional building coverage shall comply with the setback requirements stated above so as not to increase the degree of non-conformity of the existing operation, if such non-conformity exists, with the setback requirements established by this Section.
 - b. For any new or expansion of an existing CAO any manure storage facility shall be located in accordance with the setback requirements established by the Pennsylvania Manure Management Act and the Rules and Regulations promulgated thereunder.
3. Maximum lot coverage shall not exceed ten percent (10%).
- K. A Water Supply Feasibility Report prepared by a licensed hydrogeologist shall be prepared to demonstrate that sufficient water resources are available to serve the proposed use. The report shall assess any water quality and water quantity impacts for all public and private wells within one (1) mile of the proposed Operation. Prior to securing Supplemental use approval, the applicant shall construct all wells necessary for the proposed use; shall perform appropriate pump tests; and shall monitor all wells within a one (1) mile radius of the site to verify that sufficient water is available for the proposed use and that no adverse impact will result to wells within said one (1) mile radius.
- L. The applicant shall demonstrate, to the satisfaction of the Zoning Hearing Board, that its methods of disposing of dead animals are in strict compliance with applicable standards of DEP. Dead turkeys, chickens, or piglets shall be kept in airtight containers. Larger dead animals shall be kept in a manner so as to minimize the spread of odors and disease.
- M. A Land Development Plan shall be submitted to, and approved by, the Township in accordance with the requirements of the Latimore Township Subdivision and Land Development Ordinance.

- N. The perimeter of any parking area shall be landscaped with at least three (3) of the following materials: landscape mulch, grass, shrubs, and trees.
- O. Each structure or other confined area shall be equipped with such equipment, machinery, mechanisms, processes and/or other devices as are needed to eliminate, reduce and/or control odors, insects, and the adverse effects of pollution and other environmental problems. It is the intent of this provision that the applicant for a supplemental use to conduct a CAO shall be required to demonstrate that the structure shall be equipped with the most advanced technological equipment available so as to eliminate, reduce or control the adverse effects of odors, insects, pollution and other environmental problems upon neighboring properties.
- P. A Stormwater Management Plan shall be prepared for all intensive agricultural uses. The Stormwater Management Plan shall be submitted to the Township Engineer for review and approval.
- Q. An Erosion and Sedimentation Control Plan shall be prepared for all Concentrated Animal Operation uses. The Erosion and Sedimentation Control Plan shall be submitted to the Adams County Conservation District and or other agencies with appropriate jurisdiction for review and approval.

Section 613. Convalescent Homes, Hospitals, Assisted Living Facilities

- A. All nursing homes, hospitals or assisted living facilities shall have a minimum lot area of five (5) acres. Any such establishment providing convalescent care or care for the chronically sick shall provide an additional lot area of at least one thousand (1,000) square feet per bed for such care.
- B. The lot width at the street right-of-way line shall be a minimum of two hundred and fifty (250) feet.
- C. Access shall be via an arterial or collector street.
- D. Public sewer and public water approved by DEP must be utilized.
- E. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- F. No building shall be located closer than one hundred (100) feet to any lot line.

Section 614. Drive-In Businesses.

- A. Access shall be via an arterial or collector street.
- B. All lights must be diverted toward the business or downward on the lot.

- C. No outdoor stockpiling or storage of trash is permitted. No materials may be stored so as to create a fire hazard.
- D. At least fifteen (15) percent of the lot on which the business is situated must be devoted to natural landscaping. Natural landscaping shall consist of live plants, grasses or ornamental shrubs as approved by the Board of Supervisors.
- E. Sufficient space shall be available for customers waiting in the drive-thru lane to avoid congestion on public road. Under no circumstances shall less than eight (8) stacking spaces be provided.

Section 615. Drive-In Theaters.

- A. All drive-ins shall have a minimum lot area of forty (40) acres.
- B. The lot width at the street right-of-way line shall be a minimum of four hundred (400) feet.
- C. Access shall be via arterial or collector street.
- D. Any sign shall not exceed one hundred (100) square feet in size, and shall be set back at least one hundred (100) feet from any street right-of-way line.
- E. Any buildings or structures must be set back at least one hundred (100) feet from any property or street right-of-way line.
- F. A buffer yard at least one hundred (100) feet wide must be located on the site in all instances where the site adjoins a residential use. A fifty (50) foot buffer yard is required where the site adjoins all other uses.
- G. Trees and shrubs must be planted in the buffer yard so as to form an effective visual barrier between the drive-in theater and adjoining residential properties. Trees shall be of such dimensions and variety that they will achieve a minimum height of twenty (20) feet in the first four (4) years after issuance of the permit.
- H. Noise level shall conform to the requirements; and no audible sounds from loud speakers or car speakers shall be heard outside the buffer yard.

Section 616. Eating Establishments.

- A. Adequate off-street parking spaces shall be provided as required in Section 513 of this Ordinance.
- B. Access shall be via an arterial or collector street.
- C. Adequacy of the water and sewer facilities shall be attested to by the U.S. Public Health

Service and DEP.

Section 617. Farm Occupations.

Farm occupations may be permitted as a supplemental use if the proposed use is accessory to the principal agricultural use of the property, and subject to the following standards:

- A. For the purposes of this section, farm occupations may involve any one of a wide range of uses, so long as it remains secondary to and compatible with the active farm use. Retail sales shall only be permitted incidental to production of goods on the site;
- B. No more than the equivalent of two (2) full-time nonresidents shall be employed by the farm occupation, and at least one (1) owner/operator of the farm occupation must reside on the site;
- C. The use must be conducted within one (1) completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred (100) feet from any adjoining roads or properties;
- D. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued;
- E. No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, nor three hundred (300) feet of any adjoining land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line;
- F. The farm occupation shall occupy no more than four thousand (4,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the farm occupation and the farm shall not be calculated as land serving the farm occupation;
- G. No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces;
- H. Any sign used for a farm occupation shall not exceed ten (10) square feet in size; and,
- I. For farm parcels of up to fifty (50) acres in size, while the farm occupation is in operation, no non-farm subdivision of the site shall be permitted.

Section 618. Golf Courses.

- A. Does not include driving ranges or miniature golf courses.
- B. All golf courses shall have a minimum lot area of forty (40) acres.
- C. All buildings must be set back at least one hundred (100) feet from any property line.
- D. A buffer yard fifty (50) feet wide must be located on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage.
- E. The lot width at the street right-of-way line shall be a minimum of three hundred (300) feet.
- F. All Golf Courses shall be built to the standards of the American Golf Federation Environmental Standards.
- G. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway.
- H. Golf Paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be provided with a dust free surface.
- I. The golf course design shall minimize golf path crossings of streets, access drives and driveways. Easily identifiable golf paths must be provided for crossing of streets, access drives or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives and driveways. Golf path crossings shall conform with the following.
 - 1. Each crossing shall be perpendicular to the traffic movements.
 - 2. Only one (1) street, access drive or driveway may be crossed at each location.
 - 3. No crossing is permitted between a point fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, access drive or driveway intersection.
 - 4. The crossing must be provided with a clear sight triangle of seventy-five (75) feet, measured along the street, access drive or driveway centerline of the golf path, five (5) feet from the edge of the roadway. No permanent obstruction over three (3) feet high shall be placed within this area.
 - 5. Golf path intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment.
 - 6. The golf cart path shall not exceed a slope of eight (8%) percent within twenty-five (25) feet of the cartway crossing.

7. Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.
8. Golf path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of the tunnel. The construction of the collector or arterial roadway crossing of the tunnel shall comply with PennDOT standards.
9. All golf course buildings shall be set back seventy-five (75) feet from any adjoining roads and one hundred (100) feet from adjoining residential structures or parcels.
10. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred (100) feet and screened from adjoining residential structures and roads.
11. All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads.

Section 619. Home Occupations.

- A. A home occupation shall be carried on entirely within a dwelling and shall not have the effect of modifying or changing the character or the external appearance of the dwelling unit. No display of products or services shall be visible outside the dwelling.
- B. Home occupation is deemed to include but is not necessarily limited to: Barber, Hairdresser, Dressmaker, Milliner, Professional Office of Attorney, Architect, Landscape Architect, Engineer, Accountant, Physician, Dentist, Realtor, Insurance Agent, Clergyman, Teacher, Artist and Municipal Official.
- C. Off-street parking spaces shall be provided as required in Section 513 of this Ordinance.
- D. No person other than a resident of the dwelling unit may practice the occupation. No more than two (2) persons shall be employed to provide secretarial, clerical or other assistance.
- E. Not more than thirty (30) percent of the ground floor area of a dwelling unit may be devoted to a home occupation or profession.
- F. A name plate or sign not larger than two (2) square feet in area is permitted. It must be illuminated only by indirect lighting.
- G. No more than one (1) home occupation may be located in any dwelling unit.

- H. No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes.
- I. No sales of any goods or merchandise shall occur on the premises, other than those goods or merchandise which are produced on the premises.
- J. No accessory building or structure shall be utilized for any aspect of a home occupation.

Section 620. Hotels and Related Facilities.

- A. Minimum lot area - five (5) acres.
- B. Both public sewer and public water shall be utilized.
- C. The following accessory uses may be approved as part of the permitted use.
 - 1. Auditorium
 - 2. Barber and beauty shops
 - 3. Tavern or nightclub
 - 4. Gift Shop
 - 5. Meeting facilities
 - 6. Recreational uses and swimming pools
 - 7. Restaurants
 - 8. Sauna, spa or steam room
 - 9. Solarium
 - 10. Valet Shop
 - 11. Other similar retail sales and personal services
- D. The above accessory uses (aside from outdoor recreational uses) shall be physically attached to the main hotel building except that one (1) freestanding restaurant, tavern or nightclub shall be permitted on the same lot as a principal hotel, subject to the following:
 - 1. The proposed restaurant, tavern or nightclub shall offer the preparation and serving of food and drink to be consumed on the premises; no drive-thru or take-out services shall be provided.
 - 2. No additional freestanding signs (other than those permitted for the principal hotel use) shall be permitted.
 - 3. If a nightclub is proposed, the applicant shall furnish evidence as to what means assure that the proposed nightclub will not constitute a nuisance to adjoining uses (including the hotel) by way of noise, litter, loitering and hours of operation.
 - 4. Sufficient off-street parking spaces have been provided and located to conveniently serve the freestanding restaurant, tavern and/or nightclub without

interfering with required off-street parking associated with the hotel use.

5. No part of any nightclub shall be located within six hundred (600) feet of any residentially-zoned land.

Section 621. Junk Yards.

All junk yards existing at the effective date of this Ordinance, within one (1) year thereafter, and all new junk yards, where permitted, shall comply with the following Provisions and any other Ordinance or Regulation of the Township:

- A. Such uses shall be conducted in a manner as will not interfere with or abrogate public health and safety, constitute a nuisance or otherwise be detrimental to adjoining property and public thoroughfares and, when deemed necessary by the Zoning Hearing Board to achieve same, shall be enclosed by a protective device or planting of such material and height as determined by the Board.
- B. Junk Yards shall comply with the Township "Junk Yard Ordinance," Ordinance Number 80-9, adopted by the Township Board of Supervisors on December 29, 1980 as amended.

Section 622. Kennels, Animal Hospitals.

- A. All kennels or animal hospitals shall have a minimum lot area of five (5) acres.
- B. All buildings, dog runs, fenced enclosures and similar structures shall be located at least one hundred (100) feet from all property lines or street rights-of-way.
- C. Satisfactory evidence must be presented to show that adequate disposal of animal waste and carcasses will be provided in a manner that will not be a public health hazard or a public nuisance.

Section 623. Laundry, Dry Cleaning Establishments.

- A. Access shall be via an arterial or collector street.
- B. Public sewer and public water approved by DEP must be utilized.
- C. Satisfactory evidence must be presented to show that adequate disposal of toxic material will be provided in a manner that will not be a public health hazard or a public nuisance.

Section 624. Manufacturing.

- A. All manufacturing shall have a minimum lot area of three (3) acres.
- B. The lot width at the street right-of-way line shall be a minimum three hundred (300) feet.

- C. All buildings must be set back at least one hundred (100) feet from a street right-of-way line.
- D. A buffer yard at least fifty (50) feet wide must be located on the site in all situations where the site adjoins a residential use. This yard shall be naturally landscaped, have no impervious cover, and shall not be used for buildings, parking, loading or storage purposes.
- E. Access shall be via an arterial or collector street. Traffic routes and exits shall be far enough from houses so that truck noise and vibration will be minimized.
- F. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes).

Section 625. Medical Clinics.

- A. All medical clinics shall have a minimum lot area of three (3) acres.
- B. The lot width at the street right-of-way line shall be a minimum of two hundred (200) feet.
- C. Access shall be via an arterial or collector street.
- D. Sewer and water systems approved by DEP must be utilized.
- E. Appearance should be harmonious with adjoining properties. This feature includes but is not limited to: landscaping, height control, sign control, building coverage, and architectural controls.
- F. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- G. Accessory services, including laboratories and pharmacies for the use of patients visiting medical practitioners in the clinic, may be permitted as part of the clinic facility, subject to the following specific conditions:
 - 1. All entrances to parts of the building in which these accessory services are provided shall be from within the building and any direct access from the street is prohibited.
 - 2. The hours during which these services are provided shall be no greater than or the same as those during which medical practitioners are receiving patients.
 - 3. Signs or other evidence advertising or indicating the provision of these services visible from outside the building are prohibited; except that there may be erected

one sign not exceeding two (2) square feet in area attached to the building, any illumination thereof being white, non-flashing, and limited to an enclosed lamp design.

- H. Adequate provision for infectious medical waste shall be made. Proof of this arrangement shall be provided to the Zoning Officer upon request.

Section 626. Migrant Worker Camps.

- A. Where permitted, migrant worker camps shall have a minimum lot area, or land area exclusively appertaining thereto, of one thousand five hundred (1,500) square feet for every occupant quartered or intended to be quartered within the camp; shall have buildings located at least:
 - 1. One hundred (100) feet from the centerline of any public thorough-fare, or adjoining property in separate ownership.
 - 2. Two hundred (200) feet from any food processing facility or permanent dwelling.
 - 3. Five hundred (500) feet from any structure quartering livestock or poultry.
- B. Migrant Workers Camps shall conform to all rules and regulations of Chapter 177, Title 25, of DEP as amended.
- C. The construction or installation of a structure to serve as a migrant workers camp must be performed in accordance with a Land Development Plan prepared in accordance with the Subdivision and Land Development Ordinance of Latimore Township and approved by the Board of Supervisors. Compliance with the relevant provisions of the Pennsylvania Sewage Facilities Act is required.

Section 627. Mini-Warehouses.

- A. Off-street parking spaces shall be provided at the rate of one (1) space per each twenty-five (25) units, plus one (1) per two hundred fifty (25) square feet of office space, plus two (2) per any resident manager.
- B. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only, and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
- C. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially-zoned land and adjoining roads, and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.

- D. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatuses relying upon such fuels shall be stored only in an external storage area as described above.
- E. An on-site manager shall be required to be on the site on a full-time basis and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. Any apartment for a resident manager shall comply with all of those requirements listed within the zone, and shall be entitled to all residential accessory uses provided in this Ordinance.
- F. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
- G. All mini-warehouse properties shall be buffered from view using screening from any adjoining residential property or any property where residential use is permitted.
- H. Mini-warehouses shall be used solely for the dead storage of property. No business shall be conducted within, out of, or from the storage units. The following are also prohibited upon the site:
 - 1. Auctions, commercial wholesale or retail sales, or garage sales.
 - 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 - 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
 - 4. The establishment of a transfer and storage business.
 - 5. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all mini-warehouse rental and/or use contracts shall specifically prohibit these uses.

Section 628. Off-Street, Off-Site Parking Lots for Nearby Uses.

- A. The off-site parking lot shall be within two hundred (200) feet walking distance of the lot on which the principal use is located.
- B. A safe pedestrian access way shall be provided between the off-site parking lot and the principal use.

- C. No more than seventy-five (75%) percent of the total number of required parking spaces shall be provided off-site.
- D. When possible, the off-site parking lot shall be designated for employee use.
- E. The parking lot shall conform with all other off-street parking design requirements of the Subdivision and Land Development Ordinance.
- F. Off-street, off-site parking lots shall only be permitted where it can be demonstrated that insufficient areas exist upon the site for required parking and that such insufficiency is not the result of building expansion which occurred after the effective date of this Ordinance.

Section 629. Public and Private Schools.

- A. All off-street parking lots shall be set back twenty-five (25) feet and screened from adjoining property lines.
- B. All buildings shall be set back at least one hundred (100) feet from any adjoining land within a residential zone.
- C. If education is offered below the college level, an outdoor play area shall be provided, at a rate of sixty-five (65) square feet per individual enrolled. Off-street parking lots shall not be used as outdoor play areas. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence and screened from adjoining residentially-zoned properties. Any vegetative materials located within the outdoor play area shall be of a nonharmful type (poisonous, thorny, allergenic, etc.). All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
- D. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.
- E. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

Section 630. Public Uses.

- A. The applicant must demonstrate that the proposed location within the Zone is necessary for public service and convenience and that the use cannot be supplied with equal effectiveness, if located elsewhere.
- B. The applicant must demonstrate that the amount of land within the proposed use is the minimum necessary to effectively serve the use and to comply with all applicable standards of the Zone.

- C. That the land within the proposed use is not Class I, II, or III prime agricultural soils, as delineated by the latest version of the Soil Survey.

Section 631. Public Utilities.

- A. Any permitted building shall not include the storage of vehicles or equipment used in the maintenance of any utility and no equipment causing unreasonable noise, vibration, smoke, odor, or hazardous effect shall be installed.
- B. Unhoused equipment shall be enclosed with a fence or wall not less than six (6) feet in height which shall be so constructed as not to have openings, holes or gaps larger than six (6) inches in any dimension. Such fence must be surrounded by evergreen plantings. When the equipment is totally enclosed within a building, no fence or screen planting shall be required.
- C. A buffer yard of at least seventy five (75) feet must be provided along all property lines.

Section 632. Quarrying, Quarry-Related Manufacturing.

- A. All quarrying shall be subject to and in accordance with the Pennsylvania "Surface Mining Conservation and Reclamation Act" of 1971 and any amendments thereto.
- B. The top of the slope or quarry wall shall be set back from any adjoining property line or public right-of-way in accordance with the following schedule:

<u>Depth of Excavation</u>	<u>Required Setback</u>
Not greater than 10 feet	50 feet
10 feet to 20 feet	100 feet
Greater than 20 feet	150 feet

- C. The applicant shall submit a scaled site plan which depicts the location and identification of uses of all buildings within a circular area having a radius of 1,500 feet from the proposed site of the use being sought.
- D. Should the Board of Supervisors, after a period of operation for one (1) year, determine that the conditional use is detrimental to the health, safety and general welfare of the Township, the Supervisors shall give the operator of the use written notification of the specific detrimental effects, and the operator must correct the specified detrimental effects within ninety (90) days from such date of notice. Failure to correct the detrimental effects within (90) days will result in a notice of termination being sent to the operator by said Supervisors. The operator must cease said use within one (1) year after receipt of said termination.

Section 633. Recreation Vehicle and Recreation Vehicle Parks.

- A. Recreation Vehicles shall not include nor should they be confused with sectional and/or prefabricated homes hauled on trucks or other vehicles.
- B. Recreation Vehicle Parks, in Districts where permitted, shall be subject to the following safeguards and regulations:
 - 1. The driveways, exits, entrances, and walks shall be lighted and paved in accordance with Municipal Standards. One-way traffic driveways shall be not less than twelve (12) feet wide and two-way traffic shall be not less than twenty-two (22) feet wide.
 - 2. An area of not less than three thousand (3,000) square feet shall be provided for each vehicle.
 - 3. The minimum width of each vehicle space shall be forty (40) feet.
 - 4. The minimum depth of each vehicle space shall be not less than sixty (60) feet; or thirty percent (30%) longer than the length of the vehicle, whichever requirement is greater.
 - 5. Each vehicle shall be located not less than twenty-five (25) feet from any building and not less than thirty (30) feet from lines bounding adjacent property.
 - 6. Separate provision shall be made for the parking of tow equipment on or adjacent to the vehicle space, or at a location removed from the vehicle space. There shall be one (1) such off-street parking space not less than ten (10) feet wide and twenty (20) feet long for each vehicle space in the park.
 - 7. In addition to the off-street parking as required in 6. above, there shall be additional off-street parking spaces required equal to one-half (1/2) of the number of vehicle spaces provided in the park.
 - 8. The plan of any proposed Recreation Vehicle Park Development shall be presented to the Planning Commission for approval before any construction and any vehicle shall be permitted on the site.
 - 9. Sewers.
 - a. Each Vehicle Park shall be provided with sewage disposal facilities. The proposed provisions for sewage shall be presented to the Zoning Hearing Board and the Township Engineer for approval before any vehicle shall be permitted on the site. Approval shall be required from DEP.

- b. A Recreation Vehicle Park may be approved by the Planning Commission without individual sewerage connection, provided the park is serviced by approved central toilet facilities and central shower facilities. Approvals shall be required from the Board of Supervisors and DEP.

Section 634. Recycling Facilities for Paper, Plastic, Glass, and Metal Products.

- A. All operations, including collection shall be conducted within a completely-enclosed building.
- B. There shall be no outdoor storage of materials processed, used or generated by the operation.
- C. The applicant shall explain the scope of operation, and offer expert testimony regarding the measures used to mitigate problems associated with noise, fumes, dust, and litter.
- D. The applicant will be required to assure regular maintenance of the site to immediately collect stray debris.

Section 635. Research Laboratories.

- A. Access shall be via an arterial or collector street.
- B. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- C. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, and smoke). Toxic materials may only be stored or disposed of in a manner that will not be a public health hazard or a public nuisance.
- D. Adequate provision for infectious medical waste shall be made. Proof of this arrangement shall be provided to the Zoning Officer upon request.

Section 636. Sanitary Landfills, Waste Handling Facilities, Incinerators.

- A. Such facility shall be established and operated only under the strict supervision of a duly appointed Latimore Township Municipal Authority specifically ordained for purpose of operating such facility.
- B. All sanitary landfills, waste disposal sites and incinerators shall have a minimum lot area of forty (40) acres.
- C. No landfilling, dumping or incineration, building or structures shall be located within two hundred (200) feet of any property line.
- D. Access must be via an arterial or collector street.

- E. Such facility must be part of a solid waste plan approved by the Board of Supervisors.
- F. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open space.
- G. Satisfactory provision shall be made to minimize harmful or unpleasant effects (noise, odors, fumes, glare, vibration, and smoke). Toxic materials may only be stored or disposed of in a manner that will not be a public hazard or nuisance.
- H. Waste handling facilities are permitted by supplemental use subject to the following criteria:
 - 1. All principal waste handling facilities for “municipal and residual wastes” as defined by the PA DEP, shall be operated, and/or designated to be operated, by the Solid Waste Authority of Latimore Township.
 - 2. Any processing and/or treatment of waste (including, but not limited to, incineration, composting, steaming, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building.
 - 3. No waste shall be deposited, stored or disposed of, and no building or structure shall be located, within two hundred (200) feet of any property line, and five hundred (500) feet of any land within a residential zone.
 - 4. Any external area used for the unloading, transfer, storage, or deposition of waste must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practical.) In addition, such areas must also be completely enclosed by an eight (8) foot high fence, with no openings greater than two (2) inches in any direction.
 - 5. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
 - 6. The use shall be screened from all adjoining properties.
 - 7. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed and/or unloaded will not back up onto public roads.
 - 8. All access drives on the site shall be completely paved, except in the case of landfills where access drives are required to be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty (50) foot long gravel section of driveway shall be placed just beyond the preceding two hundred (200) foot paved

section to help collect any mud that may have attached to a vehicle's wheels.

9. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates, or other positive means designed to deny access to the area at unauthorized times or locations.
10. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the clean up of litter shall be submitted to the Township.
11. The unloading, processing, treatment, transfer, and disposal of waste shall be continuously supervised by a qualified facility operator.
12. Any waste that is to be recycled shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building.
13. All storage of waste shall be indoors in a manner that is leak- and vector-proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than twenty-four (24) hours.
14. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township.
15. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment shall be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with DEP's regulations.
16. All structures shall be set back at least a distance equal to their height.
17. The applicant shall submit an analysis of raw water needs (groundwater or surface water) from either private or public sources, indicating quantity of water required. If the source is from a municipal system, the applicant shall submit documentation that the public authority will supply the water needed.

In addition, if the facility is to rely upon non-public sources of water, a water feasibility study will be provided to enable the municipality to evaluate the impact of the proposed development on the groundwater supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new

development on existing wells in the vicinity. The water feasibility shall be reviewed by the municipal engineer. A water system which does not provide an adequate supply of water for the proposed development, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed development, shall not be approved by the municipality.

A water feasibility study shall include the following information:

- a. calculation of the projected water needs;
 - b. a geologic map of the area with a radius of at least one mile from the site;
 - c. the location of all existing and proposed wells within one thousand (1,000) feet of the site, with a notation of the capacity of all high-yield wells;
 - d. the location of all existing on-lot sewage disposal systems within one thousand (1,000) feet of the site;
 - e. the location of all streams within one thousand (1,000) feet of the site and all known point sources of pollution;
 - f. based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined;
 - g. a determination of the effects of the proposed water supply system on the quantity and quality of water in nearby well, streams, and the groundwater table;
 - h. a statement of the qualifications and the signatures) of the person(s) preparing the study;
18. The applicant shall provide a qualified traffic analysis as described in the Subdivision and Land Development Ordinance.
19. A minimum one hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site, must not be located within this landscape strip.
20. The applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste materials during transport to and from the site, and potential hazards regarding firefighting of waste materials upon the site.
21. No principal waste handling facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.

Section 637. Sawmill Operations.

- A. No saw or other machinery shall be less than one hundred (100) feet from any property or street line.

- B. All power saws and machinery will be secured against tampering and locked when not in use.

Section 638. Shopping Centers and Malls.

- A. All shopping centers or malls shall have a minimum lot area of ten (10) acres.
- B. The lot width at the street right-of-way shall be a minimum of three hundred (300) feet.
- C. All buildings must be set back at least one hundred (100) feet from a street right-of-way line.
- D. Access must be via an arterial or collector street.
- E. A buffer yard at least one hundred (100) feet wide must be provided on the site in all instances where the site adjoins a residential use. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.
- F. Both public sewer and public water shall be utilized.

Section 639. Shooting Ranges.

- A. The range area must be at least two hundred (200) feet from any property line or street right-of-way line.
- B. Shooting Ranges:
 - 1. May not substantially inure or detract from the lawful existing or permitted use of neighboring properties.
 - 2. May not substantially damage the health, safety or welfare of the Township or its residents and property owners.
 - 3. Must comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm.
 - 4. Shall limit the storage of ammunition to only that utilized for each day's activity, and in no event shall ammunition remain on the property for greater than twenty-four (24) hours. The storage of live ammunition may only occur indoors in an area secured from general access.
 - 5. Shall limit the number of shooters to the number of firing points or stations identified on the development plan.
 - 6. Shall require all shooters to satisfactorily complete an orientation safety program

given in accordance with the National Rifle Association before they are allowed to discharge firearms.

7. Shall prohibit the use of alcoholic beverages.
8. Shall limit firing to the hours between one (1) hour after sunrise and one (1) hour preceding sunset.

Section 640. Stables and Riding Academies.

- A. Minimum lot area - ten (10) acres.
- B. Any structure used for the boarding of horses shall be set back at least two hundred (200) feet from any property line.
- C. All stables shall be maintained so to minimize odors perceptible at the property lines.
- D. All outdoor training, show, riding, boarding, running, or pasture areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least ten (10) feet from all property lines.
- E. All parking compounds and unimproved overflow parking areas shall be set back at least ten (10) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.

Section 641. Warehousing and Wholesale Trade Establishments.

- A. Access shall be via an arterial or collector street.
- B. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
- C. The applicant shall provide a detailed description of the proposed use in each of the following topics:
 1. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations;
 2. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, and an overall needed site size;

3. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) And specific measures employed to mitigate or eliminate any negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinance.
 4. A traffic study prepared by a professional traffic engineer.
- D. All access drives onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, a fifty (50) foot long gravel section of driveway should be placed just beyond the preceding two hundred (200) foot paved section to help collect any mud that may have attached to a vehicle's wheels.
- E. The owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the establishment.
- F. The applicant shall be required to provide sufficient off-street parking and loading so as not to require such parking or loading on or along any road, not upon adjoining property. If, at any time after the opening of the facility, the Supervisors determine that parking, loading or traffic back ups are occurring on adjoining roads, and such are directly related to the lack of on-site facilities on the subject property, the Supervisors can require the applicant to revise and/or provide additional on-site parking and/or loading space. In addition, the Supervisors may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads.
- G. The applicant shall submit and continuously implement a working plan for the clean up of litter and other debris.

Section 642. Vehicle Service Stations.

- A. In the District where permitted, such shall be subject to the following safeguards and regulations:
1. No service station shall be located closer than five hundred (500) feet to any lot line of a school, hospital or public institution for human care.
 2. Gasoline pumps, lubricating or other dispensing devices shall be located no less than twenty-five (25) feet from any public right-of-way line.
 3. All activities except those required to be performed at the fuel pumps shall be performed within a completely enclosed building.

4. No vehicles, including rental vehicles and trailers, shall be parked or otherwise stored within any required yard area.
5. No automobile parts including tires, dismantled vehicles, equipment including rental equipment other than vehicles and trailers, or similar articles shall be stored out-of-doors; except that such may be temporarily stored out-of-doors provided that such are entirely enclosed by a solid visual screen or fence or wall constructed of permanent materials to a height of at least six (6) feet and such stored articles do not extend above said screen; provided further that no such storage area may extend into any required yard area.
6. All vehicles shall be repaired and removed from the premises promptly, and in any case not to exceed one hundred twenty (120) days.

Section 643. Truck Or Motor Freight Terminals.

- A. The subject property shall have a minimum of three hundred (300') feet of road frontage along an arterial or urban collector road.
- B. The subject property shall be located no closer than five hundred (500') feet from a residential zone and/or property containing a school, day-care facility, park, playground, library, hospital, or nursing, rest or retirement home.
- C. All structures (including, but not limited to, air compressors, fuel pump islands, kiosks) shall be set back at least fifty (50') feet from any street right-of-way line.
- D. Access driveways shall be a minimum of twenty-eight (28') feet and a maximum of thirty-five (35') feet wide. All access drives onto the same road shall be set back at least one hundred fifty (150') feet from one another, as measured from closest points of cartway edges.
- E. Off-street parking shall be provided at a rate equal to that required for each of the respective uses comprising the truck stop. The applicant shall also present credible evidence that the number of "oversized" off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by truck patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods.
- F. Trash receptacles shall be provided amid off-street parking areas that shall be routinely emptied. Furthermore, a working plan for the regular clean-up of litter shall be furnished and continuously implemented by the applicant.
- G. All uses involving drive-through restaurant and/or drive-through vehicle service and/or washing shall provide sufficient on-site stacking lanes to prevent vehicle backups on adjoining roads.

- H. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted.
- I. The outdoor storage of unlicensed vehicles is prohibited.
- J. All vehicles and machinery shall be repaired and removed from the premises promptly.
- K. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof, shall be removed within two (2) weeks after arrival.
- L. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines.
- M. A traffic study prepared by a professional engineer shall be submitted to the Township. The report shall address study area boundaries, existing and proposed site uses, existing and proposed roadway intersections, analyses of existing and proposed traffic volumes and turning movements, and recommended improvements.
- N. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 644. Truck Stops.

Within the (C-I) Zone, truck stops are permitted by supplemental use subject to the following criteria:

- A. The subject property shall have a minimum of three hundred (300) feet of road frontage along an arterial road; and shall access on to U.S. Route 15, Route 94 or a feeder road thereto.
- B. The subject property shall be located no closer than five hundred (500) feet from any residential zone and/or property containing a school, day-care facility, park, playground, library, hospital, nursing, rest or retirement home, or medical residential campus;
- C. All structures (including, but not limited to, air compressors, fuel pump islands, and kiosks) shall be set back at least fifty (50) feet from any street right-of-way line;
- D. Access driveways shall be a minimum of twenty-eight (28) feet, and a maximum of thirty-five (35) feet wide. All access drives onto the same road shall be set back at least one hundred fifty (150) feet from one another, as measured from closest points of cartway edges;
- E. Off-street parking shall be provided at a rate equal to that required for each of the

respective uses comprising the truck stop. The applicant shall also present credible evidence that the number of "oversized" off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by truck patrons. Any gates or other barriers used at the entrance to parking areas shall be set back and arranged to prevent vehicle back-ups onto adjoining roads during peak arrival periods;

- F. Trash receptacles shall be provided amid off-street parking areas, which shall be routinely emptied. Furthermore, a working plan for the regular clean-up of litter shall be furnished and continuously implemented by the applicant;
- G. All uses involving drive-thru restaurant and/or drive-thru vehicle service and/or washing shall provide sufficient on-site stacking lanes to prevent vehicle back-ups on adjoining roads;
- H. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. No outdoor storage of parts, equipment, lubricants, fuels, or other materials used or discarded in any service or repair operations, shall be permitted;
- I. The outdoor storage of unlicensed vehicles is prohibited;
- J. All vehicles and machinery shall be repaired and removed from the premises promptly;
- K. The demolition or junking of vehicles and machinery is prohibited. Demolished vehicles and/or parts thereof, shall be removed within two (2) weeks after arrival;
- L. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the ambient noise levels of the use, as measured at each of the property lines;
- M. The applicant shall submit a traffic study prepared by a professional engineer to address the issues listed in Section 636 of this Ordinance;
- N. The applicant shall furnish evidence that the storage and disposal of materials and wastes will be accomplished in a manner that complies with all applicable State and Federal regulations.

Section 645. Exotic Wildlife.

- A. No person shall possess, deal or keep in captivity, by way of menagerie or otherwise, any exotic wildlife without first obtaining a permit from the Game Commission of the Commonwealth of Pennsylvania authorizing same.
- B. Persons shall house exotic wildlife in a safe and sanitary manner on a minimum lot area of three (3) acres.
- C. All pens, cages or enclosures used to confine exotic wildlife shall be located at least one

hundred (100) feet from all property lines or street rights-of-way.

- D. Satisfactory evidence must be presented to show that adequate disposal of animal waste and carcasses will be provided in a manner that will not be a public health hazard or a public nuisance.

ARTICLE VII
MOBILE HOME PARKS

Section 701. Mobile Home Parks.

- A. In Districts where permitted or permitted as a special exception, Mobile Home Parks shall be subject to the following regulations and shall also comply with all applicable regulations of the Commonwealth of Pennsylvania.
1. The design and improvement of mobile home parks, including streets, drainage, sewers, water, and the placement of mobile home units therein, shall be in accordance with the standards and requirements of the Subdivision and Land Development Ordinance of this Municipality.
 2. Mobile Homes located in a mobile home park must comply with the foundation and anchorage requirements provided in Sections 511 and 712 of this Ordinance. In cases where the perimeter of the mobile home is not enclosed by a permanent foundation, a permanent fire resistant "skirt" shall be attached to the outside face of the mobile home on all four (4) sides. Adequate ventilation may be provided for crawl space as long as adequate protection is made to prevent intrusion by rodents and other vermin.
- B. Mobile homes shall not include, nor should they be confused with, sectional and/or pre-fabricated homes hauled on trucks or other vehicles.
- Temporary Quarters - Mobile units providing temporary quarters either residential or commercial, shall not be permitted in any District except in an approved Recreation Vehicle Park.
- C. A Mobile Home Park shall consist of a minimum of ten (10) acres and each mobile home site or space within the park shall have an area meeting the development standards as herein required.
- D. No mobile home shall be occupied until the Zoning Officer has verified that it has been connected to the sanitary sewer and water supply systems.
- E. No mobile home lacking toilet and washing facilities or cooking or food storage facilities or any of these shall be permitted, nor shall any self-propelled vehicles used as living accommodations or travel trailers designed for temporary occupancy be permitted for residential purposes for a period exceeding fourteen (14) days.
- F. It shall be unlawful for a mobile home to be removed from Latimore Township until all taxes owed on the property or by the residents of the mobile home have been paid in full as verified by the Township Tax Collector.

Section 702. Renewable Mobile Home Park Permit.

- A. It shall be unlawful for any person, corporate, or otherwise, to construct a new mobile home park or alter or extend any existing mobile home park in Latimore Township unless a valid permit has been issued.

The Board of Supervisors may grant a Mobile Home Park Permit for a period not to exceed twelve (12) months from the date of approval of such permit, which shall be renewable by January 15 of each year thereafter. The Board of Supervisors or its duly authorized representative shall inspect each Mobile Home Park prior to granting an annual permit for conformance with the provisions of this Ordinance and any other applicable regulations. The permit fee shall be established by the Board of Supervisors.

It shall be incumbent upon the proprietor of a Mobile Home Park to keep a register and to report therein the name of person or head of family occupying each said mobile home, showing date of entry on said land, make and size of the mobile home, and the names of all persons living in said mobile home. Said register shall be subject to inspection periodically by the Board of Supervisors.

- B. Every person holding a certificate and/or license shall file a written notice to DEP and the Latimore Township Board of Supervisors within ten (10) days after having sold, transferred, given away, or otherwise disposed of any interest in or control of any Mobile Home Park.
- C. Whenever, upon inspection of any Mobile Home Park, it is determined that conditions or practices exist which are in violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, Board of Supervisors shall give written notice to the person to whom the Township license was issued, advising him that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate in the Township shall be suspended. At the end of such period, such Mobile Home Park shall be inspected and if such conditions or practices have not been corrected, and the licensee has not requested a hearing, the Supervisors shall suspend the license and give notice, in writing, of such suspension to the person to whom the certificate and license is issued.
- D. The Board of Supervisors, Zoning Officer, or other authorized Township representative may inspect a Mobile Home Park periodically to determine compliance with this Ordinance. As a result of such inspection a notice for any violations of this Ordinance may be given.

Section 703. Lots Requirements.

- A. Individual mobile home lots located in a Mobile Home Park shall contain at least ten thousand (10,000) square feet of lot area and shall not be less than eighty (80) feet wide at the building setback line.

- B. All mobile home lots shall be given street numbers and all park streets shall be given names.

Section 704. Yard and Setback Requirements.

- A. All mobile homes shall be located at least thirty-five (35) feet from any street right-of-way which abuts a Mobile Home Park boundary and at least fifty (50) feet from any other boundary of the park.
- B. There shall be a minimum distance of twenty-five (25) feet between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a park street or common parking area or other common areas.
- C. No mobile home or patio on a mobile home lot shall be located closer than twenty-five (25) feet from any internal lot line of the park.

Section 705. Park Street System

- A. Each Mobile Home Park shall be provided with at least two (2) points of ingress and a distance of at least one-hundred and fifty (150) feet shall be maintained between centerlines of access streets.
- B. All Mobile Home Parks shall be provided with safe and convenient access streets to and from each and every mobile home lot. Alignment and gradient shall be properly adapted to topography. All streets within a Mobile Home Park shall be privately owned and maintained.
- C. Not more than two (2) streets shall intersect at any point and a distance of at least one hundred and fifty (150) feet shall be maintained between centerlines of offset intersecting streets.
- D. All streets in the park must be paved.

Section 706. Required Off-Street Parking.

- A. Off-street parking areas shall be provided in all Mobile Home Parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) vehicular parking spaces for each mobile home lot.
- B. Each off-street parking space shall contain at least two hundred (200) square feet and shall not exceed a distance of one hundred and fifty (150) feet from the mobile home lot that it is intended to serve. There shall be two (2) on-lot parking spaces.

Section 707. Utility Improvements.

- A. All mobile homes shall be connected to sewer and water systems approved by DEP.

- B. All Mobile Home Parks shall have underground electrical distribution systems which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems.
- C. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
- D. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.
- E. Any natural gas system shall be installed and maintained in accordance with the regulations and specifications of the company supplying said natural gas.
- F. Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures shall include the following:
 - 1. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - 2. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
 - 3. All Liquid Propane Gas piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquid petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
 - 4. Any vessel containing liquefied petroleum gas shall be securely but not permanently fastened to prevent accidental overturning.
 - 5. No Liquid Propane Gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.
- G. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the following regulations:
 - 1. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
 - 2. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within five (5) inches of storage tanks.

3. All fuel storage tanks or cylinders shall be securely placed and shall not be closer than ten (10) feet from any mobile home exit.
4. Storage tanks located in areas subject to traffic shall be protected against physical damage.
5. Storage tanks shall not be placed partially or totally underground.

Section 708. Usable Open Space.

- A. All Mobile Home Parks shall provide not less than ten percent (10%) of the total land area for usable open space purposes. Usable open space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents, and suitable for the purpose for which it is intended.
- B. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, and other solid material, or protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- C. Park grounds shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects or other pests harmful to man.

Section 709. Walkways.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a width of five (5) feet and be improved with all weather materials.

Section 710. Other Site Improvements.

- A. A dry chemical fire extinguisher, not less than ten (10) pounds in capacity shall be provided within two hundred (200) feet of each mobile home. In addition a fire extinguisher shall also be provided in each public service building.
- B. Provision shall be made by the Park Operator to have garbage and waste collected at least once every week.
- C. Each mobile home lot may be provided with a concrete slab which shall be at least four (4) inches thick on a stable surface no larger than ten (10) feet by thirty (30) feet in size for use as a patio and so located so as to be adjoining and parallel to the mobile home.
- D. Individual tenants at the Mobile Home Park may construct covered patios to individual mobile homes, provided that such enclosure does not exceed the slab area as noted above, is confined to same, and meets all other Township Ordinances.

- E. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- F. All means of ingress, egress, walkways, streets, and parking lots shall be adequately lighted.

Section 711. Park Areas of Non-Residential Uses.

- A. No part of any Mobile Home Park shall be used for a non-residential purpose, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.
- B. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on an individual lot and connected to the pertinent utilities.

Section 712. Anchoring.

- A. Every mobile home shall be anchored to prevent uplift or overturning of the mobile home.
- B. Every mobile home shall be firmly anchored to withstand lateral wind pressures in excess of ten (10) pounds per square foot.
- C. The dead load resisting moment of a mobile home shall not be less than one and one-half (1½) times the overturning moment due to wind and other lateral forces. The foundation and superimposed earth loads may be included provided the anchorage is sufficient to develop these weights. The Zoning Officer and/or the Township Engineer shall determine the sufficiency of the method of anchorage.

Section 713. Removal of Mobile Home.

No mobile home, whether installed on a single lot or in a Mobile Home Park, shall be removed from the Township without first obtaining a removal permit from the Township Tax Collector as required by Act No. 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee of Two Dollars (\$2.00) and real estate taxes assessed against the home and unpaid at time the permit is requested.

**ARTICLE VIII
PLANNED RESIDENTIAL DEVELOPMENT**

Section 801. Planned Residential Development.

- A. In accordance with the Planning Code, any municipality may enact ordinances fixing procedures, standards and conditions for "Planned Residential Developments" and such standards may vary the density or intensity of land use, including the bulk and location of buildings otherwise applicable to the land under the provisions of this Ordinance.
- B. The purpose of such variations are, among other considerations: (a) that the demand for housing may be met by greater variety in the type, design and layout of dwellings; and (b) to provide flexibility in land use controls so that residential development may be better related to a particular site and the particular demand for housing than may be possible under the provisions of this Ordinance which are primarily structures in respect to "lot-at-a-time" development.
- C. Applications for "Planned Residential Developments" will be considered by the Board of Supervisors when located within a Zone District in which such are listed under the District Regulations of this Ordinance.
- D. The modifications of this Ordinance necessary to accomplish a specific "Planned Residential Development", as determined and established by the Board of Supervisors, by Ordinance, shall become an amendment to this Ordinance in respect to the land included within the "Planned Residential Development" upon final approval of the plan or portion thereof in respect thereto by the Board of Supervisors. The land included in the "Planned Residential Development" shall be identified on the Official Zoning Map and referenced to the Ordinance regulating its development.
- E. Previous sections of this Ordinance designate the only Zoning District in which Planned Residential Developments may be located. It should be further indicated that these developments may take place within this Zoning District only where community water and sanitary sewers service the entire area in which the Planned Residential Development is to be located.

Section 802. Tentative Review and Approval.

- A. Prior to the issuance of a Planned Residential Development Permit by the Zoning Officer a plan must be reviewed by the Township Planning Commission and the Adams County Planning Commission and approved by the Township Board of Supervisors. The County Planning Commission shall be required to report to Latimore Township within thirty (30) days or forfeit the right to review. The Township Planning Commission, as preparatory to review, shall hold at least one (1)

public hearing pursuant to public notice and may hold additional public hearings upon such notice as it shall determine so advisable. Upon review of the plan and recommendations by the Adams County Planning Commission, the Township Planning Commission shall present to the Board of Supervisors their recommendations and explanatory materials. Before approving the plan, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice, within sixty (60) days after filing of the application. The Board of Supervisors may continue the hearing from time to time, and may refer the matter back to the Township Planning Commission for a report, provided, however, that in any event, the public hearings shall be concluded within sixty (60) days after the date of the first public hearing. The Board of Supervisors, within sixty (60) days following the conclusion of the public hearing, shall, by official written communication to the developer:

1. Grant tentative approval of the development plan as submitted;
2. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
3. Deny tentative approval of the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the developer may, within thirty (30) days after receiving a copy of the official written communication of the Board of Supervisors notify such Board of its refusal to accept all said conditions, in which case, the Board shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, tentative approval shall stand as granted.

- B. The grant or denial of tentative approval by official written communication shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including but not limited to, findings of fact and conclusions of the following:
1. In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the municipality;
 2. The extent to which the development plan departs from Zoning and/or Subdivision Regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 3. The purpose, location and amount of the common open space in the Planned

Residential Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of Residential Development;

4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, and visual enjoyment;
 5. The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established;
 6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the development plan.
- C. In the event a development plan is granted tentative approval, with or without conditions, an application for final approval of the development shall be filed not later than three (3) months from the date tentative approval is granted. In the case of a development plan which provides for development over a period of years, applications for final approval of each part of the plan shall be filed within twelve (12) months of the previous application for final approval of a portion of the development.
- D. The official written communication provided for in this article shall be certified by the Secretary of the Township and shall be filed in the office of the Township. A certified copy shall be mailed to the developer where tentative approval has been granted.
- E. Tentative approval of a development plan shall not qualify a plot of the Planned Residential Development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the developer, shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the developer, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed within the periods of time specified in the official written communication granting tentative approval.
- F. In the event that a development plan is given tentative approval, and thereafter, but prior to final approval, the developer shall elect to abandon said development plan and shall so notify the Township in writing, or in the event the landowner shall fail to

file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local Ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Township Map and in the records of the Secretary of the Township.

Section 803. Final Approval.

- A. An application for final approval may be all the land included in a development plan, or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Officer within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond and such other requirements as may be specified by the Board of Supervisors as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required provided the development plan, or the part thereof, submitted for final approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.
- B. In the event the application for final approval has been filed together with all drawings, specifications and other documents in support thereof, and as required by the Ordinance and the official written communications of tentative approval, Latimore Township shall, within forty-five (45) days of such filing, grant such development plan final approval.
- C. In the event the development plan as submitted contains variations from the development plan given tentative approval, the governing body shall refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the developer may either:
 - 1. Refile his application for final approval without the variations objected; or
 - 2. File a written request with the governing body that it hold a public hearing on the application for final approval. If the developer wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) days if the time for applying for final approval shall have already passed at the time when the developer was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall

be held pursuant to public notice within thirty (30) days after request for the hearing is made by the developer, and the hearing shall be conducted in the manner prescribed in this article for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the governing body shall by official written communication either grant final approval to the development plan or deny final approval.

- D. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the governing body and shall be filed of record forthwith in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon filing of record of the development plan the Zoning and Subdivision Regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said Planned Residential Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made by the Township except with the consent of the developer.
- E. In the event that a development plan, or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved, and shall so notify the governing body in writing or, in the event the developer shall fail to commence and carry out the Planned Residential Development no further development shall take place on the property included in the development plan until after said property is resubdivided and is reclassified by enactment of an amendment to the Latimore Township Zoning Ordinance unless written request for an extension of the time period is granted by the Board of Supervisors to the developer.

Section 804. Plans for Tentative Approval.

The developer shall submit for review by the Planning Commission a plan with the following information:

- A. A written statement by the developer setting forth the reasons why, in his opinion, a Planned Residential Development would be in the public interest and would be consistent with the development of Latimore Township;
- B. The location, size and topography of the site and the nature of the developer interest in the land proposed to be developed;
- C. The density of land use to be allocated to parts of the site to be developed;
- D. The location and size of the common open space and the form of organization proposed to own and maintain the common open space and services;

- E. The use and the approximate height, bulk and location of buildings and other structures;
- F. The feasibility of proposals for water supply and the disposition of sanitary wastes and storm water;
- G. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;
- H. The provisions for parking of vehicles and the location and width of proposed streets and public ways;
- I. In the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the Planned Residential Development are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted;
- J. The location, size and type of planting for buffer yards.

Section 805. Plans for Final Approval.

The developer shall submit for review by the Planning Commission a plan with the following information:

- A. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, when applicable, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves;
- B. Name and right-of-way width of each street or other right-of-way;
- C. Location and dimension and purpose of easements;
- D. Number to identify each lot and/or site when applicable;
- E. Purpose for which sites, other than residential, are dedicated or reserved;
- F. Minimum building setback line on all lots and other sites;
- G. Location and description of survey monuments;
- H. Names of record owners of adjoining unplatted land;

- I. Reference to recorded subdivision plats of adjoining platted land by record name, date and number;
- J. Certification by surveyor certifying to accuracy of survey and plat;
- K. Certification of title showing that applicant is the land owner;
- L. Statement by owner dedicating streets, rights-of-way and sites for public uses;
- M. Title, scale, north arrow and date.

Section 806. Permitted Uses.

- A. Permitted Residential Uses:
 - 1. Single Family, detached
 - 2. Single Family, semi-detached
 - 3. Single Family, attached (townhouses)
 - 4. Two Family, detached
 - 5. Two Family, semi-detached
 - 6. Multi-Family
 - 7. Group
 - 8. High Rise Apartments
- B. Permitted Non-Residential Uses:
 - 1. Retail Stores and Shops
 - 2. Restaurants and Delicatessens
 - 3. Pharmacies or Drug Stores, Stationery, Book and Tobacco
 - 4. Self Service Laundry and Dry Cleaning and Pick Up Stations
 - 5. Barber Shops and Beauty Shops
 - 6. Business and Professional Offices
 - 7. Banks and Financial Institutions
 - 8. Flower Shops
 - 9. Churches
 - 10. Recreation Facilities

Section 807. Density.

- A. Except as hereinafter provided, the maximum gross density for the total acreage within the Planned Development program of a specific developer shall not exceed three (3) dwelling units per gross acre.
- B. The Township Supervisors may approve densities of up to four (4) dwelling units per acre if there are compelling public benefits in doing so. Examples of public benefits include: publicly accessible recreational areas, units designated for elderly, units designated for low income residents, or retention of significant portions of the total

site in a natural undeveloped state, and made a permanent part of the development plan.

- C. A minimum of thirty (30) percent of all dwelling units shall be single family dwelling units, and there shall be a variety of types of dwelling units, with a minimum of three types of dwelling units as designated in Section 806A.
- D. Maximum dwelling units per structure not exceeding two (2) stories in height shall be twelve (12).
- E. Maximum dwelling units per structure not exceeding three (3) stories in height shall be eighteen (18).

Section 808. Setbacks.

All structures shall be setback from both public and private right-of-way lines not less than thirty (30) feet and not less than fifty (50) feet from all adjacent property lines to the Planned Residential Development tract.

Section 809. Building Height.

No building shall be erected to a height in excess of thirty five (35) feet provided, however, that this height limit may be increased one (1) foot for each additional foot by which the width of each side yard exceeds the minimum required for the District. Such additional height shall not exceed the maximum permitted by more than fifteen (15) percent.

Section 810. Minimum Plot.

All Planned Residential Developments shall have a minimum lot area of fifty (50) acres.

Section 811. Interior Yards.

Interior yards and/or structural spacing shall be provided in accordance with the following schedule:

<u>(see note below)</u>	<u>1-3 dwelling units per structure</u>	<u>4-6 dwelling units per structure</u>	<u>7-12 dwelling units per structure</u>	<u>Greater than 12 units per structure</u>
F to F	70'	70'	70'	70'
F to S	50'	50'	50'	55'
F to R	70'	70'	70'	70'
S to R	30'	30'	30'	35'
S to S	15'	20'	25'	30'
R to R	50'	50'	50'	50'
C to C	10'	10'	10'	20'

The minimum side yard and rear yard requirements for a single-family dwelling shall be as set forth for the Districts of this Ordinance.

Note: F-Front; S-Side; R-Rear; C-Corner.

Section 812. Vegetative Cover.

At least fifty (50) percent of the gross area of the Planned Residential Development shall be maintained with a vegetative material.

Section 813. Commercial Areas.

A. No commercial enterprises shall be permitted to operate except in the areas designated for commercial uses. The permitted uses designed to serve the neighborhood or development may be constructed provided that:

1. They shall be so located as to minimize traffic problems and be served by main access roads and not primarily residential streets.
2. There shall be no outside storage or display of material, equipment or merchandise.

B. The area for commercial use shall not exceed the following:

50 to 75 acres	10% of tract
75 to 150 acres	8% of tract
150 to 250 acres	7% of tract
250 acres and up	6% of tract

At least fifty (50) percent of the residential dwelling unit construction shall be completed before any commercial construction may begin, and at no time shall the commercial structures or uses exceed the percentage requirements set forth above.

- C. The permissible lot coverage of commercial buildings in the development commercial center areas shall not exceed 25%.
- D. The required parking spaces shall be situated on the same lot within not more than two-hundred (200) feet of the commercial building to be serviced.
- E. Buffer Yards - Where a commercial area adjoins a residential area within the Planned Development or in adjacent land around the perimeter of the development, a buffer yard shall be required in addition to the above yard requirements. The buffer yard shall be of a dimension not less than the minimum side yard required for the residential use and shall be covered with ground cover and plantings.
- F. Screen Plantings shall be required where commercial use adjoins a residential use in

the Planned Development or where it is adjacent to a residential use or District.

Section 814. General Regulations.

Any development plan shall comply with the parking, loading and unloading, highway access, stream protection and any other applicable General Regulations of this Ordinance.

Section 815. Utilities.

The development shall be served by the existing sewerage system and treatment facility and water supply system or tied into these systems or a separate water and sewerage system to support the entire development. All plans shall be subject to review and approval by the Township and DEP.

Section 816. Parking.

See the General Regulations of this Ordinance and the Subdivision and Land Development Ordinance.

Section 817. Signs.

- A. All permitted signs shall be erected and maintained in accordance with the provisions of this Ordinance except as noted herein. Approval of the Planning Commission must be achieved prior to the issuance of a permit for the erection of a sign in the commercial centers of the Planned Residential Development District. All signs not complying with the following specifications, controls and restrictions shall be prohibited.
- B. Letters (cut out, cast, molded or preformed, with the exception of neon type tubing) may be attached to any commercial structure when said letters identify a business, process, or service being conducted therein.
 - 1. Such letters shall not be either luminous or reflective in nature.
 - 2. Such letters may be either back lighted or flood lighted.
 - 3. Such letters, when constituted as a sign, shall not cover an area more than ten percent (10%) of the surface area, including windows and doors, facing the pedestrian or automotive traffic.
- C. Signs which are a basic structural part of the building or which are a part of the architectural design of said building shall be exempt from size requirement, except that such signs shall be restricted in area to not more than fifteen percent (15%) of the wall area, including windows and doors of the wall upon which such sign is affixed or attached.

- D. No sign attached to or being part of the construction of any building shall project above the roof or parapet line nor more than twelve (12) inches out from the wall to which it is attached. Signs not exceeding ten (10) square feet in area may be placed perpendicular to a building face if attached to and below a canopy projecting from said building. Such signs must have a clearance of at least eight (8) feet above pedestrian walks.
- E. Temporary signs, of any nature, are expressly prohibited from use on the exterior of any premises. Likewise, the stacking, storage or display of equipment materials or merchandise out of doors, that might in any way tend, by its display, to be an advertising sign, is forbidden.
- F. When circumstances necessitating the erection and use of a sign or letters are no longer current, such sign or letters shall be removed from the premises within thirty (30) days of vacating of the tenant from the structure or unit.

**ARTICLE IX
ZONING HEARING BOARD**

Section 901. Creation and Appointment.

A Zoning Hearing Board is hereby created. The membership of the Board shall consist of three (3) residents of the Township appointed by the Supervisors. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. Initial appointments to the Board shall be for a one (1), a two (2), and a three (3) year term to meet the foregoing requirement. The Board shall have all powers authorized by Pennsylvania Municipal Planning Code.

Section 902. Removal of Members.

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Supervisors who appointed the member, taken after the member has received fifteen (15) days advance written notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 903. Organization of Zoning Hearing Board.

The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. Officers shall include chairman, vice-chairman, and secretary. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Board as provided in Article IX, Section 908 of the Pennsylvania Municipalities Planning Code, Act 247. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and Laws of the Commonwealth of Pennsylvania. The Board shall keep full public records of its business and shall submit a report of its activities to the Supervisors once a year.

Section 904. Expenditures for Service.

Within the limits of funds appropriated by the Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Supervisors, but in no case shall exceed the rate of compensation authorized to be paid to the Supervisors.

Section 905. Hearings.

The Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the Supervisors shall designate by Ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board. The Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by Ordinance. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land.
- B. The hearings shall be conducted by the Board, or the Board may appoint any member as a Hearing Officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
- C. The parties to the hearing shall be Latimore Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- D. The Chairperson or Acting Chairperson of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- G. The Board or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- H. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity

to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

- I. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of Act 247 or this or any Ordinance, Rule or Regulations shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written representations thereon to the Board prior to final decision on entry of findings, and the Board's decision shall be entered no later than forty-five (45) days after the decision of the Hearing Officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Township Supervisors shall give public notice of said decision within ten (10) days in the same manner as provided in subsection (A) of this section. Nothing in this subsection will prejudice the right of any party opposing the application to urge that such decision is erroneous.
- J. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant in accordance with the requirements of law.

Section 906. Appeals from the Zoning Officer.

The Board shall hear and decide appeals where it is alleged by the applicant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of the valid Ordinance or Map or any valid Rule or Regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to Pa. R.C.P., Section 1091 to 1098 relating to mandamus.

Section 907. Challenge to the Validity of the Ordinance or Map.

The Board shall hear challenges to the validity of the Zoning Ordinance or Map except as indicated in Section 1003 and Subsection (1) (b) of Section 1004 of Act 247 as amended. In all such challenges, the Board shall take evidence and make a record thereof as provided in Section 905. At the conclusion of the hearing, the Board shall decide all contested questions and shall

make findings on all relevant issues of fact which shall become part of the record or appeal to the court.

Section 908. Variances.

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 by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or District in which the property is located;
- B. 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 the reasonable use of the property;
- C. That such unnecessary hardship has not been created by the applicant;
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent properties, nor be detrimental to the public welfare; and
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.

Section 909. Special Exceptions.

Where the Supervisors, in the Zoning Ordinance, have stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

The special exception shall produce a total visual impression and environment, which is

consistent with the environment of the neighborhood.

The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood. The special exception shall preserve the purpose of this Ordinance.

Section 910. Unified Appeals.

Where the Board has jurisdiction over a zoning matter pursuant to Sections 907 through 909, the Board shall also hear all appeals, which an applicant may elect to bring before it with respect to any Township Ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Section 905. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

Section 911. Parties Appellant Before Board.

Appeals under Section 906 and proceedings to challenge an Ordinance under Section 907 may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance under Section 908 and for special exception under Section 909 may be filed with the Board by any landowner or any lessee or tenant with the permission of such landowner.

Section 912. Time Limitations.

No person shall be allowed to file any proceeding with the Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

The failure of anyone other than the landowner to appeal from an adverse decision on a tentative or preliminary plan pursuant to Section 709 of Act 247, as amended, or from an adverse decision by the Zoning Officer on a challenge to the validity of an Ordinance or Map pursuant to Section 1005 (b) of Act 247 shall preclude an appeal from a final approval except in the case where the final submission substantially deviated from the approved tentative or preliminary approval.

Section 913. Stay of Proceedings.

Upon filing of any proceeding referred to in Section 911 and during its pendency before the Board, all land development pursuant to any challenged Ordinance, Order or Approval of the Zoning Officer or of any agency or body, and all official action there under shall be stayed unless the Zoning Officer or any other appropriate agency or body certified to the Board facts indicating

that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of Zoning appeals on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designated to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

**ARTICLE X
ADMINISTRATION**

Section 1001. Appointment of Zoning Officer.

The Supervisors shall appoint a Zoning Officer to administer and enforce the provisions of this Ordinance. The Zoning Officer shall not hold any elective office in the Township.

Section 1002. Powers of Zoning Officer.

The Zoning Officer shall administer this Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Zoning Ordinance.

Section 1003. Duties of Zoning Officer.

The Zoning Officer shall have the following duties:

- A. Upon finding that any of the provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
- B. Order discontinuance of illegal uses of land, buildings, or structures.
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- D. Order discontinuance of any illegal work being done.
- E. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violation(s) of this Ordinance. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

Section 1004. Job Description and Compensation for Zoning Officer.

The Supervisors shall adopt a written job description and compensation schedule for the Zoning Officer, which shall include as a minimum:

- A. Procedures for processing applications for Zoning and Occupancy Permits.
- B. Requirements for written and verbal report to Township Officials.
- C. Procedures for coordination with Zoning Hearing Board and other Township Officials.

D. Office hours and/or hours Zoning Officer will be available to the public.

E. A compensation schedule based either on an hourly rate or a set fee for services rendered.

ARTICLE XI ENFORCEMENT

Section 1101. Zoning Permits Required.

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Officer. Zoning Permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Officer receives a written order from the Board deciding an appeal, conditional use, or variance.

Section 1102. Contents of Application for Zoning Permit.

The application for Zoning Permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or has not been substantially completed within two and one-half (2½) years. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant;
- B. Legal description of property;
- C. Existing use;
- D. Proposed use;
- E. Zoning District;
- F. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration;
- G. Building Heights;
- H. Number of off-street parking spaces or loading berths;
- I. Number of dwelling units;
- J. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

Section 1103. Approval of Zoning Permit.

Within thirty (30) days after the receipt of an application, the Zoning Officer shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All Zoning Permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Zoning Officer, after the Zoning Officer shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of the plans, similarly marked, shall be retained by the Zoning Officer. The third copy, similarly marked, shall be sent to the Supervisors. The Zoning Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance.

Section 1104. Expiration of Zoning Permit.

If the work described in any Zoning Permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Officer; and written notice thereof shall be given to the persons affected. If the work described in any Zoning Permit has not been substantially completed within two and one-half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new Zoning Permit has been obtained or extension granted.

Section 1105. Certificate of Occupancy.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Zoning Officer stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

Section 1106. Temporary Certificate of Occupancy.

A temporary Certificate of Occupancy may be issued by the Zoning Officer for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

Section 1107. Record of Zoning Permits and Certificates of Occupancy.

The Zoning Officer shall maintain a record of all Zoning Permits and Certificates of Occupancy and copies shall be furnished upon request to any person. The Zoning Officer may collect a reasonable fee for provision of copies. Said fee shall be based on the actual cost of copying plus the time required to make the copy.

Section 1108. Failure to Obtain a Zoning Permit or Certificate of Occupancy.

Failure to obtain a Zoning Permit or Certificate of Occupancy shall be a violation of this Ordinance and punishable under Section 1111 of this Ordinance.

Section 1109. Construction and Use to Be as Provided in Applications, Plans, Permits, and Certificates.

Zoning Permits and Certificates of Occupancy issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 1111 of this Ordinance.

Section 1110. Complaints Regarding Violations.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes, basis thereof, and the name of the person filing the complaint shall be filed with the Zoning Officer. The Zoning Officer shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

Section 1111. Enforcement Penalties.

Any person, partnership or corporation who or which shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than one thousand (\$1,000) dollars. In default of payment of the fine, such person, the members of such partnership, or the officers of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid over to the Township Supervisors.

Section 1112. Enforcement Remedies.

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

Section 1113. Schedule of Fees, Charges, and Expenses.

The Supervisors shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, Amendments, Appeals, Variances, Plan Approvals, and other matters pertaining to the administration and enforcement of this Ordinance requiring

investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the Township Office, and may be altered or amended only by the Supervisors. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**ARTICLE XII
AMENDMENTS, VALIDITY AND ENACTMENT**

Section 1201. Amendments.

The Board of Supervisors may amend this Ordinance in accordance with the requirements and procedures set forth in the Pennsylvania Municipalities Planning Code, and any amendments thereto.

Section 1202. Repealers.

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

Section 1203. Interpretation.

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any Statute, other Ordinance, or Regulations, the provisions of this Ordinance shall prevail. When provisions of any Statute, other Ordinance, or Regulations impose greater restrictions than those of this Ordinance, the provisions of such Statute, Ordinance, or Regulation shall prevail.

Section 1204. Validity.

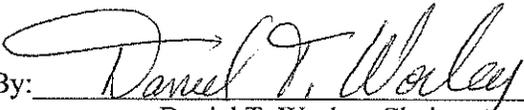
All articles, sections, subsections, paragraphs, clauses, phrases or provisions of this Ordinance or the location of all District boundaries shown on the Zoning Map which forms a part hereof are severable, and if any such element shall be declared invalid or unconstitutional by a court of law, the same shall not affect the validity of this Ordinance or Zoning Map as a whole or any part or provisions hereof other than the element so adjudged to be invalid or unconstitutional.

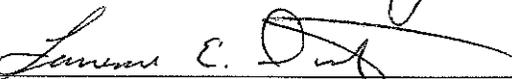
Section 1205. Effective Date.

This Ordinance shall become effective on the 13th day of October 2008.

ENACTMENT. Ordained and enacted this 13th day October 2008.

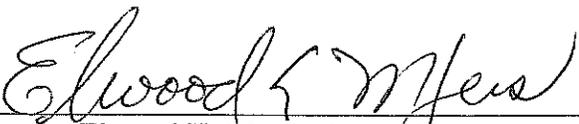
LATIMORE TOWNSHIP BOARD OF SUPERVISORS

By: 
Daniel T. Worley, Chairman

By: 
Lawrence E. Dost, Vice-Chairman

ATTEST:


Valena Garlin, Secretary

By: 
Elwood K. Myers, Supervisor