

LIBERTY TOWNSHIP ZONING ORDINANCE

Article 2
Zoning Regulations

Section 201 Conservation (C) District **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

201.1. Purpose:

- a. Provide reasonable residential development opportunities within areas of Liberty Township that are characterized by wooded landscapes and the somewhat rugged topography of western portion of the Township. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- b. Encourage residential development designs that protect environmentally sensitive areas (including but not limited to forested areas, steep slopes, stream and creek valleys, and floodplains) scenic views, historic resources, and important natural areas. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- c. Encourage residential development designs that provide appropriate opportunities for the provision of active and passive recreation areas within residential developments. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- d. Encourage the conservation of open space within residential development that connects to open space adjoining properties and/or residential developments to form a community-wide open space and greenway network. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- e. Implement the Conservation by Design residential development technique in the western portion of Liberty Township. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

201.2. Development Options: All subdivision or development of property shall be designed in accordance with one of the following development options. Any subdivision or land development plan submitted for property within the C District shall identify the Development Option used in designing the project. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

Option 1: *Basic Density and Conservation:* This option requires that a minimum of seventy percent (70%) of the parcel to be developed remain in open space. Remaining lands may be developed for residential and nonresidential uses authorized in this District. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

Option 2: *Enhanced Density with Greater Conservation:* This option requires a minimum of eighty percent (80%) of the parcel to be developed remain in open space. Remaining lands may be developed for residential and nonresidential uses authorized in this District. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

Option 3: *Estate Lots:* This option authorizes the development of estates lots. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

Option 4: *Combined Design*: This option authorizes subdivision and land development submissions involving two or more of the above options. When choosing this option, the developer shall delineate the portion of the parcel to be developed in accordance with the specific option. Where a portion of such parcel is proposed to be developed using one of the above options, the requirements of the chosen option shall be applied to that portion of the property as if that portion of the property was the entire property proposed for development. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

201.3. Permitted Uses: Land within the C District may be used in accordance with the following table of permitted uses. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

a. Uses: **(Amended 5/4/16 by Ordinance # 2016-01 of 2016)**

C – Conservation District Use Table

Use #	Permitted Uses in the Designated Conservation Areas	Use Regulations
1	Agricultural operation and farm buildings, including accessory uses roadside stands (Section 445), manure storage facilities (Section 301.8), accessory apartments (Section 401), and no-impact home- based business (Section 435)	Section 406
2	Forestry, excluding permanent sawmills	Section 301.7
3	Public/nonprofit park	Section 439
4	Public/nonprofit nature preserves	Section 439
5	Accessory uses, customarily incidental to the above-permitted uses.	Section 301
6	Wind Energy Conversion System (Non-Public)	Section 455
	Special Exception Uses in the Designated Conservation Areas	
7	Communication Tower/Antennae	Section 418
8	Outdoor shooting Range	Section 438
	Conditional Uses in the Designated Conservation Areas	
9	Home business associated with farm residence	Section 427
	Permitted Uses in the Designated Development Areas	
10	Bed and breakfasts	Section 409
11	Single-family detached dwellings	
12	Accessory uses customarily incidental to permitted uses, including accessory apartments (see Section 401) and no-impact home- based business (Section 435)	Section 301
13	Wind Energy Conversion System (Non-Public)	Section 455
	Special Exception Uses in the Designated Development Areas	
14	Clubhouses for private clubs	Section 415
15	Riding stables	Section 444
16	Communication Tower/Antennae	Section 418
17	Age-Restricted Residential Development	Section 451
	Conditional Uses in the Designated Development Areas	
18	Churches and places of worship	Section 414
19	Conversion Apartment	Section 419
20	Quarries	Section 440
21	Home business	Section 427

- b. Additional Requirements: The permitted, special exception and conditional uses shall be in accordance with the following standards. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - 1. Permitted, special exception and conditional uses shall meet the requirements of Article 4 – Specific Regulations and Article 6 – Administration and Enforcement. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - 2. No more than one principal use shall occupy a lot in the development area. The following standards shall apply to developments where both residential and nonresidential lots located in the development area. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - a. No more than twenty percent (20%) of the development area of the development shall be devoted to lots with residential uses. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - b. The maximum permitted residential dwelling units shall be reduced by two units for each nonresidential use. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - c. Nonresidential development shall meet all buffering requirements in Article 312 of this Ordinance. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - 3. More than one principal use shall be allowed in the conservation area. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

201.4. Open Space and Development Density Requirements: All development within the C District shall be in accordance with the following minimum open space and maximum density requirements. Minimum open space and maximum development density for individual development projects using Options 1, 2 or 4 shall be calculated by applying the following open space and development density requirements in accordance with the conservation subdivision design process identified in Section 315 of this Ordinance. Maximum development density for individual development. Projects using Option 3 shall be calculated by applying the following density standard to the entire parcel on which the development is proposed. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

- a. Minimum Open Space: The minimum open space shall be as follows: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - 1. Option 1: Seventy percent (70%).**(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - 2. Option 2: Eighty percent (80%).**(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - 3. Option 3: Open space within Estate Lots shall be governed by the building envelope and impervious coverage requirements of Section 201.5.b. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - 4. Option 4: Varies, depending on the combination of development options chosen by the developer. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- b. Development Density: The maximum development density shall be as follows: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - 1. Option 1: One (1) unit per two (2) acres. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

LIBERTY TOWNSHIP ZONING ORDINANCE

2. Option 2: One (1) unit per one and one-half (1.5) acres. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
3. Option 3: One (1) unit per ten (10) acres. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
4. Option 4: Varies, depending on the combination of development options chosen by the developer. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

201.5. Dimensional Standards: All development within the C District shall comply with the following dimensional standards: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

- a. Options 1 and 2: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 1. Lot Size: None, unless the Township Sewage Enforcement Officer determines that a lot of specific minimum size must be applied to ensure proper septic system function and replacement. The septic system may be located within the required conservation area if held as common open space within the development. If such a design is proposed, a permanent easement surrounding the septic area within the conservation area shall be created to ensure access to the septic system site for operation and maintenance purposes. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 2. Minimum setbacks. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (a) Minimum Front Yard Setbacks. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (1) Structures within the Conservation Area: Fifty (50) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (2) Structures within the Development Area: Twenty-five (25) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (b) Minimum Side Yard Setbacks. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (1) Structures within the Conservation Area: Thirty (30) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (2) Structures within the Development Area: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (a) Residential: Five (5) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (b) Nonresidential: Ten (10) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (c) Minimum Rear Yard Setbacks. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (1) Structures within the Conservation Area: Thirty (30) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (2) Structures within the Development Area: Fifteen (15) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 3. Maximum Impervious Coverage. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

- (a) Lots or Uses within Development Area: Thirty Percent (30%). **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (b) Uses within Conservation Area: Ten Percent (10%) **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
4. Buffers and Screening: Buffer and screen planting areas and buffer yards shall be provided in accordance with the requirements contained in Section 312, Buffer, Screening and Landscaping Regulations. All grazing and pasture area shall be fenced to prevent livestock from roaming. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 5. Building Height Limit: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (a) Residential: Thirty-five (35) Feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (b) Church or similar place of worship: Forty-five (45) feet for the principal building. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (c) Non-residential structures: Thirty-five (35) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (d) Other structures shall comply with the provisions of Section 304 of the Ordinance. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- b. Option 3: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
1. Minimum Street Frontage: One Hundred Twenty-Five (125) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 2. Minimum Lot Size: Ten (10) acres. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 3. Minimum Setbacks: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (a) Front yard: One Hundred (100) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (b) Side Yard: Thirty (30) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (c) Rear Yard: Thirty (30) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 4. Building Envelope: **(Amended 6/3/08 by Ordinance # 2008-01 of 2008)**
 - (a) The building envelope shall be a maximum of ten thousand (10,000) square feet. **(Amended 6/3/08 by Ordinance # 2008-01 of 2008)**
 - (b) The building envelope for each lot shall be delineated on an attached document when the application for a land use permit is filed with the Zoning Officer. Or, **(Amended 6/3/08 by Ordinance # 2008-01 of 2008)**
 - (c) The Township may request the building envelope for each lot to be delineated on the subdivision plan at the time of submission. The following note must be on the subdivision plan if the Township requires the building envelope to be shown:

“The building envelope(s) shown are to ensure that each lot has sufficient space for the required building envelope. The location of the building envelope may be altered at the time of submission for a land use permit.” **(Amended 6/3/08 by Ordinance # 2008-01 of 2008)**
 5. Maximum Impervious Coverage: Five percent (5%) **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

LIBERTY TOWNSHIP ZONING ORDINANCE

- c. The following setbacks will be followed for individual lots that are not dimensionally conforming to this ordinance but were existing at the time this ordinance was adopted by the Township. **(Added 6/3/08 by Ordinance # 2008-01 of 2008)**
 - 1. Front Yard: Fifty (50) feet. **(Added 6/3/08 by Ordinance # 2008-01 of 2008)**
 - 2. Side Yard: Thirty (30) feet. **(Added 6/3/08 by Ordinance # 2008-01 of 2008)**
 - 3. Rear Yard: Thirty (30) feet. **(Added 6/3/08 by Ordinance # 2008-01 of 2008)**

201.6. Conservation Area Standards

For developments proposed in accordance with Options 1 or 2 herein, the following standards shall apply to conserved open space (conservation lands). **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

- a. Open space (conservation lands) shall be organized and designed in accordance with the provisions of Section 315 and 316 of this Ordinance. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- b. Open space (conservation lands) shall be permanently protected through a conservation easement in accordance with the provisions of Section 317 of this Ordinance. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- c. Open space (conservation lands) and common facilities shall be owned and maintained in accordance with the provisions of Section 318 of this Ordinance. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

201.7. Sign Requirements **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

Signs shall be permitted in accordance with Article 3, of this Ordinance.

201.8. Off-Street Parking Requirements **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

Off-street parking and access requirements shall be provided in accordance with Article 3 of this Ordinance.

201.9. Agricultural Nuisance Disclaimer **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

All subdivision plans submitted within the Conservation (C) District shall include the following disclaimer: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

“Lands within the Conservation (C) District are located in an area of Liberty Township where land is used for agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 (“The Right to

Farm Law”) may bar them from obtaining a legal judgment against such normal agricultural operations.” **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

Section 202 Agricultural Rural (AR) District **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

202.1: Purpose:

- a. Provide reasonable residential development opportunities within areas of Liberty Township that are characterized by open landscapes and scenic valleys within the eastern portion of the Township. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- b. Encourage residential development designs that protect environmentally sensitive areas (including but not limited to forested areas, steep slopes, stream and creek valleys, and floodplains), scenic views, historic resources, and important natural areas. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- c. Encourage, to the degree possible, the retention of agricultural lands and uses within eastern Liberty Township, and to reduce, to the degree possible, the degree of conflict between agricultural and non-agricultural uses. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- d. Encourage residential development designs that provide appropriate opportunities for the provision of active and passive recreation areas within residential developments. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- e. Encourage the conservation of open space within residential development that connects to open space on adjoining properties and/or residential developments to form a community-wide open space and greenway network. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- f. Implement the Conservation by Design residential development technique in the eastern portion of Liberty Township. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

202.2: Development Options: All subdivision or development of property shall be designed in accordance with one of the following development options. Any subdivision or land development plan submitted for property within the AR District shall identify the Development Option used in designing the project. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

Option 1: *Basic Density and Conservation:* This option requires that a minimum of sixty percent (60%) of the parcel to be developed remain in open space. Remaining lands may be developed for residential and nonresidential uses authorized in this District. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

Option 2: *Enhanced Density with Greater Conservation:* This option requires a minimum of seventy percent (70%) of the parcel to be developed remain in open space. Remaining lands may be developed for residential and nonresidential uses authorized in this District. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

Option 3: *Estate Lots:* This option authorizes the development of estates lots. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

LIBERTY TOWNSHIP ZONING ORDINANCE

Option 4: *Combined Design*: This option authorizes subdivision and land development submissions involving two or more of the above options. When choosing this option, the developer shall delineate the portion of the parcel to be developed in accordance with the specific option. Where a portion of such parcel is proposed to be developed using one of the above options, the requirements of the chosen option shall be applied to that portion of the property as if that portion of the property was the entire property proposed for development. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

202.3: Permitted Uses: Land within the AR District may be used in accordance with the following table of permitted uses. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

a. Uses: **(Amended 5/4/16 by Ordinance # 2016-01 of 2016)**

AR – Agricultural Rural District Uses		
Use #	Permitted Uses in the Designated Conservation Areas	Use Regulations
1	Agricultural operation and farm buildings, including accessory uses roadside stands (Section 445), manure storage facilities (Section 301.8), accessory apartments (Section 401), and no-impact home- based business (Section 435)	Section 406
2	Farm occupations	Section 422
3	Forestry, excluding permanent sawmills	Section 201.7
4	Nature Preserves	Section 439
5	Temporary farm employee housing	Section 448
6	Accessory uses, customarily incidental to the above-permitted uses.	Section 301
Special Exception Uses in the Designated Conservation Areas		
7	Agribusiness, only on existing farms as of the effective date of this ordinance	Section 406
8	Golf course	Section 425
9	Public / nonprofit park	Section 439
10	Communication Tower / Antennae	Section 418
11	Wind Energy Conversion System (Non-Public)	Section 455
Conditional Uses in the Designated Conservation Areas		
12	Home business associated with farm residence	Section 427
13	Outdoor Shooting Range	Section 438

Permitted Uses in the Designated Development Areas		
14	Bed and breakfasts	Section 409
15	Churches and places of worship	Section 414
16	Family day-care facilities	Section 421
17	Retail and wholesale nursery / garden stock	Section 443
18	Riding stables	Section 444
19	Single-family detached dwellings	
20	Accessory uses customarily incidental to permitted uses, including accessory apartments (see Section 401) and no-impact home- based business (Section 435)	Section 301
21	Wind Energy Conversion System (Non-Public)	Section 455
Special Exception Uses in the Designated Development Areas		
22	Animal hospital, veterinary office and kennels	Section 405
23	Clubhouses for private clubs	Section 415
24	Nursing, rest or retirement homes	Section 437
25	Private / non-profit schools	Section 446
26	Public uses	Section 439
27	Communication Tower / Antennae	Section 418
28	Age-Restricted Residential Development	Section 451
Conditional Uses in the Designated Development Areas		
29	Airports / heliports	Section 403
30	Conversion Apartment	Section 419
31	Farm-related businesses	Section 423
32	Home Business	Section 427

b. Additional Requirements: The permitted, special exception and conditional uses shall be in accordance with the following standards. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

1. Permitted, special exception and conditional uses shall meet the requirements of Article 4 – Specific Regulations and Article 6 – Administration and Enforcement. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
2. No more than one principal use shall occupy a lot in the development area. The following standards shall apply to developments where both residential and nonresidential lots located in the development area. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - a. No more than twenty percent (20%) of the development area of the development shall be devoted to lots with residential uses. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - b. The maximum permitted residential dwelling units shall be reduced by two units for each nonresidential use. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

LIBERTY TOWNSHIP ZONING ORDINANCE

- c. Nonresidential development shall meet all buffering requirements in Article 312 of this Ordinance. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
3. More than one principal use shall be allowed in the conservation area. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

202.4: Open Space and Development Density Requirements: All development within the C District shall be in accordance with the following minimum open space and maximum density requirements. Minimum open space and maximum development density for individual development projects using Options 1, 2 or 4 shall be calculated by applying the following open space and development density requirements in accordance with the conservation subdivision design process identified in Section 315 of this Ordinance. Maximum development density for individual development projects using Option 3 shall be calculated by applying the following density standard to the entire parcel on which the development is proposed. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

- a. Minimum Open Space: The minimum open space shall be as follows: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 1. Option 1: Seventy percent (70%).**(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 2. Option 2: Eighty percent (80%).**(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 3. Option 3: Open space within Estate Lots shall be governed by the building envelope and impervious coverage requirements of Section 202.5.b. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 4. Option 4: Varies, depending on the combination of development options chosen by the developer. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- b. Development Density: The maximum development density shall be as follows: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 1. Option 1: One (1) unit per two (2) acres. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 2. Option 2: One (1) unit per one and one-half (1.5) acres. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 3. Option 3: One (1) unit per ten (10) acres. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 4. Option 4: Varies, depending on the combination of development options chosen by the developer. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

202.5: Dimensional Standards: All development within the AR District shall comply with the following dimensional standards: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

- a. Options 1 and 2: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 1. Lot Size: None, unless the Township Sewage Enforcement Officer determines that a lot of specific minimum size must be applied to ensure proper septic system function and replacement. The septic system may be located within the required conservation area if held as common open space within the development. If such a design is proposed, a permanent easement surrounding the septic area within the conservation area shall be created to ensure access to

- the septic system site for operation and maintenance purposes. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
2. Minimum setbacks. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (a) Minimum Front Yard Setbacks. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (1) Structures within the Conservation Area: Fifty (50) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (2) Structures within the Development Area: Twenty-five (25) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (b) Minimum Side Yard Setbacks. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (1) Structures within the Conservation Area: Thirty (30) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (2) Structures within the Development Area: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (a) Residential: Five (5) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (b) Nonresidential: Ten (10) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (c) Minimum Rear Yard Setbacks. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (1) Structures within the Conservation Area: Thirty (30) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (2) Structures within the Development Area: Fifteen (15) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 3. Maximum Impervious Coverage. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (a) Lots or Uses within Development Area: Thirty Percent (30%). **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (b) Uses within Conservation Area: Ten Percent (10%) **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 4. Buffers and Screening: Buffer and screen planting areas and buffer yards shall be provided in accordance with the requirements contained in Section 312, Buffer, Screening and Landscaping Regulations. All grazing and pasture area shall be fenced to prevent livestock from roaming. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 5. Building Height Limit: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (a) Residential: Thirty-five (35) Feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (b) Church or similar place of worship: Forty-five (45) feet for the principal building. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (c) Non-residential structures: Thirty-five (35) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

LIBERTY TOWNSHIP ZONING ORDINANCE

- (d) Other structures shall comply with the provisions of Section 304 of this Ordinance. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- b. Option 3: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
1. Minimum Street Frontage: One Hundred Twenty-Five (125) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 2. Minimum Lot Size: Five (5) acres. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 3. Minimum Setbacks: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (a) Front yard: Fifty (50) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (b) Side Yard: Thirty (30) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (c) Rear Yard: Thirty (30) feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 4. Building Envelope: **(Amended 6/3/08 by Ordinance # 2008-01 of 2008)**
 - (a) The building envelope shall be a maximum of ten thousand (10,000) square feet. **(Amended 6/3/08 by Ordinance # 2008-01 of 2008)**
 - (b) The building envelope for each lot shall be delineated on an attached document when the application for a land use permit is filed with the Zoning Officer. Or, **(Amended 6/3/08 by Ordinance # 2008-01 of 2008)**
 - (c) The Township may request the building envelope for each lot to be delineated on the subdivision plan at the time of submission. The following note must be on the subdivision plan if the Township requires the building envelope to be shown:

“The building envelope(s) shown are to ensure that each lot has sufficient space for the required building envelope. The location of the building envelope may be altered at the time of submission for a land use permit.” **(Amended 6/3/08 by Ordinance # 2008-01 of 2008)**
 - (d) The building envelope for each lot shall be delineated on the subdivision plan at the time of submission. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 - (e) The building envelope shall be a maximum of ten thousand (10,000) square feet. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
 5. Maximum Impervious Coverage: Ten percent (10%) for Estate Lots between five (5) and ten (10) acres, and five percent (5%) for Estate Lots larger than ten (10) acres. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- c. The following setbacks will be followed for individual lots that are not dimensionally conforming to this ordinance but were existing at the time this ordinance was adopted by the Township. **(Added 6/3/08 by Ordinance # 2008-01 of 2008)**
1. Front Yard: Fifty (50) feet. **(Added 6/3/08 by Ordinance # 2008-01 of 2008)**
 2. Side Yard: Thirty (30) feet. **(Added 6/3/08 by Ordinance # 2008-01 of 2008)**
 3. Rear Yard: Thirty (30) feet. **(Added 6/3/08 by Ordinance # 2008-01 of 2008)**

202.6: Conservation Area Standards

For developments proposed in accordance with Options 1 or 2 herein, the following standards shall apply to conserved open space (conservation lands). **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

- a. Open space (conservation lands) shall be organized and designed in accordance with the provisions of Section 315 and 316 of this Ordinance. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- b. Open space (conservation lands) shall be permanently protected through a conservation easement in accordance with the provisions of Section 317 of this Ordinance. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**
- c. Open space (conservation lands) and common facilities shall be owned and maintained in accordance with the provisions of Section 318 of this Ordinance. **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

202.7: Sign Requirements (Amended 10/3/06 by Ordinance # 2006-03 of 2006)

Signs shall be permitted in accordance with Article 3, of this Ordinance.

202.8: Off-Street Parking Requirements (Amended 10/3/06 by Ordinance # 2006-03 of 2006)

Off-street parking and access requirements shall be provided in accordance with Article 3 of this Ordinance.

202.9: Agricultural Nuisance Disclaimer (Amended 10/3/06 by Ordinance # 2006-03 of 2006)

All subdivision plans submitted within the Agricultural Rural (AR) District shall include the following disclaimer: **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

“Lands within the Agricultural Rural (AR) District are located in an area of Liberty Township where land is used for agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 (“The Right to Farm Law”) may bar them from obtaining a legal judgment against such normal agricultural operations.” **(Amended 10/3/06 by Ordinance # 2006-03 of 2006)**

Section 203 Lot Additions for Conservation (C) and Agricultural Rural (AR) Zones. (Amended 5/4/16 by Ordinance # 2016-01 of 2016)

LIBERTY TOWNSHIP ZONING ORDINANCE

203.1 – Purpose: The purpose of this section is to allow a lot addition subdivision in the Conservation (C) or Agricultural Rural (AR) zoning districts to occur without requiring either land owner to declare a development option or be required to provide the minimum conservation (open space) area. **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**

203.2 – Lot Requirements: The lot requirements (setbacks, street frontage, etc.), shown on the plan, for this type of subdivision will utilize the regulations set forth as Development Option 1 for either Conservation (C) or Agricultural Rural (AR) zoning districts. **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**

203.3 – Future Development: Any future development will need to conform to all the conservation regulations as set forth in this ordinance. **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**

Section 204 (R) Residential Zone

204.1. Purpose - The purpose of this Zone is to accommodate residential development growth within the Township. All development shall have minimum intrusion on features of natural environment that includes woodlands, streams and stream valleys, floodplains, wetlands and steep slopes and the use of agriculture resources for purposes other than agricultural. Allow flexibility in design that maintains the rural character of Liberty Township. Implement the goals and objectives of the Township Comprehensive Plan.

Uses designated as Special Exception are granted by the Liberty Township Zoning Hearing Board and uses designated as Conditional are granted by the Liberty Township Board of Supervisors.

204.2. Permitted Uses

- a. Agricultural operations, including the growing of crops and the pasturing of animals, excluding agribusiness
- b. Bed and Breakfast (See Section 409)
- c. Churches and places of worship (See Section 414)
- d. Duplex dwellings
- e. Family day-care facilities
- f. Forestry, excluding permanent sawmills
- g. Multiple family dwellings
- h. Single-family detached dwellings
- i. Townhouses. (See Section 454) **(Amended 5/4/16 by Ordinance # 2016-01 of 2016)**
- j. Accessory uses customarily incidental to the permitted uses, including accessory apartments (see Section 401) and no-impact home-based businesses (see Section 435)

204.3. Special Exception Uses (Subject to the review procedures listed in Section 602.5 of this Ordinance.)

- a. Clubhouse for private club (See Section 415)
- b. Kennel (See Section 432) **(Renumbered 10/3/06 by Ordinance # 2006-03 of 2006)**
- c. Public and/or non profit parks **(Renumbered 10/3/06 by Ordinance # 2006-03 of 2006)**
- b. Home Business (See Section 427) (Removed 10/3/06 by Ordinance # 2006-03 of 2006)**

204.4. Conditional Uses (Subject to the review procedures listed in Section 603 of this Ordinance.)

- a. Conversion Apartments (See Section 419)
- b. Home Business (See Section 427) **(Added 10/3/06 by Ordinance # 2006-03 of 2006)**
- c. General Store (See Section 453) **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**

204.5. Lot and Area Requirements

- a. Residential uses shall meet the tract area, lot area and width, and impervious coverage requirements in accordance with the following table.
- b. Lot area and width requirements for nonresidential uses. All nonresidential uses shall be developed in accordance with the minimum tract area and lot width and maximum impervious coverage standards for the multiple family residential units as shown on the R Residential Lot Area Requirements, unless otherwise required in Article 4, Specific Criteria.

LIBERTY TOWNSHIP ZONING ORDINANCE

R Residential Lot Area Requirements

	Single-family detached dwelling units and other residential dwelling units ⁱ / ⁱⁱ			Duplex dwellings	Townhouses ⁱⁱⁱ	Multi-family units ^{iv}
Lot requirements by public utility service	Both public water and sewer	Public sewer, but no public water	No public sewer, with or without public water	Both public water and sewer required	Both public water and sewer required	Both public water and sewer required
Minimum parent lot area (square feet)	N/A	N/A	N/A	N/A	43,560	43,560
Minimum lot area (square feet.)	10,000	20,000	43,560	4,250	2,200	2,000
Minimum lot width at the building setback line (feet)	80	90	100	30	22'interior units, 32' exterior units	100
Maximum Impervious Coverage	20%	20%	20%	45%	50%	55%

ⁱ Conversion apartments.

ⁱⁱWhere no public sewer exists, the Township Sewage Enforcement Officer must analyze the results of the soil percolation tests and on the basis of the analysis, the minimum lot area and width shall be increased to accommodate an approvable on-lot sewage system and replacement area. The approved lot size and width shall be the minimum lot area and width.

ⁱⁱⁱLimited to a maximum of eight (8) dwelling units per row of townhouses.

^{iv}Interior yards and/or building spacing for tracts or lots with more than one building shall be provided in accordance with Section 437.2.f.

204.6. Minimum Setback Requirements

a. Principal structures:

1. Front yard setback – in accordance with the street classification system in the Liberty Township Comprehensive Plan, the principal structure shall be set back:
 - b. Arterial and Collector Roadways – Fifty feet (50')
 - c. Minor Roadways – Thirty-five feet (35')
 - d. Cul-de-sac Streets – Thirty-five feet (35')
2. Side yard setbacks - Fifteen feet (15')
3. Rear yard setback - Thirty-five feet (35')

b. Accessory structures:

1. Front yard setback - No accessory use (except permitted signs) shall be located within the required front yard
2. Side yard setbacks - Ten feet (10') on each side
3. Rear yard setback - Ten feet (10')

204.7. Maximum Permitted Height

- a. Principal structures – Thirty-five feet (35')
- b. Accessory structures - Twenty feet (20')
- c. Agricultural Structures - Fifty feet (50') provided all structures are set back a distance at least equal to their height from all property lines except where further limited by the airport ordinance.

204.8. General Regulations

In addition to the District regulations, Article 3 of this Ordinance contains additional provisions, which apply to all uses in the Township.

204.9. Sign Requirements

Signs shall be permitted in accordance with Article 3, of this Ordinance.

204.10. Off-Street Parking Requirements

Off-street parking and access requirements shall be provided in accordance with Article 3, of this Ordinance.

204.11. Agricultural Nuisance Disclaimer - Some of the lands within this Zone are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right to Farm Law" may bar them from obtaining a legal judgment against such normal agricultural operations.

Section 205 (ROC) Residential Office Commercial Zone

205.1. Purpose - The primary purpose of the ROC District is to promote a compatible range of residential, office and neighborhood commercial activities that will contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. Lot sizes, specific setbacks, landscape requirements are imposed upon business sites and outdoor storage areas to protect adjoining properties to provide an attractive site appearance. All development shall minimize intrusion on the features of the natural environment including woodlands, wetlands and steep slopes, preserving scenic views and vistas while allowing flexibility in design.

205.2. Permitted Uses The following residential and nonresidential uses shall be permitted in the ROC District; however, all properties used for nonresidential purposes shall have direct access to either a Liberty Township or State-owned roadway.

LIBERTY TOWNSHIP ZONING ORDINANCE

- a. Banks and similar financial institutions
- b. Bed and Breakfast (See Section 409)
- c. Boarding Houses (See Section 410)
- d. Business and professional offices
- e. Cemeteries. (See Section 452) **(Amended 5/4/16 by Ordinance # 2016-01 of 2016)**
- f. Churches and places of worship (See Section 414)
- g. Commercial day-care facilities and older adult daily living centers (See Section 416)
- h. Commercial recreation facilities (See Section 417)
- i. Conversion apartments (See Section 419)
- j. Family day-care facilities (See Section 421)
- k. Health and fitness clubs (See Section 426)
- l. Laundries and laundromats. (See Section 420)
- m. Medical and dental clinics
- n. Nursing, rest or retirement homes (See Section 437)
- o. Personal and household goods repair and maintenance services
- p. Personal service establishments
- q. Restaurants (excluding drive-through and fast food) (See Section 442)
- r. Retail Sale and/or rental of goods (including convenience stores), provided the total sales and/or display area is less than 3,600 square feet
- s. Riding stables (See Section 444)
- t. Single-family detached dwellings
- u. Single-family semi-detached dwellings (duplex)
- v. Veterinarian offices provided no outdoor keeping of animals is permitted (See Section 405)
- w. Buildings that contain a combination of above-permitted residential and commercial uses, provided that no more than three (3) nonresidential uses shall be permitted per building and/or lot
- x. Accessory uses customarily incidental to the permitted uses, including but not limited to accessory apartments (See Section 401) and no-impact home-based businesses (See Section 435)

205.3. Special Exception Uses (Subject to the procedures presented in Article 6 of this Ordinance)

- a. Communication and cell towers and antennas (See Sections 418)

- b. Clubhouses for Private Clubs (See Section 415)
- c. Hospitals (See Section 429)
- d. Mobile Home Park (See Section 434)
- e. Public use and public utility structures (See Section 439)
- f. Schools (See Section 446)
- g. Banquet Hall (See Section 456) **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**

205.4. Design Standards for Residential Uses - See Table below

- a. Maximum residential density: 2.0 units/acre.
- b. Minimum area requirements per dwelling unit shall be in accordance with the tables below unless otherwise regulated in Article 4. When on-lot wastewater facilities are to be utilized, the minimum lot size shall be increased as required by the Township Sewage Enforcement Officer and in compliance with the Department of Environmental Protection factors relating to health and sanitation.

Lots with On-Lot Wastewater Facilities

Dwelling Type	Minimum Lot Area	Minimum Lot Depth ¹	Minimum Lot Width ¹	Minimum Yard Setbacks		
				Front ³	Side	Rear
Single-Family Detached	43,560 sq. ft.	200 ft.	150 ft.	50 ft.	35 ft.	50 ft.
Duplexes	25,000 sq. ft. per unit	200 ft.	75 ft.	50 ft.	35 ft.	50 ft.
Other Uses	43,560 sq. ft.	150 ft.	150 ft.	50 ft.	35 ft.	50 ft.
Accessory Uses	N/A	N/A	N/A	Not permitted in front yard.	6 ft.	10 ft.

LIBERTY TOWNSHIP ZONING ORDINANCE

Lots with or without Public Water and with Public Wastewater Facilities

Dwelling Type	Minimum Lot Area	Minimum Lot Depth ¹	Minimum Lot Width ¹	Minimum Yard Setbacks		
				Front ³	One Side	Rear
Single-Family Detached	20,000 sq. ft.	125 ft.	85 ft.	35 ft.	20 ft.	35 ft.
Duplexes	10,000 sq. ft. per unit	125 ft.	45 ft.	35 ft.	20 ft.	35 ft.
Other Uses	20,000 sq. ft.	125 ft.	85 ft.	35 ft.	20 ft.	35 ft.
Accessory Uses	N/A	N/A	N/A	Not permitted in front yard.	6 ft.	10 ft.

¹ Minimum lot depth and width shall be measured at the building set back.

- c. Maximum permitted height
 - 1. Principal buildings and structures - Thirty-five feet (35')
 - 2. Accessory buildings: Fifteen feet (15')
- d. Coverage - Maximum impervious lot coverage: Thirty percent (30%) of the lot area.

205.6. Area and Bulk Regulations For Nonresidential Uses

- a. Lot area and width. A minimum and maximum lot size shall be dependent on the presence or lack thereof of public water and public sewer in accordance with the following:
 - 1. Minimum lot area shall be determined based on the size of the building/buildings, yard, coverage parking requirements and the need for on- lot water and wastewater facilities, if public utilities are not available, in accordance with the determination of the Township Sewage Enforcement Officer.
 - 2. Minimum lot width. The minimum lot width shall be fifty feet (50').
- b. Minimum yard setbacks. The following minimum standards shall apply:
 - 1. Front yard setback shall be thirty feet (30').
 - 2. Side yard: Ten (10') feet each side.
 - 3. Rear yard: Thirty (30') feet.
- c. Maximum building coverage: Forty (40%) percent.
- d. Maximum impervious lot coverage: Fifty (50%) percent.
- e. Minimum vegetative cover: Fifty (50%) percent.
- f. Height regulations. Height of a principal building shall not exceed forty (40') feet.
- g. Conservations easements.
 - 1. Conservation easements shall be utilized on lots to preserve existing woodlands and drainage ways.

2. Under no circumstances shall conservation easements be less than twenty (20') feet wide.

205.7. General Regulations

In addition to the District regulations, Article 3 of this Ordinance contains additional provisions, which apply to all uses in the Township.

205.8. Off-street Parking and Loading Requirements.

- a. Off-street parking and loading shall comply with Article 3 of this Ordinance.
- b. The following additional standards shall apply to parking lots in the ROC District:
 1. Parking lots shall not be located closer than thirty (30') feet to a public right-of-way.
 2. Parking lots shall be placed to the rear or side of the property, where feasible.
 3. Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from public rights-of-way.
 4. Shared parking lots are encouraged. .

205.9. Sign Regulations – Sign regulations shall be in accordance with Article 3, Signs.

Section 206 (CI) – Commercial Industrial Zone

206.1. Purpose - The primary purpose of the CI District is to provide an area of the Township suitable for large scale and intense commercial and industrial activities that will contribute to the well-being of the Township by diversifying its economy and providing valuable employment opportunities. Lot sizes, specific setbacks, landscape requirements are imposed upon business sites and outdoor storage areas to protect adjoining properties to provide an attractive site appearance. All development shall minimize intrusion on the features of the natural environment including woodlands, wetlands and steep slopes, preserving scenic views and vistas while allowing flexibility in design.

206.2. Permitted Uses

- a. Banks and similar financial institutions, including drive-through services (Section 411)
- b. Contractors shops
- c. Funeral homes (See Section 424)
- d. Commercial recreation facilities, including indoor theaters, auditoriums and sports facilities (See Section 417)
- e. Home Improvement and building supply stores (See Section 428)
- f. Health and fitness clubs (See Section 426)
- g. Machine shop
- h. Mini-warehouses (See Section 433)
- i. Retail stores/trade

LIBERTY TOWNSHIP ZONING ORDINANCE

- j. Wholesale nursery/garden stock
- k. Restaurants and taverns (See Section 442)
- l. Small engine repair shop
- m. Vocational – mechanical – trade school (See Section 446)
- n. Welding shop
- o. Buildings that contain a combination of above-permitted residential and commercial uses, provided that no more than three (3) nonresidential uses shall be permitted per building and/or lot
- p. Accessory uses customarily incidental to the above uses.

206.3. Special Exception Uses (Subject to the procedures presented in Article 6 of this Ordinance and Section 430)

- a. Adult-related facilities (See Section 402)
- b. Amusement arcades (See Section 404)
- c. Automobile fueling stations, including convenience stores, fuel sales and minor incidental repairs (See Section 407)
- d. Car washes (See Section 413)
- e. Clubhouses for private clubs (See Section 415)
- f. Communication and cell towers and antennas (See Sections 418)
- g. Dry cleaners (See Section 420)
- h. Hotels and motels
- i. Manufacturing
- j. Night clubs (See Section 436)
- k. Public uses (See Section 439)
- l. Recycling collection stations for paper, glass and metal products (See Section 441)
- m. Solid waste disposal and processing facilities (See Section 447)
- n. Truck or motor freight terminals (See Section 449)
- o. Automobile, boat, trailer, truck, farm machinery, and mobile home service and repair facilities, including but not limited to auto mechanics, drive-through lubrication services and tires, auto paint, brake, muffler, transmission, windshield, auto body, car radio and upholstery shops. (See Section 408)
- p. Warehousing and wholesale trade (See Section 450)

206.4. Conditional Uses (Subject to the procedures presented in Article 6 of this Ordinance)

- a. Junkyards (See Section 431)

206.5. Area and Bulk Regulations

- a. Minimum lot area shall be determined based on the size of the building/buildings, yard, coverage parking requirements and the need for on-lot water and wastewater facilities, if public utilities are not available, in accordance with the determination of the Township Sewage Enforcement Officer.
- b. Minimum lot width. The minimum lot width shall be fifty feet (50').
- c. Minimum yard setbacks. The following minimum standards shall apply:
 - 1. Front yard setback shall be thirty feet (30').
 - 2. Side yard: Ten (10') feet each side.
 - 3. Rear yard: Thirty (30') feet.
- d. Maximum building coverage: Fifty (50%) percent.
- e. Maximum impervious lot coverage: Sixty (60%) percent.
- f. Minimum vegetative cover: Forty (40%) percent.
- g. Height regulations. Height of a principal building shall not exceed forty (40') feet.
- h. Conservations easements.
 - 1. Conservation easements shall be utilized on lots to preserve existing woodlands and drainage ways.
 - 2. Under no circumstances shall conservation easements be less than twenty (20') feet wide.

206.6. General Regulations

In addition to the District regulations, Article 3 of this Ordinance contains additional provisions, which apply to all uses in the Township.

206.7. Off-street Parking and Loading Requirements.

- a. Off-street parking and loading shall comply with Article 3 of this Ordinance.
- b. The following additional standards shall apply to parking lots in the CI District:
 - 1. Parking lots shall not be located closer than thirty (30') feet to a public Right- of-way.
 - 2. Parking lots shall be placed to the rear or side of the property, where feasible.
 - 3. Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from public rights-of-way.
 - 4. Shared parking lots are encouraged.

206.8. Sign Regulations – Sign regulations shall be in accordance with Article 3, Signs.

LIBERTY TOWNSHIP ZONING ORDINANCE

Section 207 Reserved for Future Use

Section 208 (FP) Floodplain Zone (Overlay Zone)

208.1. Purpose and Intent

- a. The FP - Floodplain Zone includes the areas of Liberty Township, which are subject to periodic inundation by floodwaters. This inundation results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extra- ordinary public expenditures for flood protection and relief, impairment of the tax base, and other adverse effects on the public health, safety, and general welfare.
- b. In the interest of public health, safety, and welfare the regulations of the (FP) Floodplain Zone are designed and intended to protect floodplain areas subject to and necessary for floodwaters, to permit and encourage the retention of open land uses so located and utilized as to constitute a harmonious and appropriate part of the physical development of Liberty Township as provided for in the Liberty Township Comprehensive Plan, and to guide incompatible development into more appropriate zones.
- c. In advancing these principles and the general purposes of this Zoning Ordinance and the Liberty Township Comprehensive Plan, and as a supplement to Section 111 of this Zoning Ordinance, the specific intent of this Zone includes the following:
 1. To combine with present regulations, certain restrictions necessary for the control of floodplains for the general health, safety, and welfare of the community.
 2. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding.
 3. To minimize danger to public health by protecting water quality and promoting safe and sanitary drainage.
 4. To control development which, acting alone or in combination with similar development, will create and impose additional unjustified burdens on the community, its governmental units, and its individuals for the costs of flood control works, rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees, as well as business interruptions, factory closing, disruptions of transportation routes, and interference with utility services, as well as other factors that result in loss of wages, sales, and production and generally affect the economic well being of the community.
 5. To maintain a stable tax base through the preservation or enhancement of property values adjacent to the floodplain, as well as by preventing the creation of future flood blighted areas on floodplains.
 6. To permit certain uses which can appropriately be located in the floodplain as herein defined without impeding the flow of floodwaters or otherwise causing danger or damage to life or property at, above, or below their locations in the floodplain.
 7. To permit certain uses in the floodplain in ways that preserve natural conditions conducive to the maintenance of ecological balance, wildlife and productive wildlife habitat, marine life and productive marine habitat, other healthy biotic systems, scenic and natural values, constant rates of water flow throughout the year, and areas for groundwater absorption for sustaining the subsurface water

- supply.
8. To provide sufficient unimpeded drainage courses and prohibit the restriction of their carrying capacities so as to safely carry abnormal flows of storm water from periods of heavy precipitation.
 9. To encourage the utilization of appropriate construction practices, which will minimize flood damage in the future.
 10. To prevent the placement of materials which might be swept by floods onto other lands or downstream to the injury of others.
 11. To provide for public awareness of flooding potential and to discourage and protect unwary individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.
 12. To regulate uses, activities, development, and structures, which acting alone or in combination with existing or future uses, activities, development, or structures, will cause increases in flood heights, velocities, and frequencies.
 13. To provide areas for the deposition of sediment.
 14. To protect people and property in other municipalities within the same watershed from the impact of improper development in floodplains and the consequent increased potential for flooding.

208.2. Lands in Zone Defined

- a. The (FP) - Floodplain Zone is hereby defined to include all the following lands within Liberty Township:
 1. All land within the 100-year flood boundaries of all water-courses, including but not limited to all land which is so identified by the Flood Hazard Boundary Maps No. H-01-06 Community No. 421255 issued by the US Department of Housing and Urban Development, Federal Insurance Administration (now Federal Emergency Management Agency) , dated December 27, 1974, and comprising six (6) sheets. Floodplain areas are identified Zone A (Special Hazard Areas).
 2. For the purposes of this Ordinance, the one hundred (100) year flood elevation shall be used as the basis for regulation. To determine the one hundred year flood elevation, the elevation at a given point on the boundary of the identified floodplain area, which is nearest the construction site in question, will be used. In helping to make this necessary elevation determination other sources of data, where available, shall be used such as:
 - a. U.S. Army Corps of Engineers – Floodplain Information Reports
 - b. U.S. Geological Survey – Flood Prone Quadrangles
 - c. U.S. Department of Agriculture, Soil Conservation Service - Adams County Soil Survey (Alluvial Soils)
 - d. PA Department of Environmental Protection Flood Control Investigations
 - e. Known highwater marks from past floods of record
 - f. Other sources which can be entered as evidence
 - g. Where the complete and definitive information necessary to delineate the boundary of the FP - Floodplain Zone is not available to the Zoning Officer in his/her consideration of an application for a permit, he/she shall require such on-site studies and/or surveys to be made as are necessary to fix the precise boundaries of the FP - Floodplain Zone as defined above. Such studies and surveys shall be signed, sealed, and certified by a licensed professional registered by the Commonwealth of Pennsylvania to perform such studies and surveys. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such

LIBERTY TOWNSHIP ZONING ORDINANCE

study or survey. Copies of such studies and surveys shall be submitted by the Zoning Officer to the Liberty Township Planning Commission, Township Engineer and the United States Department of Agriculture's Soil Conservation Service, who shall have 30 days to comment. Any property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all costs of these studies and surveys, except for work done under retainer to or on behalf of Liberty Township.

208.3. Boundary Disputes

- a. Should a dispute concerning any boundary of the FP - Floodplain Zone arise, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board in accordance with Article 6 of this Ordinance. The burden of proof in such an appeal shall be on the property owner and all hearings and procedures shall follow the requirements of Article 6 of this Ordinance;
- b. All changes to the boundaries of the FP - Floodplain Zone which affect areas identified in Section 208.2 of this Ordinance are subject to the review and approval of the Federal Insurance Administrator for compliance with the Rules and Regulations of the National Flood Insurance Program.

208.4. Relationship to Other Sections

The provisions of this section create an overlay zoning district, which is applicable within floodplains in all other zoning districts established by this Zoning Ordinance. To the extent the provisions of this section are applicable and more restrictive, they shall supersede conflicting provisions within all other sections of this Zoning Ordinance and all other Ordinances of Liberty Township. However, all other provisions of all other articles of this Zoning Ordinance and all other Ordinances of Liberty Township shall remain in full force.

208.5. Permitted Uses

The following uses are permitted if permitted in the underlying zone and only if done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended; the Rules and Regulations of the Pennsylvania Department of Environmental Protection, and Pennsylvania Department of Community and Economic Development; Section 211 of this Article; and all other applicable provisions of this Zoning Ordinance.

- a. Agricultural Uses and Farm Buildings, including the growing of crops and the pasturing of animals. Structures and pens associated with intensive animal husbandry/agribusiness operations, including, but not limited to, commercial poultry and/or livestock barns, are expressly prohibited in the Floodplain Zone. In interpreting this requirement, intensive animal husbandry agribusinesses shall include, but not limited to, those operations where the raising, feeding, and care of substantial number of poultry and/or livestock is conducted entirely within an enclosed structure. Any existing farms that are required to apply for a Pennsylvania Nutrient Management Permit will be required to apply for a new Land Development Application.
- b. Horticulture and forestry, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.

- c. Erosion and sedimentation control measures, facilities, and structures, provided no increase in flood heights or frequency, unhealthful ponding, or other unsanitary conditions shall occur.
- d. Public and private recreational uses such as parks, play areas, picnic groves, lawns, gardens, golf courses, driving ranges, archery ranges, game farms, paved bicycle paths, and hiking and horseback trails, all excluding any structures, and excluding any grading or filling which would cause any increase in flood heights or frequency.
- e. Open space and front, side, or rear yards required by other sections of this Zoning Ordinance. Floodplain land may be used to meet minimum open space, yard, and lot area requirements, provided that the purpose and intent of this section together with the requirements of any other pertinent municipal regulations, is complied with; if such compliance cannot be shown, the land areas within the (FP) Floodplain Zone shall not be used or calculated for purposes of meeting lot, open space, area, or yard requirements. **(Amended 5/4/16 by Ordinance # 2016-01 of 2016)**
- f. Stream improvements whose sole purpose is to improve aquatic life habitat, and which are approved by the Pennsylvania Fish Commission and reviewed by the Adams County Conservation District, and subject to the provisions of this Ordinance. **(Amended 5/4/16 by Ordinance # 2016-01 of 2016)**
- g. Picnic tables, park benches, fireplaces and grills, and playground equipment, all if anchored to prevent flotation.
- h. Farm ponds, which are constructed in accordance with a Conservation Plan reviewed by the Adams County Conservation District and which do not create any increase in flood heights or frequency.
- i. Flood proofing and flood hazard reduction structures to protect only lawfully existing and registered nonconforming structures and lawfully existing and registered nonconforming uses within structures.

208.6. Special Exception Uses

- a. The following uses are permitted in the FP - Floodplain Zone, only when special exceptions are granted by the Zoning Hearing Board as provided for herein and in Article 6, when permitted by the underlying zone as permitted uses or special exception uses, and when done under and in accordance with the provisions of the Clean Streams Law of Pennsylvania, Act 394 of 1937, as amended, the Rules and Regulations of the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Community and Economic Development, and all other provisions of this Zoning Ordinance:
 - 1. Parking lots, loading areas, driveways, and aircraft landing strips and taxiways, they are water-permeably surfaced, and if they are consistent with the provisions of this Article, except that parking lots designed or used for storage and parking lots for hotels, motels, and other transient lodgings are prohibited.
 - 2. Public utility facilities not under the exclusive jurisdiction of the Pennsylvania Public Utility Commission, subject to the following conditions:

LIBERTY TOWNSHIP ZONING ORDINANCE

- a. Facilities such as pipelines, gas lines, storm sewers, sanitary sewers, water lines, outlet installations for sewage treatment plants, sealed public and private water supply wells, pumping stations, and underground communication facilities, shall, together with associated structures, but excepting necessary vents, be designed and installed underground so as to be at or below the existing natural surface grade within the floodplain, and in such a manner as will prevent flotation, minimize or eliminate flood damage, and not alter the cross-sectional area of the floodplain. All new or replacement water supply facilities and/or sanitary sewage facilities shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharges from the facilities into floodwaters. All gas lines shall have a system of shut-off valves for service to the (FP) Floodplain Zone to allow positive control during flood emergencies.
- b. Electrical distribution lines and supporting structures shall be installed so as to minimize or eliminate flood damage, and all lines of less than 15 kilo-volts shall be installed underground, below the existing natural surface grade within the floodplain. Electrical distribution and transmission lines of 15 kilovolts or more may be allowed above ground as a special exception, provided they are certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania as meeting all of the following standards:
 - (1) Above ground lines and supporting structures shall enter the (FP) Floodplain Zone only to cross a watercourse, shall cross the watercourse and the Floodplain Zone using the most direct and shortest route possible consistent with the goals, objectives, purposes, and intents of this Zoning Ordinance, shall make the minimum number of crossings necessary, and shall be designed and installed so as to minimize or eliminate flood damage.
 - (2) Above ground lines shall be elevated so that their lowest portions are a minimum of ten feet (10') above the maximum flood elevation.
 - (3) Supporting structures for above ground lines within the Floodplain Zone shall be the minimum number necessary to carry the lines across the Floodplain Zone. Supporting structures shall be designed and installed so as to be able to withstand the maximum volume, velocity, and force of floodwaters which can be expected at the point where they are located.
 - (4) Facilities and services in the Floodplain Zone shall be designed so that flood damage within the Zone does not disrupt service outside the Zone.
3. Fish hatcheries, including uncovered ponds and raceways, which are approved by the Pennsylvania Fish Commission, but excluding other structures.
4. Culverts, bridges, and approaches to private culverts and bridges, which meet all the following conditions:
 - a. Review and/or approval by the Adams County Planning Commission, if required;
 - b. Approval by the Chesapeake Bay Basin Commission, if required;
 - c. Approval by the Pennsylvania Department of Environmental Protection, if required;
 - d. Approval by the United States Army Corps of Engineers, if required;
 - e. Approval by the Pennsylvania Department of Transportation (PennDOT), if required;
 - f. If approval by PennDOT is not required, the proposed use must still meet all of the appropriate minimum design standards of PennDOT;

- g. The proposed structure must be designed in such a way as to have the capacity to allow the unrestricted passage of waters of maximum flood elevation below and through it without any upstream or downstream increase in water surface elevation.
- b. Standards and Criteria for Special Exceptions - In addition to the provisions of Article 6, in hearing and deciding upon special exceptions to be granted or denied under the provisions of this Article the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:
 1. That danger to life and property due to increased flood heights, velocities, or frequencies caused by encroachments, is minimized.
 2. That the danger that floodwaters or materials may be swept onto other lands or downstream to cause injury to other is minimized.
 3. That the possibility of disease, contamination, and unsanitary conditions, is minimized and especially that any proposed water supply or sanitation systems are able to prevent these problems.
 4. That the susceptibility of the proposed facility and its contents to flood damage, the effect of such damage on the individual owners, and the need for an effect of flood proofing are minimized.
 5. That the proposed use is compatible with existing and anticipated development.
 6. That the proposed use is consistent with the Liberty Township Comprehensive Plan and any floodplain management, program for the area.
 7. That the safety of access to the property in times of flooding for ordinary and emergency vehicles is assured.
 8. That the expected area, height, depth, velocity, pressure, frequency, duration, rate of rise, seasonally, and sediment, debris, and pollutant load of floodwaters expected at the site is not inconsistent with the proposed use.
 9. That the proposed activity will not unduly alter natural water flow or water temperature.
 10. That archaeological or historic sites or structures, endangered or threatened species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land uses will not be degraded or destroyed.
 11. That the natural scenic, and aesthetic values at the proposed site will be conserved.
 12. That the danger, damage, and injury to all adjoining properties on both sides of any watercourse, regardless of municipality, is minimized. In this regard, any proposal affecting an adjacent municipality shall be submitted to that municipality's planning commission and governing body for review and comment.

LIBERTY TOWNSHIP ZONING ORDINANCE

13. That the granting of the special exception will not result in any of the following,

- a. Increases in flood heights;
 - b. Additional threats to public safety;
 - c. Extraordinary public expense;
 - d. Creation of nuisances.
- c. In hearing and deciding upon special exceptions to be granted or denied under the provisions of this section, the burden of proof shall be on the applicant. The Zoning Hearing Board may require the applicant to submit such plans, specifications, and other information as it may deem necessary to assist it in arriving at a fair and impartial determination. Such required information may include, but is not limited to, the following:
1. Plans drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel.
 2. A typical valley cross-section showing the channel of the watercourse, elevations of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 3. A plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply facilities, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
 4. A profile showing the slope of the bottom of the channel of flow line of the watercourse.
 5. Specifications for building construction and materials, flood proofing, filling dredging, grading, channel improvement, storage of materials, water supply facilities and sanitary facilities;
- d. In granting any special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

208.7. Prohibited Uses

The following uses are prohibited in the Floodplain Zone:

- a. All uses prohibited either expressly or implicitly in the underlying zoning district for the land in question.
- b. All structures, with the exception of those specifically allowed in Sections 208.5. and 208.6. of this section.
- c. Sanitary landfills, dumps, junk and salvage yards, and outdoor storage of vehicles and/or materials.

- d. Placing, depositing, or dumping any spoil, fill, or solid waste, except such grading necessary to accomplish and carry out those uses permitted in Sections 208.5. and 208.6. of this Article; provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.
- e. Removal of topsoil, excluding sod production and nursery activities as allowed in Sections 208.5. and 208.6. of this section, and excluding such grading necessary to accomplish and carry out those uses which are permitted in Sections 208.5. and 208.6. of this section provided, however, that no grading is permitted which would cause any increase in flood heights or frequency.
- f. Damming or relocation of any watercourse, except as provided for in Sections 208.5. and 208.6 of this section.
- g. Any parts of new on-site sewage disposal systems.
- h. Swimming pools.
- i. Stockpiling, storage, or disposal of buoyant materials, logging slash, herbicides, pesticides, domestic or industrial waste, radioactive materials, petroleum or other flammable materials, explosives, poisonous materials, hazardous materials or other material which, if flooded, would pollute the watercourse or be injurious to human, animal, or plant life.
- j. Cemeteries for humans or animals.
- k. Any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances, or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume, or any amount of radioactive substances) of any of the following materials or substances on the premises: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, and oxides of nitrogen, petroleum products (gasoline, fuel oil, etc.) phosphorus, potassium, sodium, sulfur and sulfur products, pesticides (including insecticides, fungicides and rodenticides) radioactive substances, insofar as such substances are not otherwise regulated, and other substances defined as hazardous waste under Section 75.261, Chapter 75, Title 25 of the Pennsylvania Code (D.E.R.'s Hazardous Waste Management Regulations).
- l. Mobile home parks.
- m. Hospitals, nursing homes and jails.
- n. Feedlots.
- o. Zoo, menagerie, wild animal farm or domestic or farm animal enclosures which will not allow all animals to escape floodwaters of maximum flood elevation without human intervention while remaining safely confined.
- p. The flood proofing of new residential structures, as an exception from the elevation requirement.
- q. Any development, structure, or use which may, whether alone or in combination with others, and except where specifically authorized elsewhere in this Article:

LIBERTY TOWNSHIP ZONING ORDINANCE

1. Endanger human life.
2. Obstruct, impede, retard, change or increase the velocity, direction, or flow of floodwaters.
3. Increase the surface elevations of floods, or the frequency of floods.
4. Catch or collect debris carried by floodwaters.
5. Be placed where the natural flow of the stream or floodwaters would carry it downstream to the damage or detriment of property within or adjacent to the Floodplain Zone.
6. Degrade the water carrying capacity of any watercourse, channel, or floodplain.
7. Increase the rate of local runoff, erosion, or sedimentation.
8. Degrade the quality of surface water or the quality or quantity of ground water.
9. Be susceptible to flotation and subsequent movement which would cause damage to other property.
10. Not be in harmony with the intent and purpose of this section, as set forth in Section 206.1. of this section.

208.8. Applicability

- a. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development in any designated flood area(s) with the Township unless the appropriate development permit(s) have been obtained from the Zoning Officer, certified building code officials through the Pennsylvania Department of Labor and Industry or from any other authorized Township official.
- b. A development permit shall not be required for minor repairs to existing buildings or structures, provided that no structural changes or modifications are involved.

208.9. Warning and Disclaimer of Liability

- a. The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Section does not imply that areas outside any identified flood plain area, or that land uses permitted within such areas will be free from flooding or flood damages.
- b. This Article shall not create liability on the part of the Township or any officer or employee thereof, for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

208.10. Administration – Issuance of a Development Permit

- a. The Zoning Officer, certified building code officials through the Pennsylvania Department of Labor and Industry or other duly authorized Township Official(s) shall

issue a development permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and other applicable codes and ordinances.

- b. Prior to the issuance of any development permit, the Township Engineer, Zoning Officer, certified building code officials or duly authorized Township Official(s) shall review the application for permit to determine if all other necessary governmental permits or approvals required by State and Federal laws have been obtained; permits such as those required by the Pennsylvania Sewage Facilities Act (Act 1967 537, as amended); the U.S. Clean Water Act, Section 404, 33 U.S.C. 1334; and the Pennsylvania Clean Streams Act (Act 1937 394, as amended). No permit shall be issued until this determination has been made.
- c. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities, which may be affected by such action have been notified by the municipality and until all required permits or approvals have been first obtained from the Department of Conservation and Natural Resources (DCNR) and/or the Department of Environmental Protection (DEP), and the Bureau of Dams and Waterway Management.
- d. In addition, the Federal Emergency Management Agency (FEMA), DCNR, DEP, the Pennsylvania Department of Community and Economic Development (DCED) Bureau of Community Planning – shall be notified by the municipality prior to any alteration or relocation of any watercourse.

208.11. Application Procedures and Requirements

- a. Application for such a development permit shall be made in writing, on forms supplied by the Township and/or certified building code reviewer. Such application shall contain the following:
 - 1. Name and address of the applicant.
 - 2. Name and address of the owner of the land on which proposed construction is to occur.
 - 3. Name and address of the contractor.
 - 4. Site location.
 - 5. Listing of other permits required.
 - 6. Brief description of proposed work and estimated costs.
 - 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- b. If any proposed construction or development is located entirely or partially within any identified flood plain area, applicants for development permits shall provide all the necessary information in sufficient detail and clarity to enable the reviewing Township official(s) or certified building code reviewers to determine that:

LIBERTY TOWNSHIP ZONING ORDINANCE

1. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.
2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- c. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Township or the Commonwealth's Uniform Construction Code to make the above determination:
 1. A completed and signed development permit application form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. North arrow, scale and date.
 - b. Topographic contour lines.
 - c. All property and lot lines including dimensions and the size of the site expressed in acres or square feet.
 - d. The location of all existing and proposed buildings, structures and other improvements, including the location of any existing or proposed subdivision and land development.
 - e. The location of all existing streets, drives, other access ways and parking areas with information concerning widths, pavement types and construction, and elevations.
 - f. The location of any existing bodies of water or water courses, buildings, structures and other public and private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development, identified flood plain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929.
 - b. The elevation of the one hundred (100) year flood as determined through technical studies and reports.
 - c. Information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood.
 - d. Detailed information concerning any proposed flood proofing measures.
 4. The following data and documentation:
 - d. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one hundred (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of

floodproofing measures, which have been incorporated into the design of the structure and/or the development.

- e. Detailed information needed to determine compliance with Section 208. , “Storage”, and

Section 208. “Development Which May Endanger Human Life”, including:

1. The amount, location and purpose of any materials or substances referred to in Section 208, which are intended to be used, produced, stored or otherwise maintained on site or within structures.
2. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 208. during a one hundred (100) year flood.
3. The appropriate component of the DCNR and/or DEP’s “Planning Module For Land Development”.
4. Where any excavation or grading is proposed, a plan meeting the requirements of the DCNR and/or DEP, to implement and maintain Erosion and sedimentation control.
 - a. Applicants for special permits shall provide nine (9) copies of the of the following items:
5. A written request including a completed development permit application form.
6. A small-scale map showing the vicinity in which the proposed site is located.
7. A plan of the entire site, clearly and legibly drawn at a scale of one inch (1”) being equal to one hundred feet (100’) or less, showing the following:
 - a. North arrow, scale and date.
 - b. Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet.
 - c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet.
 - d. The location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - e. The location of any existing bodies of water or water courses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man made features affecting, or affected by, the proposed activity or development.
 - f. The location of the flood plain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities.
 - g. The location of all proposed buildings, structures, utilities and other improvements.
 - h. Any other information, which the municipality considers necessary for adequate review of the application.

LIBERTY TOWNSHIP ZONING ORDINANCE

8. Plans of all proposed buildings, structures and improvements, clearly and legibly drawn at a suitable scale showing the following:
 - a. Sufficiently detailed architectural or engineering drawings including floor plans, sections and exterior building elevations, as appropriate.
 - b. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor
 - c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood.
 - d. Detailed information concerning any proposed flood proofing measures.
 - e. Cross section drawings for all the proposed streets, drives, other access ways, parking areas, showing all rights of way and pavement widths.
 - f. Profile drawings for all proposed streets, drives and vehicular access ways including existing and proposed grades.
 - g. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems and any other utilities and facilities.
 - f. The following data and documentation:
 1. Certification from the applicant that the site upon which the activity or development is proposed is owned by the applicant or the client he/she represents ("owned by" shall mean the holder of the legal or beneficial title, the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), leased (if the lessees authorized under the lease to exercise the rights of the landowner), or having a proprietary interest in the land).
 2. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood.
 3. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life.
 4. A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows.
 5. A statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows.
 6. The appropriate component of the DCNR and/or DEP's "Planning Module for Land Development".
 7. Where any excavation or grading is proposed, a plan meeting the requirements of the DCNR and/or DEP implement and maintain erosion and

sedimentation control.

8. Any other applicable permits such as, but not limited to, a permit for any activity regulated by DCNR and/or DEP under Section 302 of the Act 1978 166.

208.12. Review by the County Planning Commission and the County Conservation District

All permit applications proposing the commencement of an activity or the construction or expansion of any structure in any identified flood plain area, such activity or structure having been identified by the Act as an obstruction or special hazard, shall be forwarded to the County Planning Commission by registered or certified mail for their review and comment Within three (3) working days following receipt of the complete application package.

Applications shall also be forwarded to the County Conservation District for review of land ses, which may be within the watershed, and activities that may require their review for erosion and sedimentation control.

208.13. Review of Application by Others

The reviewing Township official(s) may refer a copy of all plans and applications for any proposed construction or development in any identified flood plain area to special consultants and other appropriate agencies and/or individuals (e.g. Planning Commission, Fire Company, Conservation District. Etc.) for their review and comment.

208.14. Changes

After the issuance of a development permit, no changes of any kind shall be made to the application, permit, or any of the plans, specifications, or other documents submitted with application without the written consent or approval of the permit issuing Township official(s). Requests for any such change shall be in writing, and shall be submitted by the applicant to to the Zoning Officer and/or Township Engineer or to other permit-reviewing official for consideration.

208.15. Placards

In addition to the development permit, the designated Building Code Official shall use a placard, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the development permit and the date of its issuance.

208.16. Start of Construction

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the permit, or else the permit shall expire, unless a time extension request is granted, in writing, by the Zoning Officer or Building Code Official. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, and excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed sub surfaces footings, or the installation of sewer, gas and water pipes or electrical or other service lines from the street. Time extensions shall be granted only if the applicant submits a written request, which sets forth sufficient and reasonable cause for the Zoning Officer or Building Code Official to approve such a request.

LIBERTY TOWNSHIP ZONING ORDINANCE

208.17. Inspection and Revocation

- a. During the construction period, the Zoning Officer and/or certified Building Code Inspector, Township Engineer or other authorized Township official(s) shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable State, Federal and Township laws and ordinances. Such inspections, as deemed necessary by the authorized official(s), will be made during and upon completion of the work.
- b. In the discharge of their duties, the officials named in subsection (1) of this Section shall have the authority to enter any building, structure, premises or development in the identified flood plain area, upon proper credentials, at any reasonable hour to enforce the provisions of this Article. Whenever any authorized official of the Township has been refused access to a property for the purpose of conducting a survey or inspection, or reasonably requires access to such property without prior notice to the owner, such agent or Township official may apply for an inspection warrant to any Commonwealth official authorized by law to issue a search or inspection warrant.
- c. In the event the authorized Township Official(s) or Inspector discovers that the work for which the permit was issued does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by the applicant, the Zoning Officer and/or Building Code Inspector shall issue a stop work order and order corrective action to be taken by the applicant or permit holder before the cited work will be permitted to resume.
- d. A record of all such inspections and violations of this Article shall be maintained.

208.18. Fees

A fee amount based upon the estimated cost of proposed construction shall be paid for applications or requests for development permits. Such fee amount or schedule shall be set from time to time by Resolution of the Township Board of Supervisors.

208.19. Enforcement

- a. Notices. If it appears to the Township that a violation of this Article enacted under the Act or prior enabling laws has occurred, the Zoning Officer and/or the Township Engineer shall give notice of such alleged violation as hereinafter provided. Such notice shall:
 1. Be in writing.
 2. Include a statement of the violation(s) and why the notice is being issued.
 3. Include a correction order allowing a reasonable time for compliance.
 4. Be served upon the property owner or his agent and/or upon any other first-class mail; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent or person(s) when a copy thereof has been posted in a conspicuous place in or around the parcel or structure affected by such notice.

b. Penalties.

Any person who fails to comply with any and all of the requirements or provisions of this article or who fails or refuses to comply with any notice, order or directive of the Zoning Officer, Township Engineer or any other authorized employee / inspector of the municipality shall be guilty of a summary offense and upon conviction, shall pay a fine to the Township of not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars plus costs of prosecution for each offense, and in default of payment of such fines and costs, to imprisonment in the county jail or prison for not more than thirty (30) days. Each day during which any violation of this article continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this Article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Article may be declared by the Board of Supervisors to be a public nuisance per se and shall be abated according to the law.

208.20. Appeals

- a. Any person aggrieved by any action decision of the Zoning Officer, Township Engineer or other duly authorized Township official or inspector in the administration of the provisions of this Ordinance may appeal to the Township Zoning Hearing. Such appeal must be filed in writing, within thirty (30) days following the decision or action appealed from.
- b. Upon receipt of such an appeal, the Board shall set a date, time and place, within thirty (30) days for the purpose of considering the appeal. Notice of time and place at which the appeal will be considered shall be given to all parties.
- c. The fees for such an appeal shall be paid by appellant and shall be fixed from time to time by Resolution of the Board of Supervisors.
- d. Any person aggrieved by any action or decision of the DCNR / DEP and the Board of Supervisors may seek relief there from by appealing to the appropriate Governmental agency and/or the appropriate court of jurisdiction within the Commonwealth of Pennsylvania.

208.21. Technical Provisions

- a. No encroachment, alternation, or improvement of any kind shall be made to any watercourse until all adjacent municipalities, which may be affected by such action, have been notified by the municipality, and until all required permits or approvals are first obtained from DCNR and/or DEP, Bureau of Dams and Waterway Management. In addition, FEMA and DCED, Bureau of Community Planning, shall be notified prior to any alternation or relocation of any watercourse.
- b. Any new construction, development, uses or activities allowed within any identified flood plain area, shall be undertaken in the strict compliance with the provisions contained in this Article and any other applicable codes, ordinances and regulations.

LIBERTY TOWNSHIP ZONING ORDINANCE

208.22. Special Floodway and Stream Setback Requirements

- a. Within any FW (Floodway Area), the following provisions apply:
 1. Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights during base flood discharge shall be prohibited.
 2. No new construction or development shall be allowed, unless a permit is obtained from DCNR and/or DEP, Bureau of Dams and Waterway Management.
- b. Within any FA (General Flood Plain Area), the following provisions apply:
 1. No new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse, unless a permit or other written permission is obtained from DCNR and/or DEP, Bureau of Dams and Waterway Management.
 2. Any new construction, development, use, activity, or encroachment, which would cause any increase in flood heights, shall be prohibited within a floodway area.

208.23. Elevation and Flood Proofing Requirements

- a. Residential Structures: The lowest floor (including basement) of any new or substantially improved residential structure shall be at least one and one half feet (1 ½') above the one hundred (100) year flood elevation.
- b. Nonresidential Structures:
 1. The lowest floor (including basement) of any new or substantially improved nonresidential structure shall be at least one and one half (1 ½') above the one hundred (100) year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
 2. Any structure or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood Proofing Regulations" (U.S. Army Corps of Engineers, June 1972) or some other equivalent standard, for that type of construction. A statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards shall accompany all plans and specifications for such flood proofing work.
- c. Enclosed Space below the Lowest Floor: Enclosed space below the lowest floor (including basement) is prohibited.

208.24. Design and Construction Standards

The following standards shall apply for all construction and development proposed within any identified flood plain area:

- a. Fill: If fill is used, it shall:
 - 1. Extend laterally at least fifteen (15) feet beyond the building line from all points.
 - 2. Consist of soil or small rock materials only. Sanitary landfills shall not be permitted.
 - 3. Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
 - 4. Be no steeper than one (1) vertical to three (3) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by a Building Code Inspector and/or Township Engineer.
 - 5. Be used to the extent to which it does not adversely affect adjacent properties.
- b. Drainage: Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings where drainage is the method of conveyance utilized. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- c. Water and Sanitary Sewer Facilities and Systems:
 - 1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - 2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - 3. No part of any on-site sewage system shall be located within any identified flood plain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during the flood.
- d. Other Utilities: All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood, according to the requirements, regulations or other procedures established by DCNR and/or DEP.
- e. Streets: The finished elevation of all new streets shall be no more than one (1) foot below the regulatory flood elevation.
- f. Storage: All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life shall be stored at or above the regulatory flood elevation and/or flood proofed to the maximum extent possible, to preclude their causing damage to life and property.
- g. Placement of Buildings and Structures: All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and

LIBERTY TOWNSHIP ZONING ORDINANCE

height of flood water.

- h. The following shall not be placed or caused to be placed in identified flood prone areas: fences, except two wire fences, other structures or other matter which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same down stream to the damage or detriment of either public or private property adjacent to the flood prone areas.
- i. Anchoring:
 - 1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - 2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- j. Floors, Walls and Ceilings:
 - 1. Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - 2. Plywood used at or below the regulatory flood elevation shall be of a “marine” or treated or water-resistant variety.
 - 3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - 4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- k. Paints and Adhesives:
 - 1. Paints or other finishes used at or below the regulatory flood elevation shall be of a “marine” or water resistant quality.
 - 2. Adhesives used at or below the regulatory flood elevation shall be of a “marine” or water resistant quality.
 - 3. All wooden components (doors, trim cabinets, etc.) shall be finished with a marine or water resistant paint or other finishing material.
- l. Electrical Components:
 - 1. Electrical distribution panels shall be at least three feet (3') above the one hundred (100) year flood elevation.
 - 2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

- m. Equipment:
Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the regulatory flood elevation.
- n. Fuel Supply Systems:
All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

208.25. Special Requirements for Mobile Homes

- a. Within any FW (Floodway Area), mobile homes shall be prohibited.
- b. Where permitted within any FF (Flood Fringe Area) or FA (General Flood Plain Area), all mobile homes and any additions thereto shall be:
 - 1. Elevated so that the lowest floor of the mobile home is one and one half feet (1 ½') or more above the elevation of the one hundred (100) year flood.
 - 2. Anchored to resist flotation, collapse or lateral movement.

208.26. Existing Structures In Identified Floodplain Areas

Structures existing in any identified flood plain area prior to the enactment of this Article may continue subject to the following provisions:

- a. No expansion or enlargement of an existing structure shall be allowed within any identified floodway that would cause any increase in flood heights.
- b. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred; shall constitute a "substantial improvement" as defined herein and shall be undertaken only in full compliance with the provisions of this Article.
- c. The term "substantial improvement" does not, however, include either:
 - 1. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.
 - 2. Any alteration of a structure listed on the National Register of Historic Places or a State inventory of historic places.
 - 3. Any modification, alteration, reconstruction or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value.

LIBERTY TOWNSHIP ZONING ORDINANCE

208.27. Variances

If compliance with any of the requirements of this Article would result in an exceptional hardship for a prospective builder, developer, or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

208.28. Variance Procedure and Requirements

- a. A written application for variance from the terms of this Article shall be filed with the Zoning Officer or other authorized Township official and it shall state:
 1. The name and address of the applicant.
 2. The location of the site and the nature of improvement or activity for which the proposed variance or relief is sought.
 3. A statement of the provision of this Article from which variance is being sought.
 4. The nature of the change to be made under the variance.
 5. Such other information or materials pertinent to the issue of a variance, which the applicant believes the Board, would wish to consider in relation to the request for variance.
- b. Upon receipt of the application for variance, the Board shall initially determine if the information contained in the application is sufficient for the consideration of the variance and if so, shall either grant or deny the variance; in the event that the Board determines that the information contained in the application is insufficient for the Board to make a proper determination, or in the event the Board wishes additional information, it should either:
 1. Request that the applicant provide such additional materials in writing.
 2. Schedule a hearing at which time the applicant shall be entitled to present such additional information including direct testimony, which is pertinent and germane to the issue of the variance.
- c. The Board shall notify the applicant in writing of the determination, which it has made in regard to the request for a variance whether the variance has been granted or denied.
- d. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- e. Except for possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit or, to development which may endanger human life.
- f. If granted, a variance shall involve only the least modification necessary to provide relief.

- g. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Article.
- h. Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variances may increase the risks to life and property.
- i. In reviewing any request for a variance, the Township shall consider, but not be limited to, the following:
 - 1. That there is good and sufficient cause.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. That the granting of the variance will:
 - a. Not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense.
 - b. Not create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable State statute or regulation, or local ordinance or regulation.
- j. The Township shall maintain a complete record of all variance requests and related actions. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA and DCED.
- k. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

Section 209 – (ASO) Airport Safety Overlay Zone

- 209.1. Purpose – The purpose of airport safety overlay zone is to prevent the creation or establishment of a hazard within an airport hazard area, to regulate within the territorial limits of such airport hazard area the land use permitted, to regulate and restrict the height to which structures may be erected or objects of natural growth may be allowed to grow, pursuant to the authority conferred by 1984 Pa. Laws 164, codified at 74 Pa. Cons. Stat. Section 5101 et. Seq., hereinafter “Aviation Code”, and Section 5912, hereinafter, “Airport Zoning Act”, as amended or reauthorized.
- 209.2. Application – The ASO regulations apply to the Airport Height Limitation and Height Limitation and Zoning District Map, which is incorporated in and made a part of the Liberty Township Zoning Ordinance and any other such future airport facility and hazard zone mapping.
- 209.3. Airport Surface Zones - In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath

LIBERTY TOWNSHIP ZONING ORDINANCE

the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Airport. Such zones are shown on the Airport Height Limitation and Zoning District Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated Spring, 1989. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- a. Runway Approach Surface Zone - Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is 250 feet wide. The zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its center-line is the continuation of the center line of the runway.
- b. Transitional Surface Zone - Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.
- c. Horizontal Surface Zone - Established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones;
- d. Conical Surface Zone - Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a distance of 4,000 feet.

209.4. Airport Surface Zone Height Limitations - Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows: **(Amended 5/4/16 by Ordinance # 2016-01 of 2016)**

- a. Runway Approach Surface Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
- b. Transitional Surface Zones - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 565 feet above mean sea level.
- c. Horizontal Surface Zone - Established at 150 feet above the established airport elevation or at a height of 715 feet above mean sea level.
- d. Conical Surface Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation or at a height of 915 feet above mean sea level.

- e. The primary surface shall be free of objects, except for objects that need to be located in the primary surface for air navigation or aircraft ground maneuvering purposes. **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**

209.5. Use Restrictions – Notwithstanding any other provisions of this Ordinance the following general restrictions shall apply to all airport surface zones. No use may be made of land or water within any zone that would result in any of the following hazards:

- a. Electrical interference with navigational signals or radio communication between the airport and aircraft.
- b. Lighting interference, creating difficulty for pilots to distinguish between the airport lights and others.
- c. Impairment to visibility as a result of glare in the eyes of pilots using the airport or in the vicinity of the airport.
- d. Attraction of birds and creation of bird strike hazards.
- e. In any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

209.6. Permitted Uses - The following uses are permitted in the zones set forth above:

- a. Runway Approach Surface Zone - commercial and residential uses permitted in the underlying zone shall be permitted at a maximum density of one unit or building per 5 (5) acres.
- b. Transitional Surface Zones – hangars and all other uses permitted in the underlying zoning district are permitted in the transitional surface zones when constructed in compliance with: bulk and area requirements of the underlying zoning district; this Section 209; and in the case of hangars, in compliance with Section 403. **(Amended 2/5/13 by Ordinance # 2013-01 of 2013)**
- c. Horizontal Surface Zone – all uses in the underlying zone shall be permitted in accordance with the bulk and area requirements unless otherwise indicated herein;
- d. Conical Surface Zone – all uses in the underlying zone shall be permitted in accordance with the bulk and area requirements unless otherwise indicated herein.

209.7. Nonconforming Uses - The following regulations shall apply to nonconformities in the ASO district. These shall be regulations in additions to the regulations of Article 5.

- a. The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other change in any structure or tree not conforming to the requirements of this Section, as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use, except as provided herein.
- b. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which has begun prior to the effective date of this Ordinance.

LIBERTY TOWNSHIP ZONING ORDINANCE

- c. Before any nonconforming structure may be replaced, substantially altered or rebuilt or tree allowed to grow higher or re-planted, a permit must be secured from Liberty Township authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.
- d. Nonconforming Uses Abandoned or Destroyed - Whenever the zoning officer determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Section.

209.8. Airport Safety Overlay Disclosure Form - Every deed conveying property located in the ASO Zones shall contain the following language:

- a. The real property, hereinafter "Property", which may or may not be part of a larger development, is conveyed to (Name of conveyee) with the understanding that there is a public use airport, hereinafter "Airport", located immediately adjacent or in close proximity to portions of the property. The Airport is located at 154 Pecher Road in Fairfield, PA, is designated in Federal Aviation Administration records as W73. **(Amended 5/4/16 by Ordinance # 2016-01 of 2016)**

Name of conveyee hereby receives this Property with the understanding of the above disclosure and hereby covenants and agrees for him/herself, his/her heirs, assigns and successors in interest to accept the flight operations of the airport, including reasonable future expansion of the airport and activities related thereto and change of ownership of the airport, and not take or participate in any action adverse to the flight operations of the airport as disclosed herein. **(Amended 5/4/16 by Ordinance # 2016-01 of 2016)**

- b. Where the property to be developed includes multiple plots and is being proposed by a developer, the following Acknowledgements of the Airport flight operations shall be included in the Public Offering Statement, and the above Acknowledgement and Covenant incorporated in each individual deed:

This real property is acquired with the understanding that there is a public use airport, hereinafter "Airport", located on property near or immediately adjacent portions of the development of which this real property is a part. The Airport is located at 154 Pecher Road in Fairfield, PA, is designated in Federal Aviation Administration records as W73. Departures and arrivals may cross over substantial portions of the development.

209.9. Variance. Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Pennsylvania Bureau of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in: **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**

- a. No Objection – The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted. **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**
- b. Conditional Determination – The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in this ordinance. **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**
- c. Objectionable – The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant. **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, will be in accordance with the intent of this ordinance, and where the requested variance meets the requirements of this ordinance. **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**

Notice of the application for a variance must be given in writing to the abutting or affected airport no less than fourteen (14) days prior to the hearing on the application. No less than ten (10) days prior to any grant of a variance by the Zoning Hearing Board, a notice from the Zoning Hearing Board of the intended decision shall be delivered to the Bureau of Aviation of the Pennsylvania Department of Transportation. **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**

- 209.10. Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of this ordinance may be conditioned according to the process described in this ordinance to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety. **(Added 5/4/16 by Ordinance # 2016-01 of 2016)**