

B. Communications Antennas (Building-Mounted)

Communications antennas may be attached to any **existing** building or structure in the Highway Commercial, Industrial, Agricultural Rural and Open Space Districts subject to the following standards.

1. Site Location. Building-mounted communications antennas shall not be located on single-, two-, or multi-family dwellings, but may be attached to a church, municipal or government buildings, water tanks, agricultural buildings, electrical transmission poles or towers, or other commercial or industrial buildings.
2. Antenna Height. Building-mounted antennas shall not exceed 15 feet in height above the building to which they are attached. Omni-directional or whip antennas shall not exceed a height of 20 feet and a diameter of seven (7) inches. Directional or panel antennas shall not exceed five (5) feet in height and three (3) feet in width.
3. Attachment. Building-mounted antennas shall be located on those building elevations which do not face public rights-of-way, and shall not project more than three (3) feet from the vertical face of the building to which they are attached.
4. Engineer's Certification. Any applicant proposing to mount a communications antennas on a building or other structure shall submit evidence to the Township from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or structure, considering wind and other loads associated with the antenna's location.
5. Appearance. Building-mounted antennas shall be architecturally compatible with the building or structure to which they are attached. Such antennas shall be designed to blend into the neighborhood or area where they are located. In addition, detailed construction and elevation drawings shall be submitted to the Township indicating how any such antenna will be mounted on the building or structure and how it will be seen in the community from ground level.
6. Maintenance. Applicants for building-mounted antennas shall submit evidence to the Township indicating that all necessary agreements and/or easements have been secured to provide access to the building or structure on which the antenna is located.

C. Communications Towers and Tower-Mounted Antennas

Commercial communications towers may be located within the Agricultural Rural and Open Space Districts subject to the following standards.

1. Evidence of Need. Any applicant proposing construction or location of a new communications tower shall provide documentation to the Township which demonstrates a need for the structure in the proposed location. Such documentation shall include coverage diagrams and technical

reports, prepared by a qualified, professional engineer, indicating that the proposed location is necessary to achieve the desired coverage and that co-location on an existing tower, building or structure is not possible. (See Sub-Section C.2. below for additional co-location requirements.)

2. Co-Location. Any applicant proposing construction of a new communications tower shall document that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, pole or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one (1) mile radius of the proposed tower site be contacted and that one (1) or more of the following reasons applies for not selecting such structure.
 - a. The proposed antennas and related equipment would exceed the structural capability of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that structure and the interference could not be prevented at a reasonable cost.
 - c. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from the structure exceeding applicable standards established by the FCC governing human exposure to such radiation.
 - e. A commercially reasonable agreement could not be reached with the owners of such structure.
3. Site Location. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the district in which the tower is to be located. Joint use of a site shall be prohibited however when an existing or proposed use involves the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas, or dangerous chemicals.
4. Tower Height. The maximum height of any communications tower shall be 180 feet measured from the ground level around the tower to the highest point on the tower, including antennas mounted on the tower, unless the applicant can demonstrate, to the satisfaction of the Township Supervisors, that the proposed height is the minimum necessary to perform the intended function.
5. Setback Requirements. The foundation and base of a communications tower shall be set back from all residential uses and Residential District boundary lines a distance equal to the intended height of the tower. In all

other instances, the setback requirements of the applicable district shall apply.

6. Antenna Requirements. All tower applicants shall provide evidence that at least one (1) antenna contract agreement has been secured to locate on the proposed tower. In addition, the tower shall be designed to accommodate not less than four (4) antennas, and shall allow for future rearrangement of antennas or the acceptance of antennas mounted at varying heights.
7. Engineer's Certification. All communications towers shall be designed and constructed in accordance with currently accepted engineering practices, taking into consideration all relevant safety factors, including but not limited to wind forces. All guy wires associated with communications towers shall be clearly marked so as to be visible at all times and shall be located within the required fenced enclosure. The applicant shall supply the Township with certification from a registered professional engineer indicating that such practices will be met.
8. General Appearance. Towers and antennas located thereon shall be finished with a non-reflective surface treatment. Materials used in such construction shall not detract from the appearance of the area surrounding the tower. Where possible, applicants are encouraged to design or camouflage towers as trees, farm buildings, or other natural features. (See also Sub-Section C.12 below for landscaping requirements.)
9. Security. The site of a communications tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public. All towers shall be fitted with anti-climbing devices approved by the manufacturer for the type of installation proposed.
10. Lighting. No tower or antenna located thereon shall be illuminated, except as may be required by the FAA or the FCC, in which case the Township may review the available lighting options and approve the design that would cause the least disturbance to surrounding uses and views.
11. Signs and Advertising. No signs shall be mounted on a communications tower or antenna, except as may be required and approved by the FCC, FAA, or other governmental agency and the Township. No advertising is permitted on a tower or antenna, or other building or structure accessory thereto.
12. Landscaping. The tower and any antennas located thereon shall be located, designed, and screened to blend in with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed service. In addition, the base of the tower shall be landscaped to screen the foundation, base, and equipment building from abutting properties.

13. Access. Access to the communications tower and/or equipment building shall be provided by means of a public street or private right-of-way or easement to a public street. Any such right-of-way or easement shall be a minimum of 20 feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.
14. License and Insurance Requirements. The applicant shall submit a copy of his FCC license, together with the name, address and emergency telephone number of the operator of the communications tower, and a certificate of insurance evidencing general liability coverage in the amount of \$1 million per occurrence and property damage coverage in the amount of \$1 million per occurrence covering the tower and antennas thereon, with a \$3 million aggregate. Such insurance shall remain current at all times that there is a tower located on the property.
15. Maintenance and Inspections. The tower shall be regularly maintained and inspected for structural safety at least annually by a properly qualified professional. The owner of the tower shall submit such inspection report to the Township by June 30 of each year as a condition of Permit approval.
16. Tower Abandonment and Removal.
 - a. The Township may require a tower removal bond be posted by the applicant to ensure removal of the tower should it become abandoned or is no longer used to support communications antennas. When required, such bond shall be in an amount no less than 20% of the cost of the tower, and shall remain with the Township for the life of the tower.
 - b. If a communications tower is unused for a period of 12 consecutive months, the Township may consider the use abandoned and may therefore instruct the Zoning Officer to issue a notice to the tower owner to dismantle and remove the facility and associated equipment from the site within six (6) months of the date of the notice. Municipal enforcement proceedings and procedures to invoke use of the tower removal bond may be initiated following the 6-month period if the tower has not been satisfactorily removed.

D. Communications Equipment Buildings

Communications equipment buildings may be permitted as an accessory use to any communications tower located within the Township subject to the following standards.

1. Structures permitted for the housing of equipment, transformers, and other similar hardware, shall be designed and constructed to be compatible with the general character of the other structures located within the same district, and shall be subject to the setback requirements provided in the District Regulations for the district where they are to be located. Such structures shall not exceed 250 square feet of gross floor area; shall house only that equipment necessary to provide normal maintenance and

repair for the operations; and shall generally be unmanned.

2. Communications equipment buildings shall be subject to the maximum height requirements of the district in which they are to be located.

430 RESIDENTIAL WIND ENERGY SYSTEMS

Residential wind energy systems may be permitted only in those zoning districts and as specified in Article 3, the District Regulations. Every application for a residential wind energy system shall also meet the specific regulations set forth below.

- A. A wind turbine shall be installed on a self-supporting tower and shall be set back from any occupied building, property line or public road, a distance not less than 1.5 times the height from the surface of the tower foundation to the highest point of the turbine rotor plane.
- B. A wind turbine shall be a non-obtrusive color such as white, off-white or gray.
- C. A wind turbine shall not be artificially be lighted and shall not display advertising, except for reasonable identification or the turbine manufacturer.
- D. A wind turbine shall not be climbable up to 15 feet above grade level.
- E. A wind turbine shall have a maximum height of 60 feet above grade level.
- F. A wind turbine shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system.
- G. A wind turbine must be approved under an emerging technology program such as the California Energy Commission, IEC, or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy.
- H. The owner of the property on which a wind turbine is located shall be required to completely remove any wind turbine which is not used to generate electricity for a continuous period of 12 months.

431 COMMERCIAL WIND ENERGY FACILITIES

Commercial wind energy facilities may be permitted only in those zoning districts and as specified in the District Regulations, Article 3. Applications for such uses shall also be subject to the requirements set forth below, as well as all other applicable State or Federal Regulations.

A. Purpose and Applicability

The purpose of these regulations is to provide for the construction and operation, and decommissioning of commercial wind energy facilities in Valley Township, subject to reasonable conditions that will protect the public health, safety and welfare. The regulations are intended to apply to all new wind

energy facilities to be constructed after the effective date of this Ordinance, except personal wind energy facilities as defined herein. Wind energy facilities constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided however, that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall comply with the stated provisions of this Section.

B. Application and Plan Requirements

Applications for wind energy facilities shall, at a minimum, include the following information.

1. A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
2. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the facility.
3. Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to the site of the facility.
4. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substations, electrical cabling from the facility to the substations, ancillary equipment, buildings and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of all applicable setbacks.
5. Documents related to decommissioning, including a schedule for such process and financial security.
6. Other relevant studies, reports, certifications and approvals as may be reasonably required by the Township to ensure compliance with this Section.

C. Design and Installation

1. Code Requirements and Safety Certifications.

- a. To the extent applicable, the wind energy facility shall comply with the PA Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the PA Department of Labor and Industry. In addition, the applicant shall provide sufficient documentation showing that the wind energy facility will comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Commonwealth Bureau of Aviation.

- b. The design of the facility shall conform to all applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
2. Control and Brakes. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
3. Electrical Components. All electrical components of the wind energy facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
4. Visual Appearance; Power Lines.
 - a. Wind energy facilities shall be a non-obtrusive color such as white, off-white or gray.
 - b. Wind energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
 - c. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, facility owner and operator.
 - d. On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.
5. Warnings. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
6. Climb Protection/Locks. Wind turbines shall not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

D. Setback Requirements

1. Property Lines. All wind turbines shall be set back from the nearest property line a distance not less than 1.5 times the turbine height, as measured from the center of the turbine base.
2. Occupied Buildings. Wind turbines shall be set back from the nearest occupied building a distance not less than 1.5 times the turbine height, as

measured from the center of the turbine base to the nearest point on the foundation of the occupied building. For occupied buildings located on a non-participating landowner's property, wind turbines shall be set back a distance of five (5) times the turbine height, measured from the center of the turbine base to the nearest point on the foundation of the occupied building.

3. Public Roads. All wind turbines shall be set back from the nearest public road a distance of not less than 1.5 times the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

E. Use of Public Roads

1. The applicant shall identify all state and local public roads to be used within the applicable municipality to transport equipment and parts for construction, operation or maintenance of the wind energy facility.
2. The municipal Engineer, or other qualified third party, hired by the Township and paid for by the applicant, shall document road conditions prior to construction and again 30 days after construction is complete, or as weather permits.

Valley Township may post and bond such local roads in compliance with state regulations, including Chapter 49 of the PA Vehicle Code and Ordinance 189 of the PA Transportation Code.

3. Any road damage caused by the applicant or his contractors shall be promptly repaired at the applicant's expense.
4. The applicant shall demonstrate to the Township that he has appropriate financial security to ensure the prompt repair of damaged roads.

F. Local Emergency Services

The applicant shall provide a copy of the project summary and site plan to local emergency services providers, including paid and volunteer fire departments. At the request of such emergency services providers, the applicant shall cooperate in the development and implementation of an emergency response plan for the wind energy facility.

G. Noise and Shadow Flicker

Audible sound from a wind energy facility shall not exceed 55 dBA, as measured at the exterior of any occupied building on a non-participating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 -1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

H. Signal Interference

The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind energy facility.

I. Liability Insurance

A current general liability policy (adjusted annually to the rate of inflation) covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$3 million in the aggregate (or as may be adjusted from time to time by Resolution of the Township Supervisors as technology and/or needs change) shall be maintained by the facility owner or operator. Certificates of insurance shall be provided to the Township as a part of the applicant's application.

J. Decommissioning

1. The facility owner or operator shall, at his expense, complete decommissioning of the wind energy facility, or individual wind turbines, within 12 months after the end of the useful life of the facility or wind turbines. Such facility or wind turbines shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
2. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
3. Disturbed earth shall be graded and re-seeded, unless the land owner requests in writing that the access roads or other land areas not be restored.
4. An independent and certified Professional Engineer shall be retained to estimate the cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to the Township Supervisors after the first year of operation and every fifth year thereafter.
5. The facility owner or operator shall post and maintain decommissioning funds in an amount equal to the identified decommissioning costs; provided, that at no point shall decommissioning funds be less than 25% of the decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the Township.
6. Decommissioning funds shall be in the form of either a non-revocable performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as shall be acceptable to the Township.
7. If the facility owner or operator fails to complete decommissioning within the

period prescribed by paragraph J(1) above, then the land owner shall have six (6) months to complete the decommissioning.

8. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods described by paragraphs J(1) and J(7) above, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating land owner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
9. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

K. Public Inquiries and Complaints

The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. The facility owner and operator shall make every reasonable effort to respond to the public's inquiries and complaints.

ARTICLE 5

SUPPLEMENTARY LOT REGULATIONS

500 PURPOSE

The provisions of this Article represent standards and regulations that shall be applied to all uses in addition to those established for the applicable zoning district. These regulations are to be used either in common in all zoning districts or are to be applied to specific situations as stated herein.

501 LOT REQUIREMENTS

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by the Ordinance.
- B. Every principal building hereinafter erected shall be located on a lot as defined. There shall not be more than one principal residential building and its accessory structures on one lot, except in the case of multi-family housing developments, mobile home parks, or other approved land developments.
- C. No building shall hereafter be erected unless there is direct access to the structure through an open space on the same lot or a right-of-way at least 20 feet wide extending from the building to a public street.
- D. The minimum lot width of any lot shall be measured along the minimum building setback line as required for that district. Lots located on cul-de-sac turn-arounds or curves in the road or lots of unusual shape may have lot widths of less than those required provided that the average of the front and back lot line is equal to or greater than the required lot width. In no case however, shall the front lot line have a width of less than 50 feet.
- E. No portion of a lot included in a street right-of-way shall be included in calculating the lot area.
- F. No space applied or necessary under this Ordinance to satisfy the yard and area requirements in relation to any building or use, whether now or subsequently built or conducted, shall be counted or used as part of the required open space or area in relation to any other building or use.

502 YARD REQUIREMENTS

A. Projections

- 1. Chimneys, flues, cornices, eaves, gutters, steps, or bay windows may project into any required yard, but not more than 24 inches.

2. Porches, patios, decks and attached carports shall be considered part of the main building and shall not project into any required yard.
3. Driveways, walks, and parking areas may project into required yard setback areas not more than one-half (1/2) of the required dimension, but in no case shall be located closer than ten (10) feet to any property or street right-of-way line. Such projections may be no higher than 12 inches above yard grade.

B. Front Yards

1. Front yard setbacks shall be in accordance with the requirements of the District Regulations and shall be measured from the edge of the adjoining street right-of-way line or from the front property line where the does not front on a street.
2. When an improved lot is situated between two (2) unimproved lots, each having a principal building which extends into the required yard, the front yard of such unimproved lot may be the same depth as the average of the two (2) adjacent unimproved lots.
3. Where an addition is proposed for an existing principal residential building which extends into the required front yard setback area, the addition may be authorized by the Zoning Officer so long as: 1) the addition extends no further into the required front yard than the existing structure; 2) it does not obstruct the clear sight triangle of an intersection; 3) it is no closer than ten (10) feet to the edge of the adjoining street right-of-way or front property line where the lot has no road frontage; and 4) the gross floor area of the proposed addition does not exceed the gross floor area occupied by the existing extension in the required yard.
4. Accessory buildings or structures may not be erected or located within any required front yard setback area, except for fences (as provided in Section 504 B. below); signs, as regulated by Article 7; or as may be provided otherwise in Article 4, the Supplementary Use Regulations, for specific uses.
5. Off-street parking and loading areas may be located within the required front yard setback area, but only as provided in Article 3, the District Regulations, and Article 8, the Off-Street Parking and Loading Requirements.

C. Side Yards

1. On a corner lot, the side yard abutting the street shall have a width equal to the required front yard depth for the district in which the lot lies. The remaining two yards shall constitute a side yard and a rear yard.
2. Where an addition is proposed for an existing principal residential building which extends into the required side yard setback area, the addition may be authorized by the Zoning Officer so long as: 1) the addition extends no further into the required side yard than the existing structure; 2) it does not obstruct the clear sight triangle of an intersection; 3) it is no closer than five (5) feet to the edge of the adjoining street right-of-way or alley; and 4) the gross floor area of the proposed addition does not exceed the gross floor area occupied by the

existing extension in the required yard.

3. Accessory buildings or structures may not be erected or located within any required side yard setback area, except for fences (as provided in Section 504 B. below); signs, as regulated by Article 7; or as may be provided otherwise in Article 4, the Supplementary Use Regulations, for specific uses.
4. Off-street parking and loading areas may be located within the required side yard setback area, but only as provided in Article 3, the District Regulations, and Article 8, the Off-Street Parking and Loading Requirements.

D. Rear Yards

1. Where an addition is proposed for an existing principal residential building which extends into the required rear yard setback area, the addition may be authorized by the Zoning Officer so long as: 1) the addition extends no further into the required rear yard than the existing structure; 2) it does not obstruct the clear sight triangle of an intersection; 3) it is no closer than five (5) feet to the edge of the adjoining street right-of-way or alley; and 4) the gross floor area of the proposed addition does not exceed the gross floor area occupied by the existing extension in the required yard.
2. Accessory buildings or structures may not be erected or located within any required rear yard setback area, except for fences (as provided in Section 504 B. below); signs, as regulated by Article 7; or as may be provided otherwise in Article 4, the Supplementary Use Regulations, for specific uses.
3. Off-street parking and loading areas may be located within the required rear yard setback area, but only as provided in Article 3, the District Regulations, and Article 8, the Off-Street Parking and Loading Requirements.

503 HEIGHT REGULATIONS

- A. Height regulations shall not apply to spires, belfries, cupolas, penthouses (not used for human occupancy), nor to chimneys, ventilators, skylights, water tanks, bulkheads, utility poles or towers, radio or television antennae, satellite dish receivers, solar collectors and related equipment, and ornamental or necessary mechanical appurtenances normally associated with homes, churches and similar establishments. (See also Sub-Section D. below.)
- B. Agricultural structures such as barns, silos, grain elevators, storage tanks or similar types of structures, may be erected above the height limits specified in Article 3. (See also Sub-Section D. below.)
- C. Building-mounted communications antennas and commercial communications towers shall adhere to the height limitations set forth in Section 429 of this Ordinance. (See also Sub-Section D. below.)
- D. Notwithstanding any of the exceptions outlined above, the location and height of all structures shall be in accordance with all applicable rules, regulations, standards

and criteria of the U.S. Department of Transportation, Federal Aviation Administration.

504 GENERAL REGULATIONS

A. Two or More Principal Uses in Same Building

Unless otherwise provided herein, when two (2) or more principal uses occupy the same building (not including home occupations as defined in Section 410), sufficient parking spaces, lot area, open space, etc., shall be provided so that the standards pertaining to each use will be met in full.

B. Fences and Walls

1. Fences or walls may be permitted to be located within any of the required yard setback areas, unless otherwise restricted or prohibited by provisions of this Ordinance.
2. Fences or walls erected in any Residential District shall not exceed four (4) feet in height when located within a required front yard, nor than six (6) feet in height when situated in a side or rear yard. Fences or walls being used to enclose commercial or industrial operations shall have a maximum height of ten (10) feet.
3. In case shall a fence be erected which could cause danger to traffic on a street or road (whether public or private) by obscuring a driver's view or which does not comply with the clear sight triangle requirements set forth in Sub-Section 504 C. below.
4. All fences or walls to be placed in an identified floodplain area shall also meet the floodplain management regulations set forth in Article 6 of this Ordinance.

C. Obstructions to Vision at Street Intersections

On a corner lot, no obstruction or planting higher than 30 inches or lower than eight (8) feet above road grade shall be permitted within the clear sight triangle of the intersection. A clear sight triangle shall be defined as that area of unobstructed vision at street intersections formed by lines of sight between points 75 feet from the intersection of the street centerlines.

D. Maximum Building Coverage

The percentage of land covered by principal and accessory buildings or structures on each lot shall not be greater than is permitted in the District Regulations, Article 3, for the district in which the lot is located.

E. Outdoor Lighting on Private Premises

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

public streets.

505 BUFFER YARDS/LANDSCAPING

- A. Where a commercial or industrial use abuts a residential district or a public street, a buffer yard of at least 50 feet shall be required. The buffer yard shall be a part of the commercial or industrial installation and shall be maintained by the business or industry.
- B. Where a commercial or industrial use abuts a stream or drainage channel, a buffer yard of at least 25 feet shall be required. The yard shall be measured from the nearest edge of the stream or channel at bank full conditions.
- C. Buffer yards required for uses other than for commercial or industrial activities shall be not less than 15 feet in width, unless provided otherwise in Article 4, the Supplementary Use Regulations, of this Ordinance.
- D. All buffer yards shall be planted and maintained with vegetative material, such as grass, sod, shrubs, or other evergreens. Within buffer yards, screening shall be accomplished in accordance with Section 506 below.
- E. The buffer yard may be considered as part of the required yard space.
- F. No structure, storage of materials or parking of vehicles shall be permitted in a buffer yard.
- G. Access drives, as well as utilities, may cross buffer yards.

506 SCREENING

Where required, screening may be accomplished through the use of any one or a combination of the following methods.

A. Screen Plantings

- 1. Screen plantings shall be provided as set forth in Article 4, the Supplementary Use Regulations, or where determined necessary or appropriate by the Township Planning Commission and Supervisors during their review of a land development application, to serve as a barrier to visibility, glare, and/or noise between adjacent properties.
- 2. Plant or vegetative materials, including shrubs or evergreens, used in screen plantings shall be of such species as will produce, within three (3) years of planting, a complete visual screen at least six (6) feet in height and be of such density that as is necessary to achieve the intended purpose. All such plant materials shall be a minimum of four (4) feet at the time of installation.
- 3. Screen planting shall be maintained permanently by the lot owner, and any plant material which does not survive shall be replaced within one (1) year of its demise.

4. Screen planting shall be placed so that at maturity it will be no closer than five (5) feet to any street right-of-way or property line.
5. Screen plantings shall be broken only at points of vehicular or pedestrian access or utility easements. In accordance with the provisions of Section 504 C. however, a clear sight triangle must be maintained at all street intersections.
6. Where a proposed commercial or industrial use abuts an existing residential use or residential district, all required screen plantings shall extend the entire length of the common boundary.

B. Fences or Walls

1. In lieu of, or in addition to screen plantings as set forth above, the Township Supervisors may consider the use of a fence or wall as an acceptable barrier to potentially objectionable noise, glare, and/or visibility between adjacent properties.
2. Fences or walls used to provide required screening shall be at least six (6) feet in height and be of such type as is necessary to achieve the intended purpose.
3. Fences or walls used to provide required screening shall meet the requirements set forth in Section 504 B. of this Ordinance.
4. Any fence or wall used to provide required screening shall be maintained in a structurally sound condition by the property owner.

C. Berms or Other Natural Landforms

1. In lieu of, or in addition to screen plantings as set forth above, the Township Supervisors may consider the use of earthen berms or other existing or proposed natural landforms as an acceptable barrier to noise, glare, and/or visibility between adjacent properties.
2. Berms or natural landforms used to provide required screening shall be of such height and of such type as is necessary to achieve the intended purpose.
3. Any berm or landform used to provide required screening shall be maintained in satisfactory condition by the property owner and may not be altered except for usual maintenance.

507 OUTDOOR, ON-LOT STORAGE

The following standards shall apply to all outdoor, unenclosed storage of equipment, recreational vehicles, and similar articles or man-made materials.

- A. Outdoor storage may only be permitted in side or rear yard areas and shall be set back a minimum of ten (10) feet from any property line.
- B. No part of any street right-of-way, sidewalk or parking area shall be occupied for such storage.

- C. In the Residential Districts, all outdoor, unenclosed storage shall be shielded or screened from view from any public street or adjacent residential property by the use of fencing or appropriate screen plantings, or shall be covered by an opaque tarp.
- D. All organic rubbish and garbage shall be stored in vermin-proof containers.
- E. In no case shall the storage of materials, vehicles or equipment cause the lot to become a junk yard.

ARTICLE 6

SUPPLEMENTARY FLOODPLAIN MANAGEMENT REGULATIONS

600 GENERAL PROVISIONS

A. Purpose

The purpose of these provisions is to:

1. promote the general health, welfare and safety of the community;
2. encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
3. minimize danger to public health by protecting water supplies and natural drainage patterns;
4. reduce financial burdens imposed on the community, its governmental units, and residents by preventing excessive development in floodprone areas; and
5. comply with federal and state floodplain management requirements.

B. Applicability

It shall be unlawful for any person, partnership, business or corporation to undertake, or case to be undertaken, any construction or development within Valley Township unless a Zoning Permit has been obtained from the Township Floodplain Administrator.

C. Interpretation of District Boundaries

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Valley Township Planning Commission and any party aggrieved by this decision or determination may appeal to the Township Supervisors. The burden of proof shall be on the appellant.

D. Warning and Disclaimer of Liability

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 man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of Valley Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

601 **BASIS FOR FLOODPLAIN DISTRICTS**

A. Identification

1. The identified floodplain area shall be all those areas of Valley Township which are subject to the 100 year flood, and classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated May 16, 2008 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
2. The above-referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Valley Township and declared to be a part of this Ordinance.
3. For the purposes of this Ordinance, these districts shall be overlays to the existing underlying district as shown on the official Valley Township Zoning Map. As such, the provisions of the floodplain district shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements for the floodplain districts and those of any underlying district, the more restrictive provisions pertaining to the floodplain shall apply.

B. Description of Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

1. The Floodway Area/District (FW) shall be those areas identified as the AE Zone **with floodway** in the Flood Insurance Study (FIS) as prepared by the FEMA and as shown on the Flood Insurance Rate Map (FIRM) as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.
2. The Flood Fringe Area/District (FF) shall be those areas identified as the AE Zone **without floodway** on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided in the FIS but no floodway has been delineated.
3. The General Floodplain Area/District (FP) shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation a point on

the boundary of the identified floodplain area which is nearest the construction site in question.

In lieu of the above, the municipality may require the applicant to determine the base flood elevation using hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

C. Changes in Identification of Areas

The identified floodplain area may be revised or modified by the Township Supervisors where studies or information provided by a qualified agency or individual documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area (SFHA), approval must be obtained from FEMA. Additionally, as soon as practicable, but no later than 6 months after the information becomes available, a community shall notify FEMA of the changes to the SFHA by submitting technical or scientific data. (See Section 603 B. of this Ordinance for situations where FEMA notification is required.)

602 FLOOD DAMAGE CONTROL PROVISIONS

In order to prevent excessive damage to buildings and structures due to conditions of flooding, the following restrictions shall apply to all construction, development, and substantial improvement occurring in any designated floodplain areas/districts:

A. General Technical Requirements

1. Within the identified floodplain areas/districts the development or use of land shall be permitted provided that such development or use complies with the restrictions and requirements of this and all other applicable codes and ordinances in effect in Valley Township.
2. Within any Floodway Area/District, the following provisions shall apply:
 - a. No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the Township during the occurrence of the base flood discharge.
 - b. No new construction or development shall be allowed, unless a permit is obtained from the PA Department of Environmental Protection Regional Office.
3. Within any FF Area/District (the AE Zone **without floodway**), the following provisions shall apply:

- a. No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the PA Department of Environmental Protection Regional Office.
 - b. No permit shall be granted for any construction, development, use or activity unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
4. The standards and specifications contained in 34 PA Code (Chapters 401- 405), as amended and not limited to the following provisions, shall apply to all Sections of this Article, to the extent that they are more restrictive and/or supplement the requirements of this Ordinance.
- a. International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - b. International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

B. Elevation and Floodproofing Requirements

- 1. Residential Structures. Within any identified floodplain area, the lowest floor (including basement) of any new construction or substantial improvement of a residential structure shall be elevated up to, or above, the base flood elevation.
- 2. Non-residential Structures.
 - a. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the base flood elevation OR be designed and constructed so that the space enclosed below the base flood elevation is: 1) floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and, 2) has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - b. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by 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.

3. Space Below the Lowest Floor.

- a. Fully enclosed space below the lowest floor (excluding basement) which will be used solely for parking of vehicles, building access or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
- b. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - 1) a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;
 - 2) the bottom of all openings shall be no higher than one (1) foot above grade; and
 - 3) openings may be equipped with screens, lovers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Design and Construction Standards

The following minimum standards shall apply to all construction and development proposed for any identified floodplain areas.

1. Fill: If fill is used, it shall:
 - a. extend laterally 15 feet beyond the building line from all points;
 - b. consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
 - c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - d. be no steeper than one (1) vertical on two (2) horizontal, unless substantiating data, justifying steeper slopes are submitted to and approved by the Zoning Officer; and
 - e. be used only to the extent to which it does not adversely affect adjacent properties.
2. Special Requirements for Mobile Homes & Recreational Vehicles. For the purposes of this Article, the term mobile home shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for more than 180 consecutive days.
 - a. Within any identified Floodway Area/District all mobile homes shall be

prohibited.

- b. Where permitted within any identified floodplain area, all mobile homes, and any improvements thereto, shall be:
 - 1) placed on a permanent foundation;
 - 2) be elevated so that the lowest floor is at least one and one-half (1 ½) feet above the base flood elevation; and
 - 3) be anchored to resist floatation, collapse or lateral movement.
- c. Installation of mobile homes shall be done in accordance with the manufacturer's installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 edition, draft or latest edition thereto, shall apply as well as 34 PA Code Chapters 401-405, as amended.
- d. Consideration shall be given to the installation requirements of the 2009 IBC and the 2009 IRC or the most recent revisions thereof and the 34 PA Code, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit's installation.
- e. Recreational vehicles placed in an identified floodplain must either:
 - 1) be on the site for fewer than 180 consecutive days, and
 - 2) be fully licensed and ready for highway use, OR
 - 3) meet the permit requirements for a mobile/manufactured home as set forth above.

3. 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 height of flood water.

4. Anchoring.

- a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, and lateral movement.
- b. 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.

5. Floors, Walls, and Ceilings. Where a structure is located at or below the regulatory flood elevation, the following standards shall apply:
 - a. Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
 - b. Plywood shall be of a "marine" or "water-resistant" variety.
 - c. Walls and ceilings shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
 - d. Windows, doors, and other such components shall be made of metal or other "water resistant" material.
6. Paints and Adhesives. Where a structure is located at or below the regulatory flood elevation, the following standards shall apply:
 - a. Paints or other finishes shall be of "marine" or other "water-resistant" quality.
 - b. Adhesives shall be of a "marine" or "water-resistant" variety.
 - c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
7. Electrical Components.
 - a. Electrical distribution panels shall be at least three (3) feet above the Base Flood Elevation.
 - b. Separate electrical circuits shall serve lower levels and shall be dropped from above.
8. 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.
9. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems if the event that flood water infiltration occurs.
10. Water and Sanitary Sewer Facilities and Systems.
 - a. 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.
 - b. Sanitary sewage facilities shall be designed to prevent the discharge of untreated sewage into flood waters.

- c. No part of any on-site sewage system shall be located within any identified floodplain 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 a flood.
 - d. The design and construction provisions of the UCC and FEMA Circular #348, "Protecting Building Utilities from Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.
11. 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.
 12. Streets. The finished elevation of all new streets shall be no more than one (1) foot below the regulatory year flood elevation.
 13. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
 14. Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animals, or plant life (including but not limited to those identified in Section 606 A.) shall be stored at or above the regulatory flood elevation and/or be floodproofed to the maximum extent possible.

603 WATER MANAGEMENT USES

A. Alteration or Relocation of Watercourse

1. 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 Township, and until all required permits or approvals have been first obtained from the PA Department of Environmental Protection's Regional Office.
2. No encroachment, alteration or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood-carrying capacity of the watercourse in any way.
3. In addition, the FEMA and PA Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

B. Encroachments Requiring FEMA Notification

When the Township proposes to permit the following encroachments:

- * any development that causes a rise in the base flood elevations within the floodway; or
- * any development occurring in the FF Area/District (AE Zone **without floodway**), which will cause a rise of more than one (1) foot in the base flood elevation; or
- * alteration or relocation of a stream (including but not limited to installing culverts and bridges),

the Township (with data and documentation provided by the applicant) shall (as per 44 CFR Part 65.12):

1. apply to FEMA for conditional approval of such action prior to permitting the encroachment to occur.
2. Upon receipt of the Administrator's conditional approval of map change and prior to approving the encroachments, the Township shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.
3. Upon completion of the proposed encroachments, the community shall provide as-built certifications in accordance with 44 CFR Part 67.

604 EXISTING STRUCTURES IN FLOODPLAIN AREAS

A. Existing Structures

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Sub-Section 604 B. below shall apply.

B. Improvements

The following provisions shall apply whenever an improvement is made to an existing structure located within any identified floodplain area.

1. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
2. No expansion or enlargement of an existing structure shall be allowed in the FF Area/District (AE Zone **without floodway**) that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
3. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

4. Within any Floodway Area/District no new construction or development shall be allowed unless a Permit is obtained from the PA Department of Environmental Protection Regional Office.
5. Within any Flood Fringe Area/District (AE Zone **without floodway**), no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a Permit is obtained from the PA Department of Environmental Protection Regional Office.
6. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain area/district, to an extent or amount of less than 50 percent of its market value, shall be floodproofed and/or elevated to the greatest extent possible.
7. Any modification, alteration, reconstruction or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Ordinance.

605 SPECIAL PROVISIONS FOR ACCESSORY STRUCTURES

Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- A. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, materials and equipment related to the principal use or activity.
- B. The floor area shall not exceed 600 square feet.
- C. The structure will have low damage potential.
- D. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- E. Power lines, wiring, and outlets will be elevated at least one and one-half feet (1 1/2) feet above the regulatory flood elevation.
- F. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- G. Sanitary facilities are prohibited.
- H. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting these requirements must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 1. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space;

2. the bottom of all openings shall no higher than one (1) foot above grade; &
3. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

606 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

A. Hazardous Materials and Substances

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

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used for any activity requiring the maintenance or a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this Section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulfur and sulfur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

B. Floodproofing Requirements

1. Within any Floodway Area/District, any structure of the kind described in Sub-Section A. above shall be prohibited.

2. Where permitted within an identified floodplain area, any new or substantially improved structure of the kind described in Sub-Section A. above shall be:
 - a. elevated, or in the case of a non-residential structure, be designed and constructed to remain completely dry, up to at least one and one-half (1 1/2) feet above base flood elevation;
 - b. designed to prevent pollution from the structure or activity during the course of a base flood; and,
 - c. any such structure, or part thereof that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972, as amended March 1992), or with some other equivalent water-tight standard.

607 ACTIVITIES REQUIRING SPECIAL PERMITS

A. Identification of Activities Requiring a Special Permit

In accordance with the administrative regulations for implementing the Pennsylvania Floodplain Management Act (Act 1978-166), the following activities shall be prohibited within any identified floodplain area/district unless a Special Permit has been issued by Valley Township.

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

B. Application Requirements for Special Permits

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

1. A written request including a completed Zoning Permit Application.
2. A small scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
 - a. north arrow, scale and date;

- b. topography based upon the National Geodetic Vertical Datum (NAVD) of 1988, 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 width pavement types and construction, and elevations;
 - e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - f. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
 - g. the location of all proposed buildings, structures, utilities, and any other improvements; and,
 - h. any other information which the Township considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- a. sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior buildings 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 base flood;
 - d. detailed information concerning any proposed floodproofing measures;
 - e. cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
 - f. profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and,
 - g. plans and profiles of all proposed sanitary and storm sewer systems, and any other utilities and facilities.
5. The following data and documentation:
- a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by

the applicant or the client he represents;

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

C. Application Review Procedures

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

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
2. If an application is received that is incomplete, the Township shall notify the

applicant, in writing, stating in what respects the application is deficient.

3. If the Township decides to disapprove an application, it shall notify the applicant in writing of the reasons for the disapproval.
4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development (DCED), by registered or certified mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the Township shall allow the DCED 30 days after the receipt of the notification by the Department, to review the application and decision made by the Township.
6. If the Township does not receive any communication from the DCED during the 30 day review period, the Township may issue a Special Permit to the applicant.
7. If the DCED should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

D. Special Technical Requirements

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

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - a. fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - 1) the structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the base flood elevation;
 - 2) the lowest floor elevation (including basement) will be at least one and one-half (1 1/2) feet above the 100 year flood elevation; and,
 - 3) the occupants of the structure can remain inside for an indefinite period of time and/or be safely evacuated at any time during the base flood.
 - b. prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
2. All hydrologic and hydraulic analyses shall be undertaken only by professional

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

608 ADMINISTRATION

A. Designation of Floodplain Administrator

The Township Zoning Officer is hereby appointed to administer and enforce the floodplain management provisions of this Ordinance. In addition to fulfilling the duties outlined in Section 1200 of this Ordinance, the Zoning Officer may: delegate duties and responsibilities related to floodplain management to qualified technical personnel, plan examiners, inspectors, and other employees; or enter into written agreements or written contracts with another agency or private sector entity (with the approval of the Township Supervisors) to administer specific provisions of the Township's floodplain management regulations. Administration of any part of these regulations by another entity shall not relieve the Township of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

In the absence of the Zoning Officer or other duly qualified person or employee, the floodplain Administrator duties shall be fulfilled by the Chairman of the Township Supervisors.

B. Zoning Permit Requirements

To ensure that the aforementioned flood damage controls are being employed in all new construction, development and substantial improvement within any designated floodplain area, including the use of fill, the applicant or developer shall obtain a Zoning Permit prior to commencement of any such activity. The Zoning Officer shall provide the applicant with information concerning the location of any floodplain district boundary relative to his proposed construction and the water surface elevation of the base flood at the proposed construction site. The applicant shall provide all the necessary information in sufficient detail and clarity to enable the Township Zoning Officer to determine that:

1. all such proposals are consistent with the need to minimize flood damage and conform with 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;
4. structures will be anchored to prevent floatation, collapse or lateral movement;
5. building materials are flood-resistant;

6. appropriate practices that minimize flood damage have been used; and
7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.

C. Application Requirements

The Zoning Officer shall require the following specific information, plus other pertinent information as may be required by the Zoning Officer, to be included as a part of an application for a Zoning Permit in order to make the above determination.

1. A completed Zoning Permit application form.
2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
 - a. north arrow, scale and date;
 - b. topographic contour lines, if available;
 - 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 or development;
 - e. the location of all existing streets, drives or other accessways;
 - f. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities; and
 - g. the location of all existing and proposed utilities, including sewer, water, electrical and natural gas lines.
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 the North American Vertical Datum or 1988;
 - b. the elevation of the base flood; and
 - c. supplemental information as may be necessary under 34 PA Code, Chapters 401 - 405, as amended, and the 2009 IBC or the 2009 IRC.
4. The following data and documentation:
 - a. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood;

- b. detailed information concerning any proposed floodproofing measures and corresponding elevations;
- c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within a Flood Fringe Area/District (AE Zone **without floodway**), when combined with all existing and anticipated development, will not increase the base flood elevation by more than one (1) foot at any point within the Township;
- 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 pressures, velocities, impact and uplift forces associated with a base 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 development;
- e. detailed information needed to determine compliance with Section 602 C.14 Storage, and Section 606, Development Which May Endanger Human Life, including:
 - 1) the amount, location and purpose of any materials or substances referred to in Sections 602 C.14 and 606 which are intended to be used, produced, stored or otherwise maintained on site; and
 - 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 606 during a base flood.
- f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development"; and
- g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

D. Review by the County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Township Zoning Officer to the County Conservation District for review at least 30 days prior to the issuance of a Zoning Permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan. If no comments are received within the 30 days, the Zoning Officer may take action on the Permit application.

E. Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval must be submitted by the Township Zoning Officer to any other appropriate agencies and/or individuals (e.g. Township Planning Commission, Township Engineer, etc.) for review and comment at least 30 days prior to the issuance of a Zoning Permit.

F. Issuance of Zoning Permits

Prior to the issuance of any Zoning Permit, the Township Zoning Officer shall review the application to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the PA Sewage Facilities Act (Act 1966-537, as amended); the PA Dam Safety and Encroachments Act (Act 1978-325, as amended); the PA Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No Zoning Permit shall be issued until this determination has been made.

609 VARIANCES IN FLOODPLAIN DISTRICTS

In passing upon applications for a variance within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in other Sections of this Ordinance (including Section 1001 C.), State law relative to variances, and the following:

- A. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places provided that the proposed replace or rehabilitation will not preclude the structure's continued designation as an historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- B. No variance shall be granted for any construction, development, use or activity within any designated floodway area that would cause any increase in the base flood elevation.
- C. No variance shall be granted for any construction, development, use or activity within a Flood Fringe Area/District (AE Zone **without floodway**), that would, together with all other existing and anticipated development, increase the base flood elevation more than one (1) foot at any point.
- D. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Section 606, Development Which May Endanger Human Life, and Section 607, Development Regulated by Special Permit.
- E. If granted, a variance shall involve only the least modification necessary to provide relief.
- F. In granting any variance, the Township Zoning Hearing Board may attach whatever reasonable conditions and safeguards it considers necessary to protect the public health, safety and welfare, and to achieve the objectives of this Ordinance.
- G. Whenever a variance is granted, the Township Zoning Hearing Board shall notify the applicant in writing that:
 - 1. the granting of a variance may result in increased premium rates for flood insurance; and
 - 2. such variances may increase the risk to life and property.

H. In reviewing any request for a variance, the Township Zoning Hearing Board shall consider, at a minimum, the following:

1. that there is good and sufficient cause;
 2. that failure to grant the variance would result in exceptional hardship for the applicant; and
 3. that granting of the variance will: a) neither result in unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor b) create nuisances, cause fraud on, victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- I. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one percent (1%) annual chance flood.

ARTICLE 7

SIGN REGULATIONS

700 PURPOSE

In order that the legitimate demands for signage can be met without the unsightly intrusion of an unlimited number of signs of inappropriate size, dimension and location, any sign erected or altered in Valley Township after the effective date of this Ordinance amendment shall conform to the following regulations.

701 TYPES OF SIGNS

Signage can include a variety of different types of signs, each with unique functions. The following list itemizes and describes the types of signs considered under the provisions of this Article.

- A. Advertising Sign Boards (Billboards): A sign or board which directs the attention of motorists or pedestrians to a commodity, business, place or activity that is sold, offered, exists or occurs at a location other than the location upon which the sign is situated; an off-premises sign.
- B. Business Identification Sign: A sign or board which attracts motorists or pedestrians to a business, product, service or activity that is sold, produced or conducted on the same lot upon which the sign is located; an on-premises sign.
- C. Digital Message Board: A business identification sign or advertising sign board, or part thereof, with a moving message.
- D. Directional Sign: A sign erected and maintained for the purpose of directing traffic to a particular destination, which does not contain any advertisement or promotional information. Such signs shall either be either on-premises signs or off-premises signs.
- E. Free-Standing Sign: A self-supported sign resting on the ground or supported by means of poles or standards placed in or on the ground. Such signs may be designed to be portable or may be affixed to the ground.
- F. Image-Changing Sign Board: An advertising sign board which is designed so that its advertising face changes electronically on a designated frequency.
- G. Institutional Sign: A sign erected and maintained for the purpose of identifying a school, church, government or municipal building, cemetery, library or museum, nursing or personal care home or other institutional building or use located on the same premises as the sign. Such signs may be either free-standing or wall signs.
- H. Parallel Wall Sign: A type of wall sign which is attached parallel to the face of its supporting wall, and which does not protrude more than 12 inches from such wall.

- I. Permanent Sign: A sign which is permanently affixed to the ground or to the wall of a building, excluding standard real estate or similar signs.
- J. Product or Service Advertising Signs: Those devices, structures or objects used to advertise a product, service, commodity or activity available or occurring on the same premises as the sign(s). Such signs shall include, but need not be limited to, placards, boards, or other devices which are mounted, hung or painted on the inside of windows and faced outward, or are placed outside of a business, either on the building itself or on the same lot as the building, which advertise the variety, type or pricing of available products or services. Flags, pennants, sail signs, and banners which advertise specific products or services shall be considered product or service advertising signs.
- K. Projecting Wall Sign: A type of wall sign with its horizontal plane attached at right angles to its supporting wall and which protrudes more than 12 inches from such wall.
- L. Temporary Sign: Any sign which is not permanently affixed to the ground or the wall of a building and is erected for a limited period of time to call attention to a legally permissible special event, not exceeding 45 days.
- M. Traffic and Roadway Signs: Signs erected by or with the approval of the Township Supervisors intended to direct or inform the general public about traffic or roadway conditions.

702 GENERAL SIGN REGULATIONS

The following regulations shall apply to all permitted sign uses.

A. Construction, Maintenance, and Removal

Signs shall be constructed of durable materials, be maintained in good condition, and shall not be allowed to become dilapidated or endanger public health, safety or welfare. All signs shall be securely fastened in order to prevent their displacement by the elements. Each sign shall be removed when the circumstances leading to its erection no longer exist, or if its condition deteriorates as indicated above.

B. Sign Area

- 1. For the purposes of this Ordinance, sign area shall include the entire face of a sign, including all advertising surface, trim and border area, but excluding any supporting framework or bracing.
- 2. A double-faced sign shall be considered a single sign, unless the interior angle formed by the two sides of the sign is greater than 45 degrees, then each side of the sign shall be considered to be a separate sign.
- 3. Where a sign consists of individual letters or symbols attached to a building, the area of the sign shall be considered to be the smallest rectangle or other regular geometric shape which encompasses all of the letters and/or symbols.

C. Placement

1. No sign (whether temporary or permanent) shall be placed within the clear sight triangle of any intersection as per the requirements of Section 504 D. of this Ordinance, nor at any other location that could obstruct a motorist's clear vision. In addition, no sign shall be located where it could be an impediment to pedestrian traffic.
2. No sign, other than an official traffic or roadway sign, shall be erected within the right-of-way of any public street, road or highway unless authorized by the Township Road Master for a special purpose.
3. No portion of free-standing sign (whether temporary or permanent) shall be located closer to the street right-of-way or front property line than ten (10) feet, except that advertising sign boards shall be set back a minimum of 50 feet from the right-of-way of any public street, road or highway.
4. All free-standing signs shall be set back to meet the side and rear yard requirements for the district in which they are to be located.
5. No sign shall be erected or maintained which could prevent free ingress or egress from any door, window or fire escape, nor shall any sign be attached to a standpipe, fire escape, or to the eave of any building. Further, no signs shall be affixed to the roof of any building.
6. No sign shall be painted, erected, affixed or maintained on a tree, stone (except for ornamental or architectural stones that may be used to identify a business or personal property), or other natural object, except for property posting signs, nor shall any sign be painted, erected, affixed, supported or maintained on a fence or a storage trailer. Any advertisement proposed to be painted or displayed upon a barn or other building shall be regarded as a sign, and as such, shall meet the requirements set forth in this Ordinance for the district in which it is to be located.
7. Any vehicle which is painted, decorated or embellished for the purpose of advertising a product, service, or event and is parked so that it is visible to pedestrian or vehicle traffic for more than seven (7) consecutive days in the same location shall be considered a sign and as such, shall meet the requirements set forth in this ordinance for the district in which it is located.

D. Height

1. Sign height shall be measured from the average finished grade of the site beneath the sign to the highest point of the sign or sign structure, whichever is greater. No person(s) shall artificially increase the maximum height of a sign by altering the grade at the base of the sign.
2. Maximum sign heights for free-standing signs shall be as follows:
 - a. General Use Signs (including directional signs) – 10 feet.

- b. Institutional Signs – 15 feet.
 - c. Business Identification Signs – 10 feet in the Low Density and Moderate Density Residential, Agricultural Rural and Open Space Districts; 15 feet in the Neighborhood Commercial District; 30 feet in the Industrial District; and 50 feet in the Highway Commercial District.
 - d. Advertising Sign Boards or Billboards – 50 feet.
- 3. Where located in a parking, vehicular or pedestrian circulation area, free-standing signs shall have a minimum under-clearance of ten (10) feet, measured from the ground or pavement immediately beneath the sign to the bottom or lowest part of the sign, except that advertising sign boards shall have a minimum under-clearance of 15 feet in such areas.
 - 4. No portion of a wall sign, whether parallel or projecting, shall extend above the top of the wall to which it is attached.

E. Projection

- 1. Parallel wall signs shall not extend more than 12 inches from the surface to which they are mounted or attached, nor in any way interfere with pedestrian or vehicular traffic.
- 2. Projecting wall signs shall not extend or project more than three (3) feet from their supporting structure or wall, nor shall any such sign extend over a public street, road or highway or walkway.
- 3. Projecting wall signs shall have a minimum under-clearance of no less than ten (10) feet, measured from the ground or pavement immediately beneath the sign to the bottom or lowest part of the sign.

F. Illumination

Illuminated signs shall cause no glare or other disturbance which would be incompatible with the nature of the neighborhood where the sign is located or which would in any way impair the vision of passing motorists. Illumination shall be steady in nature, not flashing, moving or changing in brilliance, color or intensity, except for digital message boards and image-changing sign boards, which shall be considered as Conditional Uses in the Highway Commercial and Industrial Districts.

To help preserve the character of the Township and avoid disturbing neighborhoods in the vicinity of the sign, all internally illuminated signs shall be lit with non-glaring bulbs or other lighting, and all externally illuminated signs shall be lit with shielded spotlights or other sources, angled from the top to the bottom of the sign.

G. State Regulations

All applicable State regulations shall be met where signs are proposed in areas adjacent to highways included in PennDOT's Primary and Interstate Highway Systems. Any person desiring to erect a sign in these areas shall contact PennDOT

to determine if the State's regulations will affect his proposal. A written copy of PennDot's determination shall accompany all applications for signs in such areas.

H. Event Signs

Temporary signs erected for a special event or a periodic or legally permissible purpose shall be permitted in all zones subject to the following requirements.

1. No such sign shall be located within any public street, road or highway right-of-way without prior approval of the Township Roadmaster.
2. The size or area of each sign shall not exceed 16 square feet.
3. There shall be no more than four (4) such signs erected advertising the event.
4. Event signs shall be erected no more than 15 days in advance of the event, and shall be removed by the property owner or promoter within five (5) days after the event.

703 SIGNS IN THE LOW DENSITY RESIDENTIAL (R-1) AND MODERATE DENSITY RESIDENTIAL (R-2) DISTRICTS

Signs may be placed or located in the Low Density Residential and Moderate Density Residential Districts subject to the following specified requirements.

A. General Use Signs

The following types of **non-illuminated, non-advertising** general use signs may be permitted in the R-1 and R-2 Districts as indicated below. Such signs shall be designed as either **free-standing or parallel wall signs**. (See also Sections 702 C., D. & F. regarding placement, height and illumination requirements for such signs.)

1. Property Posting Signs - Signs which indicate the private nature of a property, a driveway, or restrict or prohibit hunting, fishing or other activity may be permitted as follows:
 - a. Maximum Size – 2 square feet.
 - b. Maximum Number – As needed.
2. Name Plates or Personal Identification Signs – Signs which display the name of the property owner and/or address of the property on which they are located may be permissible as follows:
 - a. Maximum Size – 2 square feet.
 - b. Maximum Number – No more than one (1) such sign per property, unless the property is situated on a corner, in which case one (1) sign may be erected on each frontage.

3. Home Occupation Signs – Signs which identify the name of a specific home occupation to be conducted on the site where they are located may be permitted as follows:
 - a. Maximum Size – 6 square feet.
 - b. Maximum Number – No more than one (1) such sign per property, unless the property is situated on a corner, in which case one (1) sign may be erected on each frontage.
4. Property Sale and/or Rental Signs – Signs which advertise the sale, rental or lease of property on which they are located may be permitted as follows:
 - a. Maximum Size – 6 square feet.
 - b. Maximum Number – No more than two (2) such signs per property.
5. Directional Signs – Signs directing persons or motorists to the location of churches, schools, non-profit or civic organizations, or residential developments may be permitted as follows:
 - a. Maximum Size – 6 square feet.
 - b. Maximum Number – As needed; not exceeding four (4) per facility in the Township.
6. Artisan Signs - Signs of contractor's, painters or other artisans performing work on the premises may be permitted as a **temporary sign** while such work is on-going as follows:
 - a. Maximum Size – 12 square feet.
 - b. Maximum Number – No more than one (1) such sign per trade or profession per property.
7. Residential Development Identification Signs – Signs which identify the name of the residential development upon which they are located may be permitted as follows:
 - a. Maximum Size – 20 square feet.
 - b. Maximum Number – No more than one (1) such sign per property, unless the property is situated on a corner, in which case one (1) sign may be erected on each frontage.

B. Institutional Signs

Non-illuminated, or externally or internally illuminated, non-advertising institutional or civic signs may be permitted in the R-1 and R-2 Districts as indicated below. Such signs may be designed as either **free-standing or parallel wall signs**. (See also Sections 702 C., D. & F. regarding placement, height and illumination requirements for such signs.)

Signs which display the name of a school, church, government or municipal building, library or museum, nursing or personal care home, cemetery, park or playground or other institutional building may be permitted as follows:

1. Maximum Size – 36 square feet.
2. Maximum Number – No more than two (2) per property.

C. Business Identification Signs

The following types of **non-illuminated, or externally or internally illuminated** business identification signs may be permitted in the R-1 and R-2 Districts as indicated below. Such signs may be designed as either **freestanding or parallel wall signs**. (See also Sections 702 C., D. & F. regarding placement, height and illumination of such signs.)

1. Existing Nonconforming Uses – Signs which identify the name of an existing nonconforming use (whether a new sign or a replacement for an existing sign) may be permitted as follows:
 - a. Maximum Size – 24 square feet for new signs; 24 square feet or the size of the existing sign, whichever is greater, for replacement signs.
 - b. Maximum Number – No more than one (1) such sign per property, unless the property is located on a corner, in which case, one (1) sign may be erected on each frontage.
2. New Commercial Uses – Signs which identify the name of an approved commercial use or activity, including those uses set forth in the District Regulations, Section 302 and 303, may be permitted as follows:
 - a. Maximum Size – 24 square feet.
 - b. Maximum Number - No more than one (1) such sign per property, unless the property is located on a corner, in which case, one (1) sign may be erected on each frontage.

704 SIGNS IN THE NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT

Signs may be located in the Neighborhood Commercial District subject to the following specified requirements.

A. General Use Signs

Those signs permitted in Section 703 A., General Use Signs in the R-1 & R-2 Districts, may also be permitted in the C-1 District at the same size, in the same quantity, and in the same style.

B. Institutional Signs

Those signs permitted in Section 703 B., Institutional Signs in the R-1 & R-2 Districts, may also be permitted in the C-1 District at the same size, in the same

quantity and in the same style. Such signs in these zones may also be **externally or internally illuminated**.

C. Business Identification Signs

Where proposed in conjunction with an approved commercial use or activity, **non-illuminated, or externally or internally illuminated** business identification signs may be permitted in the C-1 District as indicated below. Such signs may be designed as either **free-standing, or parallel or projecting wall signs**. (See also Sections 702 C., D., E. & F. regarding placement, height, projection and illumination requirements for such signs.)

1. There shall be no more than one (1) free-standing business identification sign AND one (1) parallel or projecting business identification wall sign per business in this zone.
2. No one (1) business identification sign, whether a free-standing or wall sign, shall exceed 36 square feet in size. Total sign area shall not exceed 50 square feet per business, regardless of the type of sign(s) utilized or the number of frontages available.
3. No wall sign(s) shall occupy more than 25% of the wall to which it is attached, nor shall any projecting sign exceed more than 20 feet in length measured vertically.

705 SIGNS IN THE HIGHWAY COMMERCIAL (C-2) AND INDUSTRIAL (I) DISTRICTS

Signs may be located in the Highway Commercial and Industrial Districts subject to the following specified requirements.

A. General Use Signs

Those signs permitted in Section 703 A., General Use Signs in the R-1 & R-2 Districts, may also be permitted in the C-2 and I Districts at the same size, in the same quantity, and in the same style.

B. Institutional Signs

Those signs permitted in Section 703 B., Institutional Signs in the R-1& R-2 Districts, may also be permitted in the C-2 & I Districts at the same size, in the same quantity and in the same style.

C. Business Identification Signs

Where proposed in conjunction with an approved commercial or industrial use or activity, **non-illuminated, or externally or internally illuminated** business identification signs may be permitted in the C-2 & I Districts as indicated below. Such signs may be designed as either **free-standing, or parallel or projecting wall signs**. (See also Sections 702 C., D., E. & F. regarding placement, height, projection and illumination requirements for such signs.)

1. There shall be no more than one (1) free-standing business identification sign AND one (1) parallel or projecting business identification wall sign per business in this zone.
2. No one (1) business identification sign, whether a free-standing or wall sign, shall exceed 100 square feet in size. Total sign area shall not exceed 200 square feet per business, regardless of the type of sign(s) utilized or the number of frontages available.
3. No wall sign(s) shall occupy more than 25% of the wall to which it is attached, nor shall any projecting sign exceed more than 20 feet in length measured vertically.
4. Business identification signs advertising commercial or industrial complexes or shopping centers accommodating three (3) or more businesses shall not exceed 300 square feet in area. Signs identifying individual businesses within the complex shall be affixed to the individual business and shall not exceed 50 square feet in area.

D. Advertising Sign Boards (Billboards)

Non-illuminated or externally illuminated advertising sign boards or billboards may be permitted in the C-2 & I Districts as indicated below. Such signs may only be designed as **free-standing signs**. (See also Sections 702 C., D. & F regarding the placement, height and illumination of such signs.)

1. Maximum sign area shall not exceed 300 square feet per face. Advertising sign boards may have two (2) parallel faces, but may not be vertically or horizontally doubled, nor multiplied further in any fashion. (See also Section 702 B.2 for further sign area details.)
2. Advertising sign boards shall be no closer than 500 feet (measured on the same side of the street) to any other advertising sign board, and no closer than 150 feet to any residence existing at the time the sign is erected.
3. When located in a parking, vehicular or pedestrian circulation area, advertising sign boards shall have a minimum under-clearance of 15 feet, measured from the ground or pavement immediately beneath the sign to the bottom or lowest part of the sign.

E. Product or Service Advertising Signs

Where proposed in conjunction with an approved commercial or industrial use, **non-illuminated** product or service advertising signs may be permitted in the C-2 and I District as indicated below.

1. The total amount of permissible product or service advertising signage per commercial or industrial establishment shall not exceed 50 square feet for establishments containing less than 10,000 square feet of gross floor area; 75 square feet for establishments containing between 10,000 and 25,000 square

feet of gross floor area; and 100 square feet for establishments containing more than 25,000 square feet of gross floor area.

2. All product or service advertising signs shall be located on the same lot as the business or product they are advertising.

706 SIGNS IN THE AGRICULTURAL RURAL (AR) AND OPEN SPACE (OS) DISTRICTS

Signs may be placed or located in the Agricultural Rural and Open Space Districts subject to the following specified requirements.

A. General Use Signs

Those signs permitted in Section 703 A., General Use Signs in the R-1 & R-2 Districts, may also be permitted in the AR and OS Districts at the same size, in the same quantity, and in the same style.

B. Institutional Signs

Those signs permitted in Section 703 B., Institutional Signs in the R-1 & R-2 Districts, may also be permitted in the AR & OS Districts at the same size, in the same quantity and in the same style.

C. Business Identification Signs

Where proposed in conjunction with an approved commercial use or activity, the following types of **non-illuminated or externally illuminated** business identification signs may be permitted in the AR & OS Districts as indicated below. Such signs may be designed as either **free-standing or parallel wall signs**. (See also Sections 702 C., D. & F. regarding placement, height and illumination requirements for such signs.)

1. There shall be no more than one (1) free-standing business identification sign OR one (1) parallel business identification wall sign per business in this zone.
2. Maximum sign area shall not exceed 24 square feet per business, regardless of the type of sign utilized. Where however, a business is situated on a corner, or has frontage on two (2) streets, one (1) business identification sign may be erected on each frontage, in which case the total sign area for all signs in the site shall not exceed 48 square feet.

707 SIGNS IN THE FLOODPLAIN DISTRICTS

Signs placed in Flood Fringe or General Floodplain District shall be subject to the regulations of the underlying zoning district. Signs shall be prohibited in the Floodway District, except where such signs are placed by Federal, State or local governments to protect the health, safety and welfare of the public. No sign in any floodplain area may impede natural drainage or the flow of water.

708 PERMIT REQUIREMENTS

The following requirements shall apply to all **permanent signs**.

- A. A Zoning Permit shall be required for the placement, erection or alteration of all permanent signs, except as may be exempted in Sub-Section C. below. All applications for signs being erected on property other than that owned by the applicant shall also include written consent from the property owner.
- B. Fees for the issuance of Zoning Permits for signs shall be paid to the Township upon filing of an application for such use. All such fees shall be in accordance with the schedule of fees established by Resolution of the Township Supervisors. There shall be no fee for the erection of any sign necessary to the public welfare.
- C. No Zoning Permits shall be required for the following types of signs, although the requirements of Sections 702 and 703 A. shall remain applicable.
 - 1. Property posting signs;
 - 2. Name plates or personal identification signs;
 - 3. Property sale or rental signs;
 - 4. Artisan or other temporary signs intended to be displayed for 45 days or less;
 - 5. Event signs meeting the requirements of Sub-Section 702 H; and
 - 6. Informational or public service signs, including those advertising the availability of rest rooms, public telephones, or other public conveniences, and signs advertising meeting times and places of non-profit service or charitable clubs or organizations, provided that such signs do not advertise any commercial establishment, activity, product, or goods and services.

ARTICLE 8

OFF-STREET PARKING, LOADING AND ACCESS DRIVES

800 OFF-STREET PARKING REQUIREMENTS

In all districts, in accordance with every use, there shall be provided at the time any new building or structure is erected or any existing building is converted to a new use, off-street parking spaces in accordance with the requirements of this Section. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which they are provided.

- A. All off-street parking spaces intended for automobiles shall contain not less than 180 square feet of useable area and shall have a minimum width of nine (9) feet. Off-street spaces intended for tractor-trailer parking shall be 18 feet in width and not less than 85 feet in length. Off-street parking spaces for commercial delivery vehicles shall be a minimum of 12 feet in width and not less than 40 feet in length.
- B. Parking spaces may be located on a lot other than that containing the principal use, but shall be located within 600 feet of the principal building. Such remote parking areas shall however remain under the control and care of the owner of the use to which it is accessory.
- C. All parking spaces and areas shall be graded for proper drainage and shall be stabilized so as to provide a durable, dustless surface and shall be designed to provide for the orderly and safe parking or storage of vehicles.
- D. Adequate provisions shall be made for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to a minimal number of well- defined locations. In no case shall unrestricted access along the length of a street upon which the parking abuts be permitted. Parking areas shall be designed so there will be no need for motorists to back over major thoroughfares. In instances where a parking area is proposed to be located adjacent to or intersect a Township road, Township Supervisors shall review the application prior to the issuance of a Permit for the facility.
- E. Parking areas shall be located no closer to any property line than five (5) feet.
- F. Any lighting which is used to illuminate off-street parking areas shall be mounted and shielded in such a manner that will effectively eliminate direct glare on adjacent properties or upon public streets.
- G. Off-street parking shall be provided as set forth in TABLE 1 below. For any building, premises or use which is not specifically mentioned herein, the Township Planning Commission shall review the application and recommend an appropriate number of spaces for the use to the Township Supervisors who shall ultimately decide the number of spaces that shall be provided. In

the case of mixed uses, the total number of required parking spaces shall be the sum of the required spaces for the various uses computed separately.

TABLE 1
OFF-STREET PARKING SCHEDULE

| <u>USE CLASSIFICATION</u> | <u>MINIMUM SPACES REQUIRED</u> |
|---|---|
| A. <u>Residential Uses</u> | |
| 1. Single & two-family dwelling units (detached or attached), inc. mobile homes. | 2 for each dwelling unit. |
| 2. Multi-family dwelling units, including conversion apartments, & multi-family housing developments. | 2 for each dwelling unit. |
| 3. Elderly housing complexes. | 1.5 for each dwelling unit + 1 for each employee in the maximum work shift. |
| 4. Mobile home parks. | 2 for each mobile home lot + 1 visitor space for each lot in the park. |
| 5. Bed & breakfast establishments. | 2 for the dwelling unit + 1 for each guest room. |
| B. <u>Institutional Uses</u> | |
| 1. Day care facilities. | |
| a. Family day care homes or accessory group day care homes. | 2 for the dwelling unit + 1 for each 3 students/clients. |
| b. Day care centers, group day care homes or nursery schools. | 1 for each 3 students/clients + 1 for each employee. |
| 2. Schools. (Public or private) | |
| a. Elementary schools. | 5 for each classroom + 1 for each employee. |

| <u>USE CLASSIFICATION</u> | <u>MINIMUM SPACES REQUIRED</u> |
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| b. Middle or high schools or post-secondary education facilities. | 1 for each 3 seats of auditorium or gymnasium capacity, whichever is greater. |
| 3. Places of public or private assembly, such as churches, or government or municipal bldgs., clubs or fraternal organ. facilities. (See also C.10 below.) | 1 for each 3 seats of facility design capacity. |
| 4. Group homes. | 1 for each 2 residents +1 for each employee in the maximum work shift. |
| 5. Nursing or personal care homes | 1 for each 3 beds + 1 for each employee in the max. work shift. |
| 6. Medical or dental offices or clinics. | 5 for each service provider + 1 for each employee in the maximum work shift. |
| 7. Veterinary offices or clinics; animal hospitals. | 3 for each service provider + 1 for each employee in the maximum work shift. |
| 8. Cemeteries. | 5 visitor spaces + 1 per employee. |
| <u>C. Commercial/Retail Uses</u> | |
| 1. Retail stores or personal service business establishments, <i>except as provided below.</i> | 1 for each 200 sq.ft. of gross floor area + 1 for each employee in the maximum work shift. |
| 2. No-impact home-based businesses or home occupations. | 2 for the dwelling unit+ 2 customer spaces + 1 for each non-occupant employee. |
| 3. Farm-related businesses. | 4 for each business + 1 for each employee. |
| 4. Permanent roadside stands or garden shops; plant nurseries or greenhouses. | 5 for each facility +1 for each employee. |

| <u>USE CLASSIFICATION</u> | <u>MINIMUM SPACES REQUIRED</u> |
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| 5. Restaurants; bars or taverns; | 1 for every 3 persons of facility design capacity + 1 for each employee in the maximum work shift. |
| 6. Grocery stores or convenience markets. | 1 for each 100 sq.ft. of gross floor area + 1 for each employee in the maximum work shift. |
| 7. Automotive sales facilities or automotive service stations &/or repair garages. | 1 for each 400 sq.ft. of gross floor area + 1 for each employee in the maximum work shift. |
| 8. Business or professional offices, inc. banks or financial institutions; & office buildings. | 1 for each 300 sq.ft. of gross floor area + 1 for each employee in the maximum work shift. |
| 9. Commercial lodging facilities. | 1 for each guest room + 1 for each employee in the max. work shift. |
| 10. Public or adult entertainment establishments, inc. theaters. | 1 for every 3 persons of facility design capacity + 1 for each employee in the maximum work shift. |
| 11. Funeral homes or mortuaries. | 1 for each 3 seats of facility design capacity + 1 for each employee. |
| 12. Shopping centers or malls. | 3 for each 1,000 sq.ft. of gross floor area + 1 for each employee in the maximum work shift. |
| D. <u>Industrial Uses</u> | |
| 1. Industrial uses or manufacturing operations; warehousing or storage facilities, <i>except as provided below.</i> | 1.5 for each employee in the maximum work shift + 5 visitor spaces. |
| 2. Research & development facilities. | 1 for each employee in the maximum work shift + 5 visitor spaces. |

| <u>USE CLASSIFICATION</u> | <u>MINIMUM SPACES REQUIRED</u> |
|--|--|
| 3. Sawmills, lumber yards, or contractor's shops & yards. | 1 for each employee + 5 customer spaces. |
| 4. Mineral extraction operations; & junk yards or auto salvage operations. | 1 for each employee in the maximum work shift + 3 visitor spaces. |
| 5. Wholesale operations; & printing establishments. | 1 for each employee + 3 customer spaces. |
| 6. Transportation terminals or multi-tenant convenience plazas. | 1 space for each employee + 1 for each vehicle to be accommodated on the premises. |

E. Recreational or Open Space Uses

| | |
|--|---|
| 1. Parks or playgrounds. | 1 for each 5 persons of total facility design capacity. |
| 2. Outdoor commercial recreational uses. | 1 for each 3 persons of total facility design capacity + 1 for each employee in the maximum work shift. |
| 3. Campgrounds or RV parks. | 2 for each camping space + 1 additional space for every 2 camping spaces. |
| 4. Seasonal dwellings or hunting camps. | 2 for each seasonal unit. |

801 OFF-STREET LOADING REQUIREMENTS

Off-street loading berths or facilities shall be provided in connection with every commercial, industrial, institutional or other building or part thereof hereafter proposed to contain a gross floor area of 5,000 square feet. Such accommodations shall be provided in accordance with the requirements of this Section and shall meet the following standards.

- A. Each off-street loading space or berth shall not be less than 12 feet in width, 50 feet in length, and shall have an overhead clearance of no less than 14 feet, exclusive of drives or maneuvering area. The loading area shall be located entirely on the lot being served and shall be designed so that there will be no need for drivers to back over public walkways or rights-of-way.

- B. The loading area shall be graded for proper drainage and shall be surfaced so as to satisfactorily accommodate the anticipated type and intensity of traffic.

Required loading space shall be provided in addition to the required number of off-street parking spaces.

- C. Any lighting used to illuminate off-street loading areas shall be mounted and shielded in such a manner to effectively eliminate direct glare on adjacent properties or upon public streets.
- D. The number of off-street loading spaces required shall be as set forth in TABLE 2 below.

TABLE 2

OFF-STREET LOADING SCHEDULE

| <u>Gross Floor Area</u> | <u>Berths Required</u> |
|------------------------------------|------------------------|
| 5,000 - 20,000 square feet | 1 |
| 20,000 - 40,000 square feet | 2 |
| Each additional 20,000 square feet | 1 additional |

802 ACCESS DRIVES

Whenever required or provided under the provisions of this Ordinance, all access drives shall be designed according to the following standards.

- A. Except in the case of single family detached dwellings and two family dwellings, the general layout shall be such that there is no need for motorists to back over public walkways or rights-of-way.
- B. Access drives shall be constructed of durable, all-weather material and shall not be less than 18 feet nor exceed 35 feet in width, except as may be increased by curb radii.
- C. The number of access drives shall not exceed two (2) per lot on any one street frontage. The Zoning Hearing Board may grant permission for additional access drives where required to meet exceptional circumstances and where frontage of unusual length exists.
- D. Access drives shall not cross the street right-of-way lines:
- a. within 80 feet of the right-of-way line of an intersecting public street;
 - b. within ten (10) feet of a fire hydrant, catch basin or drain inlet;

- c. within 40 feet of another access drive in the case of nonresidential uses;
and
 - d. within five (5) feet of a property line unless two adjoining owners mutually agree to a common access drive.
- E. Access to public streets shall be controlled in the interest of public safety. The off-street parking, loading and service areas on all properties, used for any purpose other than single family residences, shall be physically separated from the street by a curb, pipe rail, or fence and/or planting strip or buffer yard at least 20 feet in depth.
- F. Access drives shall be designed and constructed in such a manner so as to avoid impairing drainage within a street right-of-way or any adjacent area. Where necessary, a drainage pipe of sufficient diameter shall be installed under the access drive at the property owner's expense. The applicant will be advised of the necessity, as well as the appropriate size and location for such pipe by Township officials.
- G. In addition to the standards contained herein regarding access drives, the Driveway Design Guidelines set forth in the Valley Township Subdivision and Land Development Ordinance shall also apply.

ARTICLE 9

NONCONFORMITIES

900 **NONCONFORMING USES AND STRUCTURES**

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

A. Abandonment

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

B. Alteration and Reconstruction

1. Repairs and structural alterations may be made to a nonconforming building or a building occupied by a nonconforming use.
2. A nonconforming building or building occupied by a nonconforming use which is damaged by fire, flood or other natural causes may be reconstructed, restored and used as before, provided that:
 - a. said reconstruction commences within one (1) year of the damage;
 - b. said reconstruction shall not exceed the size, bulk, height and area that existed prior to the damage, unless approved by the Zoning Hearing Board;
 - c. the location of said reconstruction does not create a safety hazard; and,
 - d. where the nonconformity is located within a Flood Fringe or General Floodplain District, the new construction shall comply, to the greatest extent possible, with all of the floodproofing requirements contained in Section 602 of this Ordinance.

3. However, where a nonconforming building or building occupied by a nonconforming use is destroyed by fire, flood or other natural causes within the Floodway District, such nonconformity may only be reconstructed, restored and used as before, provided that:
 - a. the property owner does not own adjoining land located outside of the floodway;
 - b. the reconstruction will not cause a rise in the 100 year flood elevation;
 - c. the reconstruction will be floodproofed in accordance with the requirements contained in Section 602 of this Ordinance;
 - d. said reconstruction commences within one (1) year of the damage; and,
 - e. said reconstruction does not exceed the size, bulk, height and area that existed prior to the damage, unless approved by the Zoning Hearing Board.

C. Extensions and Enlargements

1. Extensions or enlargements may be made to nonconforming structures or uses provided that:
 - a. the extensions or enlargements do not extend the structure or use by more than a cumulative total of 25% of the area occupied by such use at the effective date of this Ordinance, regardless of ownership;
 - b. the Zoning Hearing Board approves such proposed extension or enlargement;
 - c. the extension or enlargement shall conform to the yard and height requirements of the district in which the structure or use is to be located; and,
 - d. in the case of a nonconforming use, be immediately adjacent to the existing nonconforming use.
2. For nonconforming uses where normal operations involve natural expansion (quarries, junk yards, cemeteries, etc.), expansion shall be permitted by right up to 25% of the volume of area of the nonconformity which existed at the effective date of this Ordinance. For expansion beyond 25%, approval must be obtained from the Zoning Hearing Board.
3. A nonconforming use shall not be extended to displace a conforming

use.

D. Change of Use

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

E. Application to Agricultural Structures

The regulations governing nonconformities set forth in this Section shall not apply to agricultural structures when such structures are part of an active agricultural use. It is not the intent of these regulations to create hardships for on-going agricultural activities.

F. Certification

Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming use or structure on or before June 17, 1991, the effective date of the Township's first zoning regulations, the Zoning Officer shall issue a Certificate of Nonconformance for such nonconformity. Any applicant aggrieved of the process for obtaining said Certificate or of any decision rendered therefrom, may file an appeal with the Township Zoning Hearing Board.

901 NONCONFORMING LOTS

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

A. Certification

Upon receipt of evidence from a property owner or occupant which documents the existence of a nonconforming lot on or before June 17, 1991, the effective date of the Township's first zoning regulations, the Zoning Officer shall issue a Certificate of Nonconformance for such nonconformity. Any applicant aggrieved of the process for obtaining said Certificate or of any decision rendered therefrom, may file an appeal with the Township Zoning Hearing Board.

B. Existing Lots of Record

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

1. the owner does not own adjoining land which could be combined to form a conforming lot;
2. each side yard is not less than five (5) feet when adjoining another lot and ten (10) feet when adjacent to any street right-of-way line;
3. the rear yard is not less than 15 feet;
4. the front yard conforms to the minimum distance required;
5. where needed, the site has an approved sewage disposal system or an appropriate sewage permit; and,
6. provided that the site and its intended use complies with all other applicable provisions of this Ordinance.