

**VALLEY TOWNSHIP**  
**MONTOUR COUNTY, PENNSYLVANIA**

**ZONING ORDINANCE**

Enacted: June 12, 1991

Effective: June 17, 1991

*As Amended: April 27, 1994, July 28, 1999, April 26, 2000, &  
April 23, 2003*

Prepared by

VALLEY TOWNSHIP BOARD OF SUPERVISORS

VALLEY TOWNSHIP PLANNING COMMISSION

VALLEY TOWNSHIP ZONING HEARING BOARD

VALLEY TOWNSHIP ZONING OFFICER

and

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with the assistance of

LANDPLAN, INC.

Professional Planning & Development Consultant

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VALLEY TOWNSHIP ZONING ORDINANCE

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ARTICLE 1

**TITLE, AUTHORITY, AND PURPOSE**

**100 SHORT TITLE**

This Ordinance shall be known and may be cited as the Valley Township Zoning Ordinance, enacted June 12, 1991, as amended April 27, 1994, July 28, 1999, April 26, 2000, and April 23, 2003.

**101 AUTHORITY**

A. Township Authority

Section 601 of the PA Municipalities Planning Code (Act 247 of 1968, as amended) provides that the Supervisors of Valley Township may implement comprehensive plans or accomplish any of the purposes of the Planning Code by enacting a zoning ordinance.

B. Applicability

This Ordinance requires that, within the Township of Valley, in the County of Montour and the Commonwealth of PA, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations and procedures herein specified for the district in which such land, body of water, or structure is located.

**102 GENERAL PURPOSES**

The zoning regulations and districts herein set forth have been made in accordance with the Valley Township Comprehensive Plan of 1990, with consideration being given to the character of the municipality and its various parts, and the suitability of the various parts for particular uses and structures. As such, the regulations were designed to:

- A. promote, protect and facilitate the public health, safety, morals, general welfare; coordinated and practical community development; and proper density of population; emergency management preparedness and operations, airports and national defense facilities; the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains;

- B. prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic or other dangers;
- C. preserve prime agriculture and farmland considering topography, soil type and classification, and present use;
- D. provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing;
- E. accommodate reasonable overall community growth and provide opportunities for development of a variety of residential dwelling types and nonresidential uses; and
- F. facilitate appropriate development of the Township, protect the tax base, and encourage economy in public expenditures.

**103 COMMUNITY DEVELOPMENT OBJECTIVES**

This Ordinance provides a legal basis and framework for future development in Valley Township. Its provisions are guided by the policies and recommendations contained in the Township Comprehensive Plan of 1990. The following list of goal statements represent the Township Board of Supervisors' legislative finding with respect to land use; density of population; the need for housing, commerce and industry; the location and function of streets and other community facilities and utilities; the need for preserving agricultural land and protecting natural resources, and other factors which the Supervisors' believe relevant in guiding the future development of the municipality.

- A. Development densities and locations should be controlled in order to prevent overcrowding of the Township and to help maintain the character of the community's different segments.
- B. The peaceful, pleasant semi-rural environment and unique scenic qualities of the Township should be preserved for future generations.
- C. Land use policies and regulations should encourage development to locate in the best suited areas of the Township. Development should be required to respect the natural capabilities and limitations of the Township and its environment.
- D. Township land use policies and regulations should respect current Township residents and property owners and avoid creating economic hardship or inequities for them as development occurs.
- E. The Township and region's heritage should be understood, respected, and protected by all Township policies and initiatives.
- F. Environmental hazard areas, including steep slopes, floodplains, wetlands,

soils which are inappropriate for the placement of sub-surface sewage disposal systems, and other fragile resource areas should be utilized only in ways which will not create nor increase problems for the Township, its residents, or surrounding communities.

- G. Water quality in the Township should be protected from inappropriate development. The integrity of the Township's surface streams and groundwater recharge areas should be monitored and preserved.
- H. The capacity of the soils of all proposed development sites to accommodate on-site, sub-surface sewage disposal systems or the availability of community or package sewage treatment facilities should be demonstrated prior to approval of any new subdivision. Regulations requiring such documentation should be included in the Township's land use control regulations.
- I. Agricultural activities within the Township should be encouraged to continue where possible. Prime farm land should be identified and agricultural production should be recognized as a viable, necessary economic activity.
- J. Effective stormwater management controls should be provided within all new developments and, where possible, improvements should be made to existing drainage or stormwater run-off problems throughout the Township.
- K. Suitable, safe residential environments should be maintained and a variety of housing types and styles should be available for Township residents of all ages, family size, and income levels.
- L. Adequate, accessible public facilities, services, and utilities should be provided for all Township residents at a reasonable cost. Land use control regulations should require developers to supply all necessary sewer, water and electric services for and within their proposed developments.
- M. Recreational facilities and programs should be developed for use by Township residents of various ages and interests. Developers should be required to provide adequate space within new developments for appropriate leisure-time activities.
- N. An adequate, safe transportation network should be provided throughout the Township. New developments should be located and designed to maintain the integrity of the existing street system and minimize potential safety hazards for all users.
- O. Commercial, industrial, institutional, and other non-residential uses and activities should be promoted or be encouraged to locate only in areas designated for such uses.
- P. Local and regional planning efforts and public sector expenditures should be coordinated to help maximize the effectiveness of such investments, to provide for orderly growth and development, and to foster pleasant, safe living

environments.

**104 DISCLAIMER**

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

## ARTICLE 2

### DESIGNATION OF ZONING DISTRICTS

#### 200 DESIGNATION OF DISTRICTS

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

R-1	Low Density Residential District
R-2	Moderate Density Residential District
C-1	Neighborhood Commercial District
C-2	Highway Commercial District
I	Industrial District
AR	Agricultural Rural District
OS	Open Space District
FF & FP	Flood Fringe & General Floodplain District ( <i>Overlying District</i> )
FW	Floodway District ( <i>Overlying District</i> )

#### 201 DISTRICT PURPOSE STATEMENTS

##### A. R-1 Low Density Residential District

It is the intent of this district to provide an area within the Township where low density, single family residential development can be situated and a suitable and safe family environment can be promoted. Areas set aside for this zone include sections of the municipality where this type of development already exists and areas where further development of this nature could be located without creating conflicts with other non-compatible land uses. Lot sizes are based upon the need to safeguard the health of the residents and therefore require sufficient space to be provided for the placement of on-site sewage and water facilities. Commercial activities or other uses which would substantially interfere with this purpose are discouraged.

##### B. R-2 Moderate Density Residential District

This district is intended for application to areas within the Township where higher density residential development could be located. Such uses could include single-family attached or other types of multi-family dwellings or housing developments. Densities may vary throughout the district, but are intended to assure adequate, usable amounts of open space are reserved or provided in all cases and that adequate community or private sewer and water facilities and necessary public utilities are or will be made available. Provisions have also been included to allow for smaller minimum lot sizes or higher densities where community or package sewage treatment facilities and/or community water supplies become available.

C. C-1 Neighborhood Commercial District

The intent of this district is to provide area for the orderly development of small-scale retail sales businesses and to allow such establishments to be located within easy access of residential areas. This district is designed for application to areas of the Township where large commercial operations are undesirable, but where individual or small groups of convenience stores, professional offices, clinics, etc. are necessary to meet the neighborhood's need for goods and services, as well as provide for their social, cultural, and civic needs.

D. C-2 Highway Commercial District

This district is provided for the development of commercial activities and businesses oriented towards the travelling public on Interstate 80. Businesses located in this district generally cater to large volumes of people or can attract customers from sizeable distances. Provisions are included to assure that adequate public or community sewage disposal facilities and water supplies are provided and that sufficient arrangements are made to accommodate the anticipated volumes of traffic entering, exiting and parking on the site. It is not the intent of this district to encourage the extension of "strip" commercial areas, but rather to provide area for the development of concentrated commercial activities.

E. I Industrial District

It is the intent of this district to encourage the development and continued use of existing industrial buildings within this area for light or limited industrial or manufacturing operations. Acreage for this use has been provided in close proximity to Interstate 80 so as to maximize accessibility for distribution or receiving of goods or materials and to avoid creating problems by locating industrial areas in or near established residential neighborhoods. Reasonable standards are provided to minimize air pollution, noise, glare, heat, and fire and safety hazards. In addition, precautions have been included to insure adequate buffer plantings or screening is provided between this zone and all other adjoining zones.

F. AR Agricultural Rural District

This district is established to preserve and protect the semi-rural agricultural characteristics of the Township and to recognize land cultivation and agricultural production as an important economic activity. The intent of such designation is to permit those lands best suited for agriculture to be utilized for that purpose and to discourage incompatible land uses from encroaching into these areas. All types of agricultural activities, including agribusinesses, are permitted, as well as some residential uses. Uses which would substantially interfere with the purposes of this zone are discouraged.

G. OS Open Space District

It is the intent of this district to encourage the conservation of land where the economics of building and supplying public facilities and services is not in the best interest of the public, such as steep slopes, floodplains, wetlands, or other environmentally sensitive areas. The value of conserving land as a natural resource is recognized, as well as the problems which can be created by over-utilization or development of such areas. Problems arise involving soil erosion, stream and drainageway sedimentation, water supply contamination and loss of aesthetic values. The regulations governing this district therefore encourage uses which will enhance these environmental protection objectives.

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

The purpose of these districts is to prevent the loss of property and life; the creation of health and safety hazards; the disruption of commercial and government services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, permitted uses must be floodproofed against flood damage. (See Article 6.) In these floodplain areas, development and/or use of land shall be permitted in accordance with the regulations of the underlying districts, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions in all other applicable codes and ordinances.

I. FW Floodway District (Overlying District)

It is the intent of this district to prevent the loss of property or life; the creation of health and safety hazards; the disruption of commercial or government services; and the extraordinary and unnecessary expenditure of public funds for flood protection and relief. To achieve this end, only those uses which will not cause an increase in flood heights, velocities or frequencies will be permitted. (See Article 6.) In addition, in the Floodway District, no development shall be permitted except where the effects of such development on 100 year flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities and notification of such has been given to the Federal Insurance Administration and the PA Department of Community and Economic Development.

**202 ZONING MAP**

The locations and boundaries of the zoning districts are hereby established as shown on the Official Zoning Map, which is made a part of this Ordinance together with all future notations, references and amendments.

No change of any nature shall be made to the Official Zoning Map, except in conformance with the procedures set forth in Section 1100 of this Ordinance. The final authority as to the current status of zoning districts shall be the Official Zoning



Map. Any changes made to the zoning districts shall be made on the Official Zoning Map promptly after the amendment has been approved by the Township Supervisors, and shall bear the date of the amendment and the signatures of the Chairman of the Township Supervisors and the Township Secretary.

**203 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

A. Designation of District Boundaries

The district boundary lines, except for the floodplain districts, are intended to generally follow the centerlines of streets, highways, railroad rights-of-way, existing lot lines, municipal boundary lines, or streams or may be designated as shown on the Official Zoning Map by a specific dimension from a road centerline or other boundary as indicated.

B. Interpretation of District Boundaries

Where uncertainty exists with respect to the actual location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its interpretation with respect thereto. Provided however, no boundary shall be changed by the Zoning Hearing Board. If the true location of the boundary cannot be determined by interpretation of the Zoning Hearing Board, a request for corrective action shall be filed with the Township Supervisors.

C. Severed Lots

Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Zoning Hearing Board may permit the extension of the regulations for either zone into the remaining portion of the lot for a distance not to exceed 50 feet beyond the district line, where they find that such extension is consistent with the purposes of this Ordinance.

**204 FLOODPLAIN DISTRICT BOUNDARY CHANGES**

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

## ARTICLE 3

### DISTRICT REGULATIONS

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

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

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
  
- B. No building or other structure shall hereafter be erected or altered:
  - 1. to exceed the height or bulk;
  - 2. to accommodate or house a greater number of persons or families;
  - 3. to occupy a greater percentage of lot area;
  - 4. to have narrower or smaller rear yards, front yards, side yards or other open space;than herein required, or in any other manner be contrary to this Ordinance.
  
- C. The commencement of any of the uses or activities listed in the District Regulations shall require the issuance of a Zoning Permit from the Township Zoning Officer, except as may be provided otherwise in Section 1202 A. of this Ordinance.

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

The specific use regulations and dimensional requirements pertaining to each district are contained on the charts that follow, namely Sections 302-310.

Permissible USES AND STRUCTURES are presented in the first three columns of the chart for each district. Applications for activities listed in the columns titled Permitted Principal and Permitted Accessory Uses and Structures may be approved by the Zoning Officer upon finding that the proposed use meets the Ordinance requirements. Activities listed in the Conditional Uses and Structures column must be reviewed and approved by the Township Supervisors. (See Appendix C of this Ordinance for an illustration of the Conditional Use procedures, and Section 1101 for specific details of the process.)

Specific LOT, YARD, AND OPEN SPACE REQUIREMENTS are presented in the final three columns of each district chart. Applications for uses which do not meet the dimensional requirements for the district in which they are to be located, may be submitted to the Township Zoning Hearing Board for variance consideration. (See Appendix A of this Ordinance for an illustration of the variance procedure, and Section 1001 C. for specific details of the process.)

Section 302

**R-1 LOW DENSITY RESIDENTIAL DISTRICT**

**USES AND STRUCTURES**

<p><b>Permitted Principal Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Permitted Accessory Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Conditional Uses</b> (See Section 1101) (Township Supervisors)</p>
<ol style="list-style-type: none"> <li>1. Single family detached dwellings. (See 402)</li> <li>2. Two-family attached dwellings, i.e. duplexes. (See 402)</li> <li>3. Conversion apartments. (See 404)</li> </ol>	<ol style="list-style-type: none"> <li>1. Uses &amp; structures accessory or customarily incidental to a principal use.</li> <li>2. Private swimming pools. (See 413)</li> <li>3. No-impact home-based businesses. (See 410 A.)</li> </ol>	<ol style="list-style-type: none"> <li>1. Appropriate public uses and essential services.</li> <li>2. Private parks &amp; playgrounds. (See 417)</li> <li>3. Day nurseries or day care centers. (See 411)</li> <li>4. Single-family attached dwelling structures, i.e. townhouses. (See 405)</li> <li>5. Public swimming pools.</li> <li>6. Churches &amp; places of worship.</li> <li>7. Home occupations. (See 410 B.)</li> </ol>

(Continued on Next Page)

Section 302

**R-1 LOW DENSITY RESIDENTIAL DISTRICT**

**LOT, YARD & OPEN SPACE REQUIREMENTS**

<p><b>Minimum Lot Requirements</b> (See Section 501)</p>	<p><b>Minimum Yard Requirements</b> (See Section 502)</p>	<p><b>Maximum Height Requirements</b> (See Section 503)</p>
<p>1. <u>Maximum Lot Area Per Principal Structure or Use:</u></p> <p>a. <u>Single family detached dwellings &amp; other principal uses:</u> 40,000 sq.ft., except as listed below.</p> <p>b. <u>Single-family attached dwelling structures:</u> 40,000 sq.ft. + 2,500 sq.ft. per dwelling unit.</p> <p>c. <u>All lots</u> shall meet the requirements of the PA Sewage Facilities Act, and all other State and municipal sewage regulations.</p> <p>2. <u>Minimum Lot Width:</u> 150 feet.</p> <p>3. <u>Maximum Building Coverage:</u> 20%.</p>	<p>1. <u>Front Yard:</u> 50 feet from edge of road right of-way.</p> <p>2. <u>Side Yards:</u></p> <p>a. <u>Principal structures</u> - 15 feet each side.</p> <p>b. <u>Accessory structures</u> - 10 feet each side.</p> <p>3. <u>Rear Yard:</u></p> <p>a. <u>Principal structures</u> - 35 feet.</p> <p>b. <u>Accessory structures</u> - 10 feet.</p>	<p>1. <u>Principal Structures:</u> 35 feet or 2 1/2 stories.</p> <p>2. <u>Accessory Structures:</u> 20 feet or 1 1/2 stories.</p>

Section 303

**R-2 MODERATE DENSITY RESIDENTIAL DISTRICT**

**USES AND STRUCTURES**

<p><b>Permitted Principal Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Permitted Accessory Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Conditional Uses</b> (See Section 1101) (Township Supervisors)</p>
<ol style="list-style-type: none"> <li>1. Single family detached dwellings. (See 402)</li> <li>2. Two-family attached dwellings, i.e. duplexes. (See 402)</li> <li>3. Conversion apartments. (See 404)</li> <li>4. Single-family attached dwelling structures, i.e. townhouses. (See 405)</li> </ol>	<ol style="list-style-type: none"> <li>1. Uses &amp; structures accessory or customarily incidental to a principal use.</li> <li>2. Private swimming pools. (See 413)</li> <li>3. No-impact home-based businesses. (See 410 A.)</li> </ol>	<ol style="list-style-type: none"> <li>1. Appropriate public uses and essential services.</li> <li>2. Private or semi-public parks &amp; playgrounds. (See 417)</li> <li>3. Mobile home parks. (See 408)</li> <li>4. Multi-family dwellings, i.e. apartments. (See 406)</li> <li>5. Multi-family housing developments. (See 407)</li> <li>6. Planned residential developments. (See 427)</li> <li>7. Public or private schools.</li> <li>8. Group homes. (See 409)</li> <li>9. Home occupations. (See 410 B.)</li> </ol>

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Section 303

**R-2 MODERATE DENSITY RESIDENTIAL DISTRICT**

**LOT, YARD & OPEN SPACE REQUIREMENTS**

<p><b>Minimum Lot Requirements</b> (See Section 501)</p>	<p><b>Minimum Yard Requirements</b> (See Section 502)</p>	<p><b>Maximum Height Requirements</b> (See Section 503)</p>
<p>1. <u>Maximum Lot Area Per Principal Structure or Use:</u></p> <p>a. <u>Single family detached dwellings &amp; other principal uses</u> - 20,000 sq.ft., except as listed below. *</p> <p>b. <u>Single-family attached dwelling structures</u> - 30,000 sq.ft. + 2,500 sq.ft. per dwelling unit.</p> <p>c. <u>Multi-family dwelling structures</u> - 30,000 sq.ft. + 1,500 sq.ft. per DU.</p> <p>d. <u>Group homes</u> - 30,000 sq.ft. + 1,000 sq.ft. per bed.</p> <p>e. <u>Mobile home parks</u> - 5 acres.</p> <p>f. <u>Multi-family housing developments</u> – 5 acres</p> <p>g. <u>Planned residential developments</u> - 10 acres.</p> <p>h. <u>All lots shall meet the requirements of the PA Sewage Facilities Act, and all other State and municipal sewage regulations.</u></p> <p>2. <u>Minimum Lot Width:</u> 100 feet *</p> <p>3. <u>Maximum Building Coverage:</u> 20%.</p>	<p>1. <u>Front Yard:</u> 50 feet from edge of road right-of-way.</p> <p>2. <u>Side Yards:</u></p> <p>a. <u>On-lot Sewage &amp; Water</u> –</p> <p>1) <u>Principal structures</u> - 15 feet each side.</p> <p>2) <u>Accessory structures</u> - 10 feet each side.</p> <p>b. <u>Public Sewer OR Water</u> –</p> <p>1) <u>Principal structures</u> - 12 feet each side.</p> <p>2) <u>Accessory structures</u> - 8 feet each side.</p> <p>c. <u>Public Sewer AND Water</u> –</p> <p>1) <u>Principal structures</u> - 10 feet each side.</p> <p>2) <u>Accessory structures</u> - 5 feet each side.</p> <p>3. <u>Rear Yard:</u></p> <p>a. <u>On-lot Sewage &amp; Water</u> –</p> <p>1) <u>Principal structures</u> - 35 feet.</p> <p>2) <u>Accessory structures</u> - 10 feet.</p>	<p>1. <u>Principal Structures:</u> 35 feet or 2 1/2 stories.</p> <p>2. <u>Accessory Structures:</u> 20 feet or 1 1/2 stories.</p> <hr/> <p>b. <u>Public Sewer OR Water</u> –</p> <p>1) <u>Principal structures</u> - 30 feet.</p> <p>2) <u>Accessory structures</u> - 8 feet.</p> <p>c. <u>Public Sewer AND Water</u> –</p> <p>1) <u>Principal structures</u> - 25 feet.</p> <p>2) <u>Accessory structures</u> - 5 feet.</p>

\* **NOTE:** Where either public sewer **OR** water service is available: Minimum Lot Area: 15,000 sq.ft.; Minimum Lot Width: 85 feet.  
Where both public sewer **AND** water service are available: Minimum Lot Area: 10,000 sq.ft.; Minimum Lot Width: 75 feet.

Section 304

**C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

**USES AND STRUCTURES**

<p><b>Permitted Principal Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Permitted Accessory Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Conditional Uses</b> (See Section 1101) (Township Supervisors)</p>
<ol style="list-style-type: none"> <li>1. Neighborhood retail business establishments, inc. general stores, convenience markets, variety, gift, &amp; antique shops. (See 419)</li> <li>2. Personal service shops, inc. barber &amp; beauty shops, and lawn mower shops.</li> <li>3. Specialty shops for custom work, inc. bakeries, tailors, &amp; printers.</li> <li>4. Business, professional, or financial offices.</li> <li>5. Medical &amp; dental clinics; veterinary facilities.</li> <li>6. Art, music, &amp; dance studios.</li> <li>7. Clubs, lodges, &amp; social organizations.</li> <li>8. Municipal or community buildings.</li> </ol>	<ol style="list-style-type: none"> <li>1. Uses &amp; structures accessory or customarily incidental to a principal use.</li> <li>2. Roadside stands. (See 415)</li> <li>3. Warehousing or storage facilities associated with a principal use</li> <li>4. Residential uses associated with a commercial activity. (See 402)</li> </ol>	<ol style="list-style-type: none"> <li>1. Appropriate public uses and essential services.</li> <li>2. Private or semi-public parks, playgrounds, or recreational facilities. (See 417)</li> <li>3. Day nurseries or day care centers. (See 411)</li> <li>4. Funeral homes.</li> <li>5. Nursing or personal care homes.</li> <li>6. Restaurants &amp; taverns.</li> <li>7. Automotive service stations and repair shops. (See 420)</li> <li>8. Recycling drop-off centers.</li> <li>9. Bed &amp; breakfast establishments.(See 412)</li> <li>10. Single family detached dwellings. (See 402)</li> <li>11. Video stores and/or arcades. (See 419)</li> </ol>

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Section 304

**C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

**LOT, YARD & OPEN SPACE REQUIREMENTS**

<p><b>Minimum Lot Requirements</b> (See Section 501)</p>	<p><b>Minimum Yard Requirements</b> (See Section 502)</p>	<p><b>Maximum Height Requirements</b> (See Section 503)</p>
<p>1. <u>Maximum Lot Area Per Principal Structure or Use:</u></p> <p>a. <u>Neighborhood retail uses &amp; other principal uses:</u> 30,000 sq.ft., except as listed below.</p> <p>b. <u>Nursing or personal care homes:</u> 30,000 sq.ft. + 1,500 sq.ft. per bed.</p> <p>c. <u>All lots</u> shall meet the requirements of the PA Sewage Facilities Act, and all other State and municipal sewage regulations.</p> <p>2. <u>Minimum Lot Width:</u> 125 feet.</p> <p>3. <u>Maximum Building Coverage:</u> 30%. *</p>	<p>1. <u>Front Yard:</u></p> <p>a. <u>Buildings</u> - 50 feet from edge of road right of-way.</p> <p>b. <u>Parking areas</u> - 20 feet from edge of road right of-way.</p> <p>2. <u>Side Yards:</u> 10 feet each side. **</p> <p>3. <u>Rear Yard:</u> 15 feet.</p>	<p>1. <u>Principal Structures:</u> 35 feet or 2 1/2 stories.</p> <p>2. <u>Accessory Structures:</u> 20 feet or 1 1/2 stories.</p>
<p>** <u>NOTE:</u> No side yard requirement shall apply where fireproof common walls are used.</p>		
<p>* <u>NOTE:</u> Maximum building coverage for multi-use buildings shall be 50%.</p>		

Section 305

**C-2 HIGHWAY COMMERCIAL DISTRICT**

**USES AND STRUCTURES**

<p><b>Permitted Principal Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Permitted Accessory Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Conditional Uses</b> (See Section 1101) (Township Supervisors)</p>
<ol style="list-style-type: none"> <li>1. General retail &amp; business operations. (See 419)</li> <li>2. Personal service establishments.</li> <li>3. Medical &amp; dental clinics.</li> <li>4. Restaurants &amp; taverns.</li> <li>5. Automotive sales, service &amp; repair shops. (See 420)</li> <li>6. Business, professional, &amp; financial offices.</li> <li>7. Enclosed warehousing or storage facilities.</li> <li>8. Lumber yards.</li> </ol>	<ol style="list-style-type: none"> <li>1. Uses &amp; structures accessory or customarily incidental to a principal use.</li> <li>2. Parking lots, garages, or other parking facilities. (See Article 8)</li> <li>3. Warehousing or storage facilities associated with a principal use.</li> <li>4. Residential uses associated with a commercial activity. (See 402)</li> <li>5. Building-mounted communications antennas. (See 429)</li> </ol>	<ol style="list-style-type: none"> <li>1. Appropriate public uses and essential services.</li> <li>2. Public or semi-public recreational facilities or complexes. (See 417)</li> <li>3. Boarding or rooming homes. (See 426)</li> <li>4. Motels, hotels, or transient lodging facilities.</li> <li>5. Public entertainment facilities. (See 418)</li> <li>6. Transportation terminals.</li> <li>7. Shopping centers.</li> <li>8. Adult entertainment establishments. (See 428)</li> </ol>

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Section 305

**C-2 HIGHWAY COMMERCIAL DISTRICT**

**LOT, YARD & OPEN SPACE REQUIREMENTS**

<p><b>Minimum Lot Requirements</b> (See Section 501)</p>	<p><b>Minimum Yard Requirements</b> (See Section 502)</p>	<p><b>Maximum Height Requirements</b> (See Section 503)</p>
<p>1. <u>Maximum Lot Area Per Principal Structure or Use:</u></p> <p>a. <u>General retail uses &amp; other principal uses:</u> 1 acre (43,560 sq. ft.).</p> <p>b. <u>All lots</u> shall meet the requirements of the PA Sewage Facilities Act, and all other State and municipal sewage regulations.</p> <p>2. <u>Minimum Lot Width:</u> 150 feet.</p> <p>3. <u>Maximum Building Coverage:</u> 30%, and at least 25% of the lot shall also be landscaped.</p>	<p>1. <u>Front Yard:</u></p> <p>a. <u>Buildings</u> - 50 feet from edge of road right of-way.</p> <p>b. Parking areas - 20 feet from edge of road right of-way.</p> <p>2. <u>Side Yards:</u> 10 feet each side. *</p> <p>3. <u>Rear Yard:</u> 15 feet.</p> <p>* <u>NOTE:</u> No side yard requirement shall apply where fireproof common walls are used.</p>	<p>1. <u>Principal Structures:</u> 35 feet or 2 1/2 stories.</p> <p>2. <u>Accessory Structures:</u> 20 feet or 1 1/2 stories.</p>

Section 306

**I INDUSTRIAL DISTRICT**

**USES AND STRUCTURES**

<p><b>Permitted Principal Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Permitted Accessory Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Conditional Uses</b> (See Section 1101) (Township Supervisors)</p>
<ol style="list-style-type: none"> <li>1. Research, development, &amp; testing facilities.</li> <li>2. Enclosed manufacturing, assembly, or light industrial operations.</li> <li>3. Manufacturing of apparel, textiles, &amp; clothing.</li> <li>4. Pharmaceutical or laboratory facilities.</li> <li>5. Warehouses or distribution centers.</li> </ol>	<ol style="list-style-type: none"> <li>1. Uses &amp; structures accessory or customarily incidental to a principal use.</li> <li>2. Enclosed storage of goods or materials produced in conjunction with a principal use.</li> <li>3. Administrative offices associated with a principal use.</li> <li>4. Off-street parking &amp; Loading facilities (See Article 8)</li> <li>5. Building-mounted communications antennas. (See 429)</li> </ol>	<ol style="list-style-type: none"> <li>1. Appropriate public uses and essential services.</li> <li>2. Retail sales or distribution of products produced in a principal use.</li> <li>3. Transportation terminals.</li> <li>4. Recycling drop-off centers.</li> <li>5. Junk yard or auto salvage operations. (See 425)</li> </ol>

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Section 306

**I INDUSTRIAL DISTRICT**

**LOT, YARD & OPEN SPACE REQUIREMENTS**

<p><b>Minimum Lot Requirements</b> (See Section 501)</p>	<p><b>Minimum Yard Requirements</b> (See Section 502)</p>	<p><b>Maximum Height Requirements</b> (See Section 503)</p>
<p>1. <u>Maximum Lot Area Per Principal Structure or Use:</u></p> <p>a. <u>Manufacturing or industrial operations &amp; other principal uses:</u> 2 acres (87,120 sq.ft.,) except as listed below. *</p> <p>b. <u>Junk yard or auto salvage operation</u> - 5 acres.</p> <p>c. <u>All lots</u> shall meet the requirements of the PA Sewage Facilities Act, and all other State and municipal sewage regulations.</p> <p>2. <u>Minimum Lot Width:</u> 200 feet. *</p> <p>3. <u>Maximum Building Coverage:</u> 30%, and at least 25% of the lot shall also be landscaped.</p> <p>* <b>NOTE:</b> Where both public sewer AND water service are available:</p> <p><u>Minimum Lot Area:</u> 1 acre (43,560 sq.ft.) <u>Minimum Lot Width:</u> 150 feet.</p>	<p>1. <u>Front Yard:</u></p> <p>a. <u>Buildings</u> - 50 feet from edge of road right of-way.</p> <p>b. <u>Parking areas</u> - 20 feet from edge of road right of-way.</p> <p>2. <u>Side Yards:</u> 20 feet each side. **</p> <p>3. <u>Rear Yard:</u> 40 feet. **</p> <p>** <b>NOTES:</b> Where adjacent to a Residential District, side and rear yard setbacks shall be at least 100 feet.</p> <p>Towers and chimneys shall be set back a distance equal to their height from all property lines.</p>	<p>1. <u>Principal &amp; Accessory Structures:</u> 40 feet</p>

Section 307

**AR AGRICULTURAL RURAL DISTRICT**

**USES AND STRUCTURES**

<p><b>Permitted Principal Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Permitted Accessory Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Conditional Uses</b> (See Section 1101) (Township Supervisors)</p>
<ol style="list-style-type: none"> <li>1. Agricultural uses, inc. Land cultivation, raising of poultry or livestock, &amp; tree farming. (See 414)</li> <li>2. Horticultural activities, inc. nurseries or greenhouses</li> <li>3. Kennels, stables, or riding academies.</li> <li>4. Grange halls.</li> <li>5. Single family detached dwellings. (See 402).</li> <li>6. Mobile homes on individual lots. (See 403)</li> <li>7. Churches or places of worship.</li> <li>8. Commercial timber harvesting activities. (See 422)</li> <li>9. Veterinary clinics, offices, or hospitals.</li> </ol>	<ol style="list-style-type: none"> <li>1. Uses &amp; structures accessory or customarily incidental to a principal use.</li> <li>2. Roadside stands. (See 415)</li> <li>3. Home occupations. (See 410 B.)</li> <li>4. Private swimming pools. (See 413)</li> </ol>	<ol style="list-style-type: none"> <li>1. Appropriate public uses and essential services.</li> <li>2. Agri-businesses, inc the sale of farm-related equipment.</li> <li>3. Feed &amp; grain mills.</li> <li>4. Lumber yards or sawmills.</li> <li>5. Private parks &amp; recreational facilities. (See 417)</li> <li>6. Campgrounds or RV parks (See 416)</li> <li>7. Bed &amp; breakfast establishments.(See 412)</li> <li>8. Commercial clean-fill activities.</li> <li>9. Public or private schools.</li> <li>10. Cemeteries.</li> <li>11. State –approved sanitary landfills.</li> <li>12. Commercial communications antennas, towers, &amp;/or equipment buildings. (See 429)</li> </ol>

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Section 307

**AR AGRICULTURAL RURAL DISTRICT**

**LOT, YARD & OPEN SPACE REQUIREMENTS**

<p><b>Minimum Lot Requirements</b> (See Section 501)</p>	<p><b>Minimum Yard Requirements</b> (See Section 502)</p>	<p><b>Maximum Height Requirements</b> (See Section 503)</p>
<p>1. <u>Maximum Lot Area Per Principal Structure or Use:</u></p> <p>a. <u>Agricultural &amp; other principal uses:</u> 1 acre, except as listed below. *</p> <p>b. <u>Sanitary landfills</u> - 100 acres.</p> <p>c. <u>All lots</u> shall meet the requirements of the PA Sewage Facilities Act, and all other State and municipal sewage regulations.</p> <p>2. <u>Minimum Lot Width:</u> 150 feet.</p> <p>3. <u>Maximum Building Coverage:</u> 20%.</p> <p>* <b>NOTE:</b> Land cultivation activities and tree farming operations shall be exempt from the minimum lot area requirements of this Ordinance.</p>	<p>1. <u>Front Yard:</u> 50 feet from edge of road right of-way. **</p> <p>2. <u>Side Yards:</u> **</p> <p>a. <u>Principal structures</u> - 15 feet each side.</p> <p>b. <u>Accessory structures</u> - 10 feet each side.</p> <p>3. <u>Rear Yard:</u> **</p> <p>a. <u>Principal structures</u> - 35 feet.</p> <p>b. <u>Accessory structures</u> - 10 feet.</p> <p>** <b>NOTE:</b> Structures housing livestock and/or poultry shall be set back at least 200 feet from all public rights- of-way and 500 feet from all Residential Districts.</p>	<p>1. <u>Principal Structures:</u> 35 feet or 2 1/2 stories.</p> <p>2. <u>Accessory Structures:</u> 20 feet or 1 1/2 stories.</p> <p>3. <u>Agricultural Structures:</u> No height limitations.</p>

Section 308

**OS OPEN SPACE DISTRICT**

**USES AND STRUCTURES**

<p><b>Permitted Principal Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Permitted Accessory Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Conditional Uses</b> (See Section 1101) (Township Supervisors)</p>
<ol style="list-style-type: none"> <li>1. Land conservation activities, inc. game lands, wildlife preserves, &amp; preservation of natural amenities.</li> <li>2. Agricultural uses, inc. land cultivation, raising of poultry or livestock, &amp; tree farming. (See 414)</li> <li>3. Horticultural activities, inc. nurseries &amp; greenhouses.</li> <li>4. Public, semi-public or private parks, playgrounds, or recreational facilities. (See 417)</li> <li>5. Kennels, stables, or riding academies.</li> <li>6. Commercial timber harvesting activities and/or sawmills. (See 422)</li> <li>7. Single family detached dwellings. (See 402).</li> <li>8. Cemeteries</li> <li>9. Earth-sheltered homes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Uses &amp; structures accessory or customarily incidental to a principal use.</li> <li>2. Roadside stands. (See 415)</li> <li>3. Home occupations. (See 410 B.)</li> <li>4. Private swimming pools. (See 413)</li> <li>5. Building-mounted communications antennas. (See 429)</li> </ol>	<ol style="list-style-type: none"> <li>1. Appropriate public uses and essential services.</li> <li>2. Campgrounds or RV parks (See 416)</li> <li>3. Commercial resource extraction operations. (See 423)</li> <li>4. Commercial communications antennas, towers, &amp;/or equipment buildings. (See 429)</li> </ol>

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Section 308

**OS OPEN SPACE DISTRICT**

**LOT, YARD & OPEN SPACE REQUIREMENTS**

<p><b>Minimum Lot Requirements</b> (See Section 501)</p>	<p><b>Minimum Yard Requirements</b> (See Section 502)</p>	<p><b>Maximum Height Requirements</b> (See Section 503)</p>
<p>1. <u>Maximum Lot Area Per Principal Structure or Use:</u></p> <p>a. <u>Conservation &amp; other principal uses:</u> 3 acres, except as listed below. *</p> <p>b. <u>Campgrounds or RV parks</u> - 5 acres.</p> <p>c. <u>Resource extraction operations</u> – 10 acres.</p> <p>c. <u>All lots</u> shall meet the requirements of the PA Sewage Facilities Act, and all other State and municipal sewage regulations.</p> <p>2. <u>Minimum Lot Width:</u> 250 feet.</p> <p>3. <u>Maximum Building Coverage:</u> 10%.</p> <p>* <b>NOTE:</b> Land cultivation activities and tree farming operations shall be exempt from the minimum lot area requirements of this Ordinance.</p>	<p>1. <u>Front Yard:</u> 50 feet from edge of road right of-way. **</p> <p>2. <u>Side Yards:</u> **</p> <p>a. <u>Principal structures</u> - 50 feet each side.</p> <p>b. <u>Accessory structures</u> - 25 feet each side.</p> <p>3. <u>Rear Yard:</u> **</p> <p>a. <u>Principal structures</u> - 50 feet.</p> <p>b. <u>Accessory structures</u> - 25 feet.</p> <p>** <b>NOTE:</b> Structures housing livestock and/or poultry shall be set back at least 200 feet from all public rights- of-way and 500 feet from all Residential Districts.</p>	<p>1. <u>Principal Structures:</u> 35 feet or 2 1/2 stories.</p> <p>2. <u>Accessory Structures:</u> 20 feet or 1 1/2 stories.</p> <p>3. <u>Agricultural Structures:</u> No height limitations.</p>

Section 309

**FF & FP FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT  
(Overlying District)**

**USES AND STRUCTURES \***

<p><b>Permitted Principal Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Permitted Accessory Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Conditional Uses</b> (See Section 1101) (Township Supervisors)</p>
<p>Same as the underlying district, and in addition:</p> <ol style="list-style-type: none"> <li>1. Public, semi-public, or private recreational facilities, inc. parks, playgrounds, picnic areas, hiking trails, hunting &amp; fishing areas, etc. (See 417)</li> <li>2. Agricultural uses, inc. land cultivation, raising of poultry or livestock, and/or horticultural activities. (See 414)</li> <li>3. Temporary uses, such as carnivals or circuses. (See 424)</li> </ol> <p>-----</p>	<p>SAME AS THE UNDERLYING DISTRICT</p>	<p>-----</p>

\* **NOTE:** All uses, activities, and/or development in this District shall be undertaken in strict compliance with the floodproofing requirements contained in Article 6 of this Ordinance.

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Section 309

**FF & FP FLOOD FRINGE & GENERAL FLOODPLAIN DISTRICT  
(Overlying District)**

**LOT, YARD & OPEN SPACE REQUIREMENTS**

<b>Minimum Lot Requirements</b> (See Section 501)	<b>Minimum Yard Requirements</b> (See Section 502)	<b>Maximum Height Requirements</b> (See Section 503)
-----	SAME AS THE UNDERLYING DISTRICT	-----

Section 310

**FW FLOODWAY DISTRICT  
(Overlying District)**

**USES AND STRUCTURES**

<p><b>Permitted Principal Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Permitted Accessory Uses &amp; Structures</b> (Zoning Officer)</p>	<p><b>Conditional Uses</b> (See Section 1101) (Township Supervisors)</p>
<p>Same as the underlying district, and in addition:</p> <ol style="list-style-type: none"> <li>1. Undeveloped public or private recreational facilities, inc. parks, playgrounds, picnic areas, hiking trails, hunting &amp; fishing areas, etc. (See 417)</li> <li>2. Agricultural uses, inc. land cultivation, raising of poultry or livestock, and/or horticultural activities. (See 414)</li> <li>3. Temporary uses, such as carnivals or circuses. (See 424)</li> </ol> <p>-----</p>	<p>SAME AS THE UNDERLYING DISTRICT</p>	<p>-----</p>

\* **NOTE:** No new construction or development shall be permitted in this District that will increase the elevation of the 100 year flood.

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Section 310

**FW FLOODWAY DISTRICT  
(Overlying District)**

**LOT, YARD & OPEN SPACE REQUIREMENTS**

<b>Minimum Lot Requirements</b> (See Section 501)	<b>Minimum Yard Requirements</b> (See Section 502)	<b>Maximum Height Requirements</b> (See Section 503)
-----	SAME AS THE UNDERLYING DISTRICT	-----

## ARTICLE 4

### SUPPLEMENTARY USE REGULATIONS

#### **400 PURPOSE AND APPLICABILITY**

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

#### **401 PROHIBITED USES**

Any use not otherwise expressly permitted in any district shall be prohibited. If an individual desires to undertake an activity not expressly permitted, he may request the Township Board of Supervisors to consider amending the Ordinance to permit such a use. (See Section 1100 for amendment process.)

#### **402 DWELLING UNITS**

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

- A. Every dwelling unit shall be placed upon and firmly anchored to a permanent foundation, except as may be provided for mobile homes in Sections 403 and 410. A permanent foundation shall consist of no less than footers or masonry construction set well below the frost line or other technique or methodology of demonstrated capability.
- B. Every dwelling unit which is to be located in the Special Flood Hazard Area of the 100 year floodplain shall comply with all applicable District Regulations in Article 3 and the floodplain management provisions contained in Article 6 of this Ordinance.
- C. Every single-family dwelling unit (whether attached or detached) must contain a minimum of 600 square feet of habitable floor area. In the case of multiple family dwellings, each unit must contain a minimum of 400 square feet of habitable floor area, except for efficiency apartments, where 250 square feet of habitable floor area must be provided for each unit.

#### **403 MOBILE HOMES ON INDIVIDUAL LOTS**

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

- A. Every lot to be used for the placement of an individual mobile home shall have a gross area at least equal to the minimum lot size of the district in which it is located. In addition, the unit must be situated on the lot to meet the applicable minimum setback line requirements.
- B. Every mobile home shall be placed upon a foundation. One of the following types of foundations must be utilized. (See also Sections 403 C. and D.)
  - 1. Permanent Foundation. A permanent foundation shall consist of no less than footers or masonry construction set well below the frost line or other technique or methodology of demonstrated capability.
  - 2. Temporary Stand or Pad. A temporary pad or stand, properly graded, placed and compacted so as to be durable and adequate to support maximum anticipated loads during all seasons may be utilized in situations where a permanent foundation is not practical or a temporary foundation is desirable. Such temporary facilities may be permitted for a period of one (1) year, and may be renewed annually for two (2) additional one (1) year periods.
- C. Every mobile home shall be firmly anchored to its foundation prior to the unit being occupied or used in order to prevent overturning or uplift. The mobile home foundation shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadman" eyelets embedded in concrete or runways, screw augers or arrow head anchors. The anchoring system shall be designed to resist a minimum wind velocity of at least 90 miles per hour.
- D. Each mobile home shall have a continuous wall around its entire perimeter. The wall shall be constructed in accordance with one of the following methods:
  - 1. Permanent Walls. A permanent wall may be constructed of concrete or masonry and shall extend from the unit floor system to concrete footing below the subgrade frost line; i.e. the extension of a permanent foundation.
  - 2. Skirting. If a masonry wall is not used, each mobile home shall be encircled with skirting designed to compliment its appearance. Skirting shall include materials which have been prefabricated for this specific purpose or other impervious, moisture resistant materials, and shall not include bales of hay, straw, interior plywood, or like materials.
- E. Access to crawl space created by the installation of a wall shall be provided by means of a door(s) or panel(s) capable of being locked.
- F. Every unit to be used as a dwelling unit must contain a minimum of 600 square feet of habitable floor area.
- G. Every unit which is to be placed in the Special Flood Hazard Area of the 100 year floodplain must comply with all applicable provisions contained in Article 6 of this Ordinance.

**404 CONVERSION APARTMENTS**

- A. Conversions shall not exceed three (3) dwelling units per structure.
- B. Conversions shall be subject to the habitable floor area requirements set forth in Section 402 C.
- C. The lot upon which a conversion apartment is located shall have a gross area at least equal to the minimum lot size for the district in which it is located.
- D. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the conversion. Certification, by the Township Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing sub-surface sewage disposal system or a sewage permit for the installation of a new system shall be submitted as part of an application for such use.
- E. The yard, height, off-street parking, and other applicable requirements of this Ordinance shall be met.

**405 SINGLE-FAMILY ATTACHED DWELLING STRUCTURES**

Single-family attached dwelling structures shall be permitted only in those zoning districts and as specified in Article 3; as a Principal Permitted Use in the R-1 District and as a Conditional Use in the R-2 Zone. Every such application shall meet the requirements outlined below as well as the requirements of the Subdivision and Land Development Ordinance in effect in Valley Township.

A. Minimum Lot Area Requirements

- 1. In the R-1 District, each single-family attached dwelling structure shall have a gross area of 40,000 square feet plus an additional 2,500 square feet for each dwelling unit in the structure. Where such a structure is to be located in the R-2 District, a gross area of 30,000 square feet shall be provided plus an additional 2,500 square feet per dwelling unit.
- 2. Where individual dwelling units of a single-family attached dwelling structure are to be conveyed and arrangements can be made for adequate sewage and water treatment, the following dimensional requirements shall apply:
  - a. Minimum Lot Area.
    - 1) Interior Lots. 7,500 square feet
    - 2) Exterior Lots. 10,000 square feet
  - b. Minimum Lot Width. 30 feet
  - c. Minimum Front Yard Requirement. See applicable District



Regulations.

d. Minimum Side Yard Requirements.

1) Interior Lots. None.

2) Exterior Lots. 10 feet from edge of structure.

e. Minimum Rear Yard Requirement. 25 feet.

B. Traffic Access and Parking Facilities

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

C. Sewage and Water Facilities

Adequate sewage and water facilities must be provided by the developer in accordance with the standards of the PA Department of Environmental Protection. Sewage facilities shall also be consistent with the recommendations of the Township's Official Sewage Facilities Plan. The preferred method of sewage disposal shall be by community or package facilities. However, if the developer can produce sufficient permits and/or proof that an on-site disposal system(s) can adequately handle the anticipated effluent, then this means of sewage disposal may be permitted.

D. Solid Waste Collection and Disposal

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

E. Drainage Control Requirements

All plans for single-family attached dwelling structures shall include information indicating what types of drainage control facilities will be installed to handle runoff produced by the new structure and the grade of the site. The plans should also indicate where the drainage is to be ultimately channeled. As per the requirements of Act 167 of 1978, the post-development runoff rate shall not exceed the pre-development runoff rate.

F. Grading and Landscaping (Soil Erosion and Sedimentation Control Plans)

Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be submitted showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces

shall be protected with a vegetative cover. And where adjacent land use dictates, screening or buffer strips of 25 feet may be required. (See also Sections 505 & 506.)

G. Common Open Space Ownership & Maintenance

Where the conveyance of title to individual dwelling units of a single-family attached dwelling structure does not include the conveyance of any land area or does not include the conveyance of the entire site, the developer shall submit a plan of the arrangements to be made for ultimate ownership of and maintenance responsibilities for the common open space/land area associated with the building as a part of his application for such a use.

**406 MULTI-FAMILY DWELLING STRUCTURES**

Multi-family dwelling structures shall be permitted only in those zoning districts and as specified in Article 3; as a Conditional Use in the R-2 District. Every such structure shall meet the requirements outlined below as well as the provisions of the Subdivision and Land Development Ordinance in effect in Valley Township.

A. Minimum Lot Area Requirements

Each multi-family dwelling structure shall have a gross area of 30,000 square feet plus an additional 1,500 square feet for each dwelling unit in the structure.

B. Traffic Access and Parking Facilities

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

C. Sewage and Water Facilities

Adequate sewage and water facilities must be provided by the developer in accordance with the standards of the PA Department of Environmental Protection. Sewage facilities shall also be consistent with the recommendations of the Township's Official Sewage Facilities Plan. The preferred method of sewage disposal shall be by community or package facilities. However, if the developer can produce sufficient permits and/or proof that an on-site disposal system(s) can adequately handle all of the anticipated effluent, then this means of sewage disposal may be permitted.

D. Solid Waste Collection and Disposal

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

E. Drainage Control Requirements

All plans for multi-family dwelling structures shall include information indicating what types of drainage control facilities will be installed to handle runoff produced by the new structure and the grade of the site. The plans should also indicate where the drainage is to be ultimately channeled. As per the requirements of Act 167 of 1978, the post-development runoff rate shall not exceed the pre-development runoff rate.

F. Grading and Landscaping (Soil Erosion and Sedimentation Control Plans)

Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be submitted showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces shall be protected with a vegetative cover. And where adjacent land use dictates, screening or buffer strips of 25 feet may be required. (See also Sections 505 & 506.)

G. Common Open Space Ownership & Maintenance

Where individual dwelling units of a multi-family dwelling structure are to be conveyed, i.e. as condominiums, the developer shall submit a plan of the arrangements to be made for ultimate ownership of and maintenance responsibilities for the common open space/land area associated with the building as a part of his application for such a use.

**407 MULTI-FAMILY HOUSING DEVELOPMENTS**

Multi-family housing developments may be permitted only in those zoning districts and as outlined in Article 3; as a Conditional Use in the R-2 District. All such developments shall meet the requirements outlined below as well as the provisions set forth in the Valley Township Subdivision and Land Development Ordinance.

A. Design Standards

1. Minimum Parcel Area and Gross Density. Each multi-family housing development shall have a minimum gross area of at least five (5) contiguous acres of land suitable for development. The maximum allowable density shall be eight (8) dwelling units per acre.

Where individual dwelling units of a single-family attached dwelling structure are to be conveyed, see dimensional standards established in Section 405 A.2.

2. Traffic Access. All proposed site accessways must be adequate, but not excessive in number; adequate in grade, width, alignment and visibility, and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.

3. Circulation and Parking. The interior traffic circulation system must be adequate, and all required parking spaces must be provided and be easily accessible. No less than 2.0 stabilized spaces per dwelling unit shall be available on the site.
4. Streets and Drainage System Requirements. All structures within a multi-family housing development must access directly onto a public street or onto a street in the internal road system of the development. All new streets and drainage control systems shall be designed and constructed in accordance with the road and drainage control standards outlined in the Subdivision and Land Development Ordinance in effect for Valley Township. As per the requirements of Act 167 of 1978, the post-development runoff rate shall not exceed the pre-development runoff rate.
5. Arrangement of Buildings. Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of two (2) exterior exposures.
6. Sewage Treatment and Water Supply. Adequate sewer and water facilities must be available or be provided by the developer in accordance with the standards of the PA Department of Environmental Protection. Sewage facilities must also be consistent with the recommendations of the Township's Official Sewage Facilities Plan. Such service shall be provided utilizing a community or package treatment system. No on-site, sub-surface sewage disposal systems will be permitted. Proper approvals for the proposed system(s) must be provided by the applicant.
7. Grading and Ground Cover (Soil Erosion and Sedimentation Control Plans). Where excavation or grading is proposed or where existing trees, shrubs or other vegetative cover is to be removed, plans shall be presented showing what steps are to be taken to avoid soil erosion. Exposed ground surfaces shall be protected with a vegetative cover.
8. Landscaping. The proposed site must be properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening or buffer strips of 25 feet shall be required. (See also Sections 505 & 506.)
9. Common Open Space/Recreation Area Requirements. A minimum of five (5) percent of the gross area of the development or 500 square feet per dwelling unit, whichever is greater, shall be reserved by the developer as common open space/recreation area for use by all residents. This open space/recreation area shall be suitable for outdoor recreational activity and shall be easily accessible to all units. Applications for multi-family housing developments shall also include a proposal regarding the ultimate ownership and maintenance responsibilities for such open space/recreation area.
10. Solid Waste Collection and Disposal. The developer shall present

information explaining his proposed method of solid waste collection and disposal. If such a method is not deemed sufficient, an alternate method shall be proposed by the applicant.

B. Building Relationships

1. Maximum Length of Rows. The maximum length of any group of attached structures shall not exceed 150 feet. A building group must be arranged in order to be accessible by emergency vehicles.
2. Distance Between Buildings.
  - a. The front or rear of any building shall be no closer to the front or rear of any other building than 40 feet.
  - b. The side of any building shall be no closer to the side, front, or rear of any other building than 30 feet.
3. Distance Between Buildings and Driveways.
  - a. No driveway or parking lot should be closer than 25 feet to the front of any building, nor ten (10) feet to the side or rear of any building.
  - b. In the case of an enclosed garage or carport provided as a portion of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.
4. Setback Requirements. All multi-family dwelling structures situated within a multi-family housing development shall be setback a minimum of 75 feet from all property boundary lines.

**408 MOBILE HOME PARKS**

Mobile home parks are permitted only in those zoning districts and as specified in Article 3; as a Conditional Use in the R-2 District. Every proposed mobile home park shall meet the following requirements as well as the requirements of the Subdivision and Land Development Ordinance in effect in Valley Township. (Each and every mobile home placed in an approved mobile home park shall secure an Occupancy Permit as required by this Ordinance, prior to its use as living quarters.)

A. Design Standards

1. Minimum Park Area. Each mobile home park shall have a gross area of at least five (5) contiguous acres of land suitable for development.
2. Mobile Home Park Lot Requirements.
  - a. Gross Density. The maximum number of mobile home lots within every mobile home park shall be no more than five (5) lots per acre

of gross area of the mobile home park.

- b. Minimum Lot Sizes. The minimum mobile home lot shall contain no less than 7,500 square feet. The minimum width of any mobile home lot shall be not less than 75 feet. The minimum length of every mobile home lot measured from the edge of the right-of-way line of the mobile home park internal street shall be not less than 100 feet.
- c. Mobile Home Lot Access. All mobile home lots shall abut on and have frontage on a street of the mobile home park internal street system. (See also Section 408 A.7. below.)

3. Setbacks, Buffer Strips and Screening Requirements.

- a. Setbacks from Public Roads. All mobile home and auxiliary park buildings shall be located at least 50 feet from the edge of the abutting public road right-of-way or street.
- b. Park Perimeter Buffer Yard. All mobile homes, auxiliary park buildings and other park structures shall be located at least 50 feet from the mobile home park boundary lines. If a suitable, attractive screening, either man-made or of natural plantings, is provided along the perimeter, this minimum buffer may be reduced to 25 feet.
- c. Screening Requirements Within the Mobile Home Park. Repair, maintenance, and storage areas or buildings shall be effectively and attractively screened from the mobile home lots, park streets and public roads or streets by man-made screens or natural plant materials.
- d. Minimum Distances Between Structures Within the Mobile Home Park. All mobile homes shall be located at least 50 feet from any auxiliary park buildings and repair, maintenance, or storage areas or buildings and at least 20 feet from any other mobile home in the mobile home park.

4. Grading and Ground Cover Requirements (Soil Erosion and Sedimentation Control Plans). The ground surface in the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Exposed ground surfaces in the park shall be covered with stone screenings, or other solid material, or protected with a vegetative growth capable of preventing soil erosion.

5. Common Open Space/Recreation Area Requirements. A minimum of ten (10) percent of the gross park area or 1,000 square feet per unit, whichever is larger, shall be reserved by the developer as common open space/recreational area for use by all residents of the park. This open space/recreation area shall be suitable for outdoor recreational activity and shall be easily accessible to all mobile home lots. Applications for mobile

home parks shall include a proposal regarding the ultimate ownership and maintenance responsibilities for such common open space/recreation area.

6. Parking Space Requirements. A minimum of 2.0 stabilized vehicle parking spaces shall be provided for each mobile home lot within the mobile home park. These parking spaces shall be located on the mobile home lot which they are intended to serve.
7. Mobile Home Park Internal Street and Drainage System Requirements. All mobile home lots within a mobile home park must access onto the mobile home park internal street system. Streets and drainage control systems shall be constructed in accordance with the road standards outlined in the Subdivision and Land Development Ordinance in effect for Valley Township except that street widths shall be as follows:
  - a. Where parking is permitted on both sides, a minimum road cartway width of 36 feet shall be required.
  - b. Where parking is limited to one side, a minimum road cartway width of 28 feet shall be required.
  - c. Where no parking is permitted on either side of the street, a minimum road cartway width of 20 feet shall be required.
8. Mobile Home Lot Improvements. Each mobile home lot within the mobile home park shall be improved by the developer for use by independent mobile homes. This shall include the provision of a durable pad or stand (not less than 12 feet x 60 feet in size) properly graded, placed, compacted and surfaced to provide support for maximum anticipated loads in all seasons; all necessary utility hook-ups; an all-weather patio with a minimum area of 200 square feet; and an enclosed storage shed containing a minimum of 80 square feet of floor space. Sheds shall be durable, constructed of commercially available materials and shall be anchored.

B. Utilities and Park Facilities

1. Water Supply System. An adequate supply of water shall be provided by the developer for all mobile homes, service buildings and other accessory facilities in accordance with the standards and with the approval of the PA Department of Environmental Protection. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the applicant shall design, install, and maintain a private water supply system.
2. Sewage Disposal System. An adequate and safe sewage system shall be provided by the developer in all mobile home parks for conveying and

disposing of sewage from mobile homes, service buildings and other accessory facilities. Such facilities shall be provided in accordance with the standards and with the approval of the PA Department of Environmental Protection. Sewage facilities shall also be consistent with the recommendations of the Township's Official Sewage Facilities Plan. Mobile home parks shall be connected to public sewer systems, where possible. Where a satisfactory public sewage disposal system is not available, the applicant shall design, install and maintain an approved private sewage system.

3. Other Utility Systems. Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided in accordance with plans approved by the Township and the utility company. Underground installation of the utility distribution and service lines is required for approval of the mobile home park proposal.
4. Service and Other Auxiliary Park Buildings. Service, maintenance and management buildings, recreation or community buildings and commercial sales buildings required for the management, servicing and maintenance of the park and well-being of the park residents shall be allowed within the mobile home park boundaries. The entire area of these buildings shall be used exclusively for the management, servicing and maintenance requirements of the park and park residents.
5. Park Management. Each mobile home park shall have a resident manager who shall be responsible for maintaining the park in accordance with the requirements of this Ordinance and the terms and conditions of the park's approval.
6. Solid Waste Collection and Disposal. The developer shall present information explaining the proposed method of solid waste collection and disposal. If such method is not deemed sufficient, an alternate method shall be proposed by the applicant.

C. Rules and Regulations of the Park

The developer shall submit a copy of the proposed rules and regulations to be followed by tenants of the mobile home park as a part of his application for such a use. (See also PA Mobile Home Park Tenants Act.)

1. Each mobile home shall be skirted. (Skirting shall include materials which have been prefabricated for this specific purpose or similar materials, but shall not include bales of hay, straw, interior plywood, or like materials.)
2. Garbage and trash shall be placed in appropriate receptacles.
3. Each mobile home shall be anchored to prevent the structure from being overturned or blown from its foundation or supports. This anchoring shall comply with the specifications outlined in Section 403 C.



#### **409 GROUP HOMES**

Group homes may be permitted only in those zoning districts and as specified in Article 3; as a Conditional Use in the R-2 District. All applications for such activities shall indicate that the following standards can be met.

- A. The lot upon which a group home is situated shall have a gross area of 30,000 square feet plus 1,000 square feet for each bed.
- B. Residents of a group home shall remain in residence for a period of at least six (6) months, and a change of residents shall not routinely occur except in case of death, extended illness or disability.
- C. Residents shall maintain a single household unit with shared use of rooms, except bedrooms, and shall share mealtimes and housekeeping duties.
- D. Residents shall not receive regular medical treatment or psychological counseling on the premises nor shall the services provided be of such nature as would render the home an institutional facility.
- E. Accommodations shall be provided for no more than six (6) residents at one time unless the applicant can demonstrate that the facility is of such size that it can adequately accommodate additional occupants.
- F. Adult supervision shall be provided at the facility on a 24 hour basis.
- G. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the facility. Certification, by the Township Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing sub-surface sewage disposal system or sewage permit for the installation of a new system shall be submitted as part of an application for such a use.
- H. No group home shall be located within 1,000 feet of another similar use.
- I. A minimum of one (1) off-street parking space shall be provided for each employee plus one (1) additional space for each two (2) residents.
- J. Where adjacent land use dictates, adequate screening or buffer yards shall be provided. (See also Sections 505 and 506.)

#### **410 HOME OCCUPATIONS**

Where not prohibited by deed restrictions or other covenants or agreements restricting the use of land, no-impact home-based businesses and other home occupations may be permitted in accordance with the following requirements.

- A. No-Impact Home-Based Businesses
  - 1. The business activity shall be compatible with the residential use of the

property and surrounding residential uses.

2. The business activity shall be conducted entirely within the owner's dwelling and may occupy no more than 25% of the habitable floor area of the residence, not to exceed a total of 400 square feet.
3. The business shall employ no employees other than family members residing in the dwelling.
4. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
5. There shall be no outside appearance of a business use, including but not limited to, parking, signs, or lighting.
6. The business activity shall not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
7. The business activity shall not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
8. The business shall not involve any customer, client, or patient traffic, whether vehicular or pedestrian, pick-up, delivery, or removal functions to or from the premises in excess of that normally associated with a residential use.
9. The business shall not involve any illegal activity.

B. Home Occupations

1. The home occupation shall be clearly secondary to the principal residential nature or use of the dwelling where it is to be located.
2. In the R-1 and R-2 Districts, the area devoted to the permitted home occupation shall be located entirely within the owner's residence; no detached, accessory structure(s) may be used. In the AR and OS Districts, the area devoted to the permitted occupation may be located within the owner's dwelling or a single building accessory thereto (including a farm building, i.e. a barn, shed, etc.)
3. A home occupation shall occupy no more than 25% of the gross floor area of the dwelling, and in the R-1 and R-2 Districts, shall not exceed a total of 400 sq.ft. (No maximum gross floor area standards shall be applied for family day care homes.)
4. In the R-1 District, persons engaged in the home occupation shall be

limited to the members of the household of the operator residing on the premises; there shall be no non-occupant employees. In all other zones, one (1) non-occupant employee may be engaged in the home occupation.

5. The home occupation shall not in any way alter the residential character of the neighborhood where it is to be located, nor shall it in any way adversely effect the safe and comfortable enjoyment of individual property rights in that neighborhood.
6. The home occupation shall not create any adverse impact on existing vehicular traffic or pedestrian circulation patterns in the neighborhood. In the R-1 and R-2 Districts, no home occupation shall be permitted where manufactured products or materials are delivered to or distributed from the residence.
7. No offensive or objectionable noise, vibration, smoke, dust, odor, heat or glare shall be produced or detected at or beyond the property line of the lot containing the home occupation.
8. There shall be no exterior display or sign advertising the home occupation, except as may be permitted in Article 7, and no outside or unenclosed storage of materials associated with the activity on the premises.
9. The majority of all goods or products sold on the premises shall be produced on the premises.
10. Home occupations may be permitted as follows, subject to the limitations set forth above:
  - a. R-1 District.
    - 1) Home offices for service-oriented professionals requiring only limited access or office visits by clients, including facilities for real estate or insurance agents, engineers, architects, accountants, clerical or computer personnel, telemarketers, seamstresses, fine artists, tutors, musicians giving lessons, or other similar activities which do not meet the criteria for a no-impact home-based business.
    - 2) Single-operator barber or beauty shops.
    - 3) Family day care homes.
  - b. R-2 District.
    - 1) All those occupations permitted in the R-1 District, **and**
    - 2) Medical, dental, real estate, insurance or other professional offices.

- 3) Two-person barber or beauty shops.
  - 4) Arts and crafts or antique shops.
  - 5) Custom baking and catering operations.
  - 6) Custom dressmaking facilities.
  - 7) Small appliance or small equipment repair facilities.
  - 8) Artists' studios.
- c. AR and OS Districts.
- 1) All those occupations permitted in the R-1 and R-2 Districts, **and**
  - 2) Farm-related businesses.
  - 3) Custom woodworking, furniture or carpentry shops.
11. Other home occupations not specified above may be permitted upon finding of the Board of Supervisors that such use complies with the criteria and intent of this Section, other applicable codes and ordinances, and that the proposed use would not be detrimental to the health, safety and welfare of the residents of the neighborhood where it is to be located. Before making such a determination, the Supervisors shall notify all property owners adjoining the proposed site and indicate the date and time of the meeting at which they intend to consider the request. Notice shall also be placed in a newspaper of general circulation in the municipality one (1) time, at least seven (7) days prior to the Supervisors' consideration.
  12. All home occupations shall be permitted via a "Home Occupation Permit" issued by the Township Zoning Officer. The Zoning Officer shall review the specifics of the applicant's proposed home occupation to determine its compliance with this Ordinance, or shall review the application in consultation with the Township Supervisors as outlined in Sub-Section B.11 above. The cost of this Permit shall be a one-time fee of \$25.00. The Permit will remain valid for one (1) year from the date of its issuance and must be renewed annually (without additional fees) by written request to the Zoning Officer. The Zoning Officer retains the right to inspect the site of the home occupation to insure that the endeavor has not evolved to the point where it no longer meets the requirements of this Ordinance.
  13. Where the Home Occupation Permit is not granted initially, or is not renewed by the Zoning Officer, the applicant may appeal such denial to the Board of Supervisors. This appeal will be held at the close of one of the regular Supervisors' meetings as the last order of business. The decision of the Supervisors will be final and binding upon the applicant, and will be rendered in writing within 30 working days of the appeal.

#### **411 DAY NURSERIES OR DAY CARE CENTERS**

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

- A. Outdoor play areas of at least 100 square feet per child shall be provided. Such play areas shall be located at least 60 feet from any road and shall be fenced.
- B. Outdoor play areas shall be sufficiently screened and sound insulated to protect the neighborhood from noise and other disturbances.
- C. Sewage and water facilities shall be sufficient to handle the loading created by the proposed use.
- D. All other applicable codes, ordinances or laws (including regulations of the State Departments of Public Welfare, Environmental Protection, and Education), shall be met before issuance of a Zoning Permit.

#### **412 BED AND BREAKFAST ESTABLISHMENTS**

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

- A. The bed and breakfast services shall remain incidental to the principal residential use of the dwelling.
- B. The operator of the bed and breakfast facility shall reside in the dwelling.
- C. A maximum of four (4) rooms or 1,000 square feet of habitable floor area, whichever is less, shall be devoted to the bed and breakfast use.
- D. Overnight lodging accommodations shall not exceed seven (7) continuous nights per patron.
- E. Exterior and interior alterations shall be limited to those customarily associated with residential uses.
- F. Adequate off-street parking shall be provided in accordance with the requirements of Section 800, TABLE 1, of this Ordinance.
- G. Signs associated with or advertising the facility shall meet the requirements of Article 7 of this Ordinance.

#### **413 PRIVATE SWIMMING POOLS**

- A. Every outdoor swimming pool of permanent construction, whether above or below ground, shall be completely surrounded by a fence or wall not less than

four (4) feet in height and shall be constructed to prohibit uncontrolled access. A lockable gate shall be provided. Above-ground pools with removable ladders shall not require additional fencing.

- B. A dwelling or accessory structure may be used as part of such enclosure.
- C. The pool shall not be located within any required front yard nor closer to any side or rear property line than is provided in the District Regulations for accessory structures.

#### **414 AGRICULTURAL USES AND ACTIVITIES**

- A. In the AR and OS Districts, commercial animal husbandry activities, kennels, or stables and the raising or boarding of animals, livestock, or poultry for personal or commercial use may be permitted, provided that any building used for such purposes must be situated at least 200 feet from any public right-of-way and not less than 500 feet from any Residential District.
- B. In the Open Space District, where a landowner is participating in the "Clean and Green" tax benefit program and/or is part of an approved Agricultural Security Area, that landowner shall be entitled to the subdivision of up to one (1) lot per year with a minimum lot size of two (2) acres.
- C. Nothing contained in this Ordinance shall prohibit a farmer from carrying out normal farming activities, including the spreading of manure.
- D. Private gardens are permitted in all districts.
- E. Domesticated animals or pets are exempt from the regulations of this Section.

#### **415 ROADSIDE STANDS**

Temporary roadside stands or shelters may be erected for the sale of various types of farm, nursery or greenhouse products grown on the premises, in accordance with the following standards.

- A. No building or structure other than a portable stand shall be erected for such use.
- B. Such stands shall be removed during that season when not in use for the sale or display of the product(s).
- C. The use or activity shall not occur for longer than a six (6) months period of time in any one year.
- D. Stands shall be located at least 12 feet from the edge of the adjoining street right-of-way and any property line, and at least 50 feet from any intersection.

## 416 CAMPGROUNDS

Campgrounds are permitted only in those zoning districts as specified in Article 3 and may be open to either tents or recreational vehicles. ALL CAMPGROUND PERMITS SHALL BE RENEWED ANNUALLY. Every such development shall meet the requirements outlined below, as well as the requirements of the Subdivision and Land Development Ordinance in effect in Valley Township.

### A. Design Standards

1. Minimum Campground Area. A campground shall have a gross area of at least five (5) acres.
2. Camping Space Requirements.
  - a. Gross Density. The maximum number of camping spaces within each campground shall be no more than 10 per acre of gross area of the campground.
  - b. Minimum Camping Space Sizes. Each camping space shall contain a minimum of 2,400 square feet. The minimum width shall be not less than 40 feet and the minimum depth not less than 60 feet.
  - c. Camping Space Access. All camping spaces shall abut and have frontage on a street of the campground internal street system.
3. Setbacks, Buffer Strips and Screening Requirements
  - a. Park Perimeter Buffer Yard. All camping spaces and auxiliary park structures shall be located at least 50 feet from the campground boundary lines, including public road rights-of-way. If a suitable, attractive screening of natural plantings is provided along the perimeter, this minimum buffer may be reduced to 25 feet.
  - b. Minimum Distance Between Structures and Camping Space. All camping spaces shall be located at least 30 feet from any auxiliary building.
  - c. Minimum Distance Between Camping Units. Individual camping units shall be separated by a minimum of 20 feet.
4. Grading and Ground Cover Requirements (Soil Erosion & Sedimentation Control Plans). Where any excavating or grading is proposed or where any existing trees, shrubs, or other vegetative cover will be removed, plans shall be presented showing what steps will be taken to avoid soil erosion. Exposed ground surfaces shall be protected with a vegetative cover.
5. Parking Space Requirements. A minimum of one (1) vehicle parking space shall be provided for each camping space plus one (1) additional

parking space for every five (5) camping spaces.

6. Campground Internal Street System Requirements. All camping spaces within a campground must access onto the campground internal street system. The internal street and drainage system shall consist of private streets designed and constructed according to the right-of-way and construction standards outlined in the Subdivision and Land Development Ordinance for Valley Township. In addition, at the entrance intersection of the campground, a cartway with a width of 50 feet shall be provided for a distance of 100 feet to accommodate the safe movement of vehicles or units into and out of the facility.

#### B. Utilities and Park Facilities

1. Water Supply and Sewage Disposal Systems. The standards of the Department of Environmental Protection shall be met. Documents and approvals indicating that these standards can be met along with notations on the campground plan showing the location of water sources and restrooms shall be presented to the appropriate Township officials. Separate restroom facilities shall be provided for men and women.
2. Other Utility Systems. Where electric or other utilities are to be provided, plans shall be provided by the developer and approved by the appropriate Township officials and the utility company.
3. Solid Waste Collection and Disposal. The applicant shall present information to the appropriate Township officials explaining the proposed method of solid waste collection and disposal. If such a method is not deemed sufficient, an alternate method shall be proposed by the applicant.
4. Service and Other Campground Buildings. Service, maintenance and management buildings and commercial sales buildings required for the management, servicing and maintenance of the campground may be allowed provided that such buildings are used exclusively for said purposes. No structures may be located within a Floodway District, but may be located within any other Floodplain District as long as they are adequately floodproofed. (See Article 6.)
5. Campground Management. During times of operation, each campground shall have a resident manager who shall be responsible for maintaining the facility in accordance with the requirements of this Ordinance and the terms and conditions of the campground's approval.

#### C. Campgrounds in Floodprone Areas

1. Where campgrounds are proposed to be located within a designated Floodway, permits will only be valid from May 1 through October 1 of each year. All units must be removed from the floodplain during the remainder of the year.



2. Where campgrounds are proposed to be located within any designated floodplain area, a workable evacuation plan must be submitted by the developer as a part of his application for a permit. Said plan must insure that all units will be removed from the floodplain during flood events.
3. Anchoring may be required for units being placed permanently in campgrounds located outside of designated floodplain areas. However, units being placed in campgrounds located within a designated floodplain must remain on wheels and be capable of being towed or transported from the site at all times. Such units may not be placed on blocks or similar supports.

#### **417 RECREATION FACILITIES; PARKS OR PLAYGROUNDS**

If specific recreational facilities are not regulated elsewhere herein, the following standards shall apply.

- A. The minimum area required for such activities shall be in accordance with the District Regulations.
- B. A plan showing the proposed facilities and/or design of the recreational facility shall be provided.
- C. A statement shall be submitted by the applicant indicating the reasons why the proposed facility is appropriate for the district in which it is located.
- D. Off-street parking facilities shall be provided in accordance with Section 800, TABLE 1, of this Ordinance.
- E. Sewage disposal facilities shall be provided in accordance with the standards of the Department of Environmental Protection. A sewage permit or completed Sewage Planning Module(s) shall be submitted with the application.
- F. Information on the proposed method of solid waste collection and disposal shall be presented by the applicant.
- G. Outdoor security lighting shall be provided for the facility. Such lighting and other outdoor lighting shall however be installed and shielded to eliminate direct glare on adjacent property or upon public streets.
- H. All buildings, structures or active recreation activities shall be screened in accordance with Section 506 of this Ordinance and shall be setback at least 100 feet from all property lines. Where the proposed activity could create a potentially hazardous situation, such as a shooting range, additional precautions shall be taken by the applicant to ensure the safety of the public. In all such instances, the Township shall review the precautions being proposed and shall determine their suitability.
- I. The proposed hours, rules, and security methods for the facility shall be

included with the plan submission. Consideration shall be given not only to the convenience of the users, but the convenience, safety and welfare of the neighborhood in which the facility is to be located.

**418 PUBLIC ENTERTAINMENT FACILITIES**

For the purposes of this Ordinance, public entertainment facilities shall include, but not be limited to, bowling alleys, roller skating rinks, motion picture theaters, health clubs and similar types of establishments, but shall exclude adult entertainment facilities.

- A. Such uses shall be conducted entirely within an enclosed structure.
- B. Off-street parking spaces shall be provided in accordance with Section 800, TABLE 1, of this Ordinance.
- C. Illuminated signs or other outdoor lighting shall be installed and shielded to avoid causing glare on adjacent properties or creating a hazard for passing motorists.
- D. Adequate measures shall be taken to prevent noise or other noxious influences from disturbing nearby residential properties.

**419 RETAIL ESTABLISHMENTS**

Retail establishments may be permitted as specified in Article 3, the District Regulations. Applications for such activities must include the following information:

- A. A sketch, drawn to scale, showing the tract of ground on which the use is to be located;
- B. An indication that the use will not have a detrimental effect on the character of the area or neighborhood where it is proposed to be located;
- C. An indication that adequate sewage disposal facilities will be provided;
- D. An indication that access to the proposed establishment will be adequate and as required by Section 802 of this Ordinance and that the number of off-street parking spaces required by Section 800, TABLE 1 will be provided;
- E. An indication that a buffer yard or screen planting will be provided as required by Sections 505 & 506 of this Ordinance; and,
- F. An indication of the establishment's proposed hours of operation.

**420 AUTOMOTIVE OR MOTOR VEHICLE SERVICE STATIONS AND/OR REPAIR SHOPS**

- A. No automotive or motor vehicle service station or repair shop shall have an

entrance or exit for vehicles within 300 feet of any school, playground, church, or public place of assembly.

- B. Gasoline pumps shall be no closer than 25 feet to any street or lot line.
- C. All repair work (excluding preventive maintenance and minor adjustments) shall be carried out within a structure.
- D. All fuel, oil, propane gas, or other similar substances shall be stored at least 25 feet from any street or property line. All materials including new and used parts shall be stored within a building. (Additional permits may be necessary to meet State & Federal requirements regarding the location of storage tanks for such purposes.)
- E. Where adjacent land use dictates (i.e. residential home sites, churches or similar uses), screening and/or buffer yards shall be provided as required in Sections 505 and 506 of this Ordinance.
- F. Body work or painting of vehicles may be permitted only in motor vehicle service stations provided that:
  - 1. the sewage system on the site is designed to handle any wastes generated by the body work which are to be flushed into it for disposal; and
  - 2. the structure within which the body work is to take place meets all the Labor and Industry regulations of the Commonwealth and is designed to contain all noise, vibrations, dust, and odor generated by the body work on-site.
- G. No vehicular sales shall be permitted to be associated with automotive or motor vehicle service stations or repair shops. Automotive sales facilities shall be independent, free-standing land uses.

#### **421 INDUSTRIAL OPERATIONS**

For the purposes of this Ordinance, industrial uses shall include, but need not be limited to, light manufacturing and assembly operations, warehousing and storage facilities, research and testing laboratories, transportation terminals and recycling centers. Such operations may be permitted only in the Industrial District and shall be subject to the dimensional requirements of the District Regulations, all applicable requirements of the PA Department of Environmental Protection, as well as the following additional standards.

- A. Industrial operations shall abut on or provide direct access to an arterial street capable of accommodating all anticipated types and levels of traffic.
- B. Industrial operations shall be served by municipal or package sewage and water systems.

- C. Every industrial operations shall be conducted within an enclosed structure(s). All storage associated with such uses shall be contained within an enclosed building or shall be shielded or screened from view by a fence and shall not be located within any required yard area.
- D. All processing associated with recycling and transfer facilities for solid waste shall be located within an enclosed structure. In addition, all such activities shall meet the requirements of the PA Department of Environmental Protection for the recycling and processing of solid waste. The storage and disposal of hazardous wastes shall comply with all State and Federal laws and regulations.
- E. No property adjacent to the proposed use shall be adversely affected by the industrial activity.
- F. Accessory retail sales or distribution of products produced by the industrial operation may be permitted by the Board of Supervisors as a Conditional Use, but must be demonstrated to be clearly incidental to the primary industrial use.
- G. An adequate buffer yard and/or screen planting shall be provided along all property lines of the site as required by Sections 505 and 506 of this Ordinance.
- H. The Township Supervisors may require the applicant to post a highway performance bond in order to assure the maintenance of local municipal roads used for access to the industrial site and transportation of materials and products from the operation. The amount of the bond shall be set by the Township Supervisors and shall be valid for one (1) year. Where necessary however, the life of the bond may be extended for a longer period of time. The bond shall be administered in accordance with the provisions of Article 5 of the PA Municipalities Planning Code, as amended, relating to improvement guarantees.

**422 COMMERCIAL TIMBER HARVESTING OPERATIONS**

- A. Commercial timber harvesting operations may be permitted only as outlined in the District Regulations. Applications for such harvesting activities shall include the following information:
  - 1. A sketch plan, drawn to scale, showing the outline of the tract from which the timber is to be harvested and the portion of the tract where the logging is to occur;
  - 2. An indication where access to public roads, including Township roads, will be made;
  - 3. An indication of where staging and loading areas will be located;
  - 4. A soil erosion and sedimentation control plan, where required;

5. An indication of the length of time anticipated to complete the harvesting activity and the time of year when the activity is scheduled; and,
  6. A site restoration plan.
- B. The Township Supervisors may require the applicant to post a highway performance bond in order to assure the maintenance of local municipal roads used for access to the timbering site and transportation of materials and products from the operation. The amount of the bond shall be set by the Township Supervisors and shall be valid for one (1) year. Where necessary however, the life of the bond may be extended for a longer period of time. The bond shall be administered in accordance with the provisions of Article 5 of the PA Municipalities Planning Code, as amended, relating to improvement guarantees.
  - C. Zoning Permits issued for timber harvesting operations shall be valid for six (6) months unless otherwise extended by the Township Supervisors.

**423 COMMERCIAL RESOURCE EXTRACTION OPERATIONS**

Resource extraction operations, such a quarries, strip mines, borrow pits or other commercial extraction of sand, rock, gravel, earth, clay or similar materials may be permitted only as outlined in Article 3. Such operations shall comply with all Department of Environmental Protection's permit requirements and evidence of such compliance must be submitted with any application for an extractive operation. In addition, the following standards shall be met.

- A. Extractive operations shall abut on or provide direct access to an arterial street capable of accommodating the type and volume of traffic anticipated. Truck access to any excavation shall be arranged to minimize danger to traffic and nuisance to surrounding properties.

The Township Supervisors may require the applicant to post a highway performance bond in order to assure the maintenance of local municipal roads used for access to and transportation of resources, materials and products from the operation. The amount of the bond shall be set by the Township Supervisors and shall be valid for one (1) year. An annual renewal and update of the Zoning Permit for the activity, including the amount of the bond, shall be required. The bond shall be administered in accordance with the provisions of Article 5 of the PA Municipalities Planning Code, as amended, relating to improvement guarantees.

- B. No mining, excavation or quarry operation shall be located closer than 500 feet to any property line or body of water.
- C. No stockpiling or storage of extracted material shall be located within 200 feet of any property line nor within 100 feet of any stream, wetland, or floodplain area. Stockpiles shall be separated from streams, wetlands or floodplain areas by use of a raised earthen berm of sufficient construction and dimension to

prevent surface runoff from directly or indirectly entering any such area.

- D. All accessory uses, including rock crushers, batching or mixing plants, or other grinding, polishing, or cutting machinery, shall be setback a minimum of 100 feet from all property lines and public rights-of-way.
- E. An adequate buffer yard and/or screen planting shall be provided along all property lines of the site as required by Sections 505 and 506 of this Ordinance.
- F. Following the extractive operation, the applicant shall restore the area, to the extent possible, to its original condition. The applicant shall provide plans and proposals indicating the process to be followed to bring about this restoration prior to the issuance of a Zoning Permit. If it is determined appropriate by the Township Supervisors, they may require a performance bond from the applicant to assure that such restoration will take place. Such bond shall be administered in the same fashion as the highway performance bond discussed in Section A. above.
- G. No extraction operation shall cause a lowering of the local aquifers to the extent that adjacent property owners are adversely affected.

**424 TEMPORARY USES IN FLOODPLAIN AREAS (SUCH AS CARNIVALS AND CIRCUSES)**

- A. A temporary Zoning Permit may be issued by the Zoning Officer for a temporary use such as a carnival or circus in any floodplain district. Such temporary permit shall be valid for 14 days and shall be issued only after the applicant agrees to or provides the following information.
  - 1. If there is a threat of flood, all wagons, tents, temporary structures, animals and other materials shall be removed completely from of the 100 year floodplain. This shall be done promptly before the threat of flood becomes a reality.
  - 2. The site of such temporary use shall not be left unattended by the applicant or agents working for him at any time during which the use is located on the site.
  - 3. Assurance shall be given by the applicant to guarantee that there is adequate space to satisfy the parking demands that will be generated by the use and that adequate traffic control precautions are to be taken.
  - 4. Information concerning the temporary sewage disposal facilities to be used shall be presented by the applicant with assurance from the Department of Environmental Protection that they are adequate.
  - 5. If the temporary use is to take place on land not owned by the applicant, the applicant shall present a written agreement to the Zoning Officer in

which the owner of the property agrees to the temporary use of his property.

6. Any solid waste generated by the temporary use shall be collected and disposed of properly by the applicant.
  7. All wagons, tents, temporary structures, animals and any other materials brought in shall be removed from the site within the time limit stated on the Temporary Permit.
- B. The Zoning Officer shall note on the temporary Zoning Permit or attach to the Permit all information that demonstrates the applicant has agreed to or complied with items 1. through 7. of Sub-Section A. The Zoning Officer shall check at the site as needed to see that the provisions of the Permit are carried out.

#### **425 JUNK YARDS OR AUTO SALVAGE OPERATIONS**

All junk yards or auto salvage operations existing at the effective date of this Ordinance or all new junk yards or auto salvage operations which are created hereafter shall comply with the following provisions.

- A. Such uses shall be conducted within a building or entirely enclosed by a fence or wall not less than eight (8) feet in height, constructed of a permanent material. In addition to the fence, a buffer yard and screen planting as set forth in Section 505 and 506 of this Ordinance shall be provided.
- B. No junk material, appurtenant structure, related activity or other enclosure shall be stored, placed, located or conducted within 25 feet of any adjoining property line or public street right-of-way. No weeds or scrub-growth over eight (8) inches in height shall be permitted to grow within this setback area.
- C. All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water. No junk shall be piled to a height exceeding six (6) feet.
- D. No oil, grease, tires, gasoline or other similar material or substances shall be burned at any time, and all other burning shall be attended and controlled at all times.
- E. All junk yards shall be maintained in such a manner to avoid causing public or private nuisances; causing any offensive or noxious odors; or causing the breeding or harboring of rats, flies, or other vectors that could be hazardous to public health.

#### **426 BOARDING OR ROOMING HOMES**

Boarding or rooming homes may be permitted only in those zoning districts and as specified in Article 3; as a Conditional Use in the C-2 District. All applications for such activities shall indicate that the following standards can be met.

- A. Boarding, rooming or lodging facilities shall be accessory to a single-family dwelling unit and may or may not include common eating arrangements.
- B. Accommodations shall be for no more than six (6) additional persons and shall be for periods of one (1) week or more.
- C. Sewage facilities shall be provided which are capable of treating the volume of effluent anticipated from the use. Certification, by the Township Sewage Enforcement Officer, verifying the acceptability and/or suitability of an existing sub-surface sewage disposal system or a sewage permit for the installation of a new system shall be submitted as part of the application for such a use.
- D. The lot upon which the boarding or rooming home is situated shall have a gross area of at least one (1) acre.
- E. The off-street parking requirements set forth in Section 800, Table 1) and other applicable standards of this Ordinance shall be met.
- F. Where adjacent land use dictates, adequate buffer yards and/or screen planting shall be provided in accordance with Sections 505 and 506 of this Ordinance.

**427 PLANNED RESIDENTIAL DEVELOPMENTS**

Planned residential developments may be permitted only in those zoning districts and as specified in Article 3; as a Conditional Use in the R-2 District. All applications for such uses shall be processed in accordance with the procedures set forth in Article VII of the PA Municipalities Planning Code, as amended. Applications for planned residential developments shall meet the requirements outlined below as well as the standards established in Section 407 of this Ordinance relating to overall design, layout, building relationships, access and circulation patterns. In addition, the provisions contained in the Subdivision and Land Development Ordinance in effect in Valley Township shall also apply.

A. Minimum Area Requirements

A minimum of ten (10) contiguous acres of land suitable for development shall be required for such a development.

B. Types of Uses Permitted

The following types of uses shall be permitted to be included in planned residential developments.

- 1. Single family detached and attached residential uses, two-family residential units, and multi-family residential uses.
- 2. Commercial and recreational uses or activities appropriate for incorporation into the proposed development and which are designed to serve primarily



the occupants of the proposed development.

C. Maximum Residential Densities

The following maximum gross densities shall apply to all residential units within the proposed development.

1. Single-family Detached Units - six (6) dwelling units per acre.
2. Two-family Units - ten (10) dwelling units per acre.
3. Single-family Attached Units - 15 dwelling units per acre.
4. Multi-family Units - 25 dwelling units per acre.

D. Common Open Space

A minimum of 40% of the total development area shall be set aside for and shall remain common open space. Such open space shall include areas of land and water, but shall exclude all roads, parking areas, structures, or service lanes. The developer shall submit a proposal which provides for the ultimate ownership and maintenance of all such open areas.

**428 ADULT ENTERTAINMENT ESTABLISHMENTS**

Adult entertainment establishments or facilities may be permitted only in those zoning districts and as specified in Article 3, the District Regulations. In addition, all applications for adult entertainment establishments shall meet the criteria set forth for retail uses in Section 419 of this Ordinance as well as the standards outlined below, and any applicable State or local requirements.

- A. No building or structure housing an adult entertainment establishment may be situated or located within:
1. 500 feet of the boundary of any Residential District; and
  2. 500 feet of the property line of any church, school, theater, park, playground, or other areas where minors congregate; and
  3. 500 feet of the property line of any establishment licensed by the PA Liquor Control Board to dispense alcoholic beverages; and
  4. 300 feet of the property line of any restaurant, eating establishment, or grocery store; nor within
  5. 300 feet of the property line of any other adult entertainment establishment.
- B. All building openings, entries, exits or windows for adult entertainment estab

-lishments shall be located, covered or screened in such a manner so as to prevent a view into the interior from any street, sidewalk or other public place. In the case of any adult drive-in or motion picture theater, viewing screens shall be situated so as to prevent observation from any street, sidewalk or other public area.

- C. Advertisements, displays, or other promotional materials for adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.
- D. Signs identifying adult entertainment establishments shall bear NO promotional advertisements or displays of a sexual nature.
- E. No person under 18 years of age shall be permitted within an adult entertainment establishment, nor be permitted to purchase or rent any adult entertainment materials.

#### **429 COMMUNICATIONS ANTENNAS, TOWERS, AND/OR EQUIPMENT BUILDINGS**

Communications antennas, towers, and/or equipment buildings may be permitted only in those zoning districts and as specified in Article 3, the District Regulations. Applications for new antennas and towers shall also be subject to the standards outlined below, as well as all other applicable State or Federal regulations. ***Privately owned and operated communications antennas, including ham and citizen band radio antennas and equipment, may be located in any zoning district as an accessory use and shall not be subject to further regulation by this Ordinance.***

##### A. General Requirements

1. Permit Requirements. No person or entity shall construct, install or otherwise operate a commercial communications antenna or erect a communications tower or equipment building without first securing a Zoning Permit from the Township Zoning Officer, except as may be provided otherwise in this Section.
2. State and Federal Documentation. The applicant shall provide sufficient documentation that it is licensed by the Federal Communications Commission (FCC) to operate a communications tower and/or antennas. The applicant shall also demonstrate that all antennas proposed to be mounted on such existing buildings or towers will comply with the applicable standards established by the FCC governing human exposure to electromagnetic radiation, and that any proposed tower will comply with all Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation, and all applicable Airport Zoning regulations.
3. Interference. The applicant shall also demonstrate that the proposed antennas will not cause interference with other communications facilities located in the Township.

4. Change of Ownership. Within 30 days after a change of ownership of any communications antenna, tower or equipment building, the new owner shall notify the Township in writing of such ownership change.
5. Relief from Standards. No provision of this Section is intended to unduly restrict or impair communications activities conducted by any FCC-licensed individual or entity. In the event that it is determined that any provision of this Section would unlawfully restrict the exercise of a license issued by the FCC, the Supervisors of Valley Township shall have the power and authority to modify the terms of this Section as they apply to such license holder. Relief under this Section shall however be authorized on a case-by-case basis, and any such application shall be considered as a conditional use.

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.

## 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 lot does not front along a street.
2. Accessory buildings or structures may not be erected in any required front yard.
3. Signs may be erected within a required front yard in accordance with the requirements contained in Article 7.
4. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard, the front yard of such unimproved lot may be the same depth as the average of the two (2) adjacent improved lots.

C. Side Yards

1. On a corner lot, the side yard abutting the street shall have a width equal to the required front yard depth for the district in which the lot lies. The remaining two (2) yards shall constitute a side yard and a rear yard.
2. Accessory buildings or structures may be constructed within a required side yard, but only as provided in the District Regulations, Article 3.
3. Signs may be erected within a required side yard in accordance with the requirements listed in Article 7.

D. Rear Yards

1. Accessory buildings or structures may be constructed within a required rear yard, but only as provided in the District Regulations, Article 3.
2. Signs may be erected within a required rear yard in accordance with the requirements listed in Article 7.

**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, bulk-heads, 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. Hedges, Walls and Fences

Hedges, walls, or fences less than six (6) feet in height may be situated within any of the required yards, so long as they do not cause danger to traffic on a street or public road by obscuring a driver's view and provided they comply with Section 504 C. below.

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 SCREEN PLANTING**

- A. Screen planting may be required as determined appropriate by the Township Supervisors, or where required elsewhere in this Ordinance to adequately conceal potentially objectionable activities or materials from view.
- B. Plant materials or trees used in screen plantings shall be of evergreen or conifer species and shall be planted so that they will produce a complete, year-round visual screen of sufficient density and height to achieve the intended purpose within three (3) years of planting.
- C. Screen planting shall be maintained permanently, and any plant material which does not live shall be replaced within one (1) year.

- D. Screen planting shall be placed so that, at maturity, it will be no closer than three (3) feet to any street right-of-way or property line.
- E. In accordance with the provisions of Section 504 C., a clear sight triangle shall be maintained at all street intersections and where private accessways intersect public streets.
- F. Screen planting shall be broken only at points of vehicular or pedestrian access or utility easements.

**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 setback 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. Intent

The intent 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 damages in the future;
3. minimize danger to public health by protecting water supplies and natural drainage;
4. reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding; and,
5. comply with federal and state floodplain management requirements.

##### B. Compliance

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

##### C. Interpretation of District Boundaries

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

##### 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 on rare occasions. 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 the floodplain districts, or that land uses permitted within such districts, will be free from flooding or flood damages.

## **601 BASIS FOR FLOODPLAIN DISTRICTS**

### **A. Identification**

The identified floodplain area shall be those areas of Valley Township, Montour County, PA, which are subject to the 100 year flood, as identified in the Flood Insurance Study (FIS) prepared for the Township by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration, dated May 2, 1994, or the most recent revision thereof.

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

### **B. Description of Floodplain Districts**

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

1. FW (Floodway District) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

For the purposes of this Ordinance, the floodway is based upon the criteria that a certain area within the floodplain would be capable of carrying the waters of the 100 year flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

2. FF (Flood Fringe District) - the remaining portions of the 100 year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated.

The basis for the outermost boundary of this area shall be the 100 year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

3. FP (General Floodplain District) - The areas identified as Zone A in the Flood Insurance Study for which no 100 year flood elevations have been provided. When available, information from other Federal, State, and

other acceptable sources shall be used to determine the 100 year

elevation, as well as a floodway area, if possible. When no other information is available, the 100 year elevation shall be determined by using 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 elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

All uses, activities, and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of Article 4 of this Ordinance and with all other applicable codes and Ordinances of Valley Township.

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

## **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 new construction, development, or substantial improvement occurring in any designated Floodplain District(s).

### **A. General Technical Requirements**

1. Within any identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use complies with the restrictions and requirements of this and all other applicable codes and Ordinances in force in Valley Township.
2. Within any Floodway District (FW), the following provisions shall apply:
  - a. No new construction, development, use, activity or encroachment shall be permitted that would cause any increase in flood heights.
  - b. No new construction or development shall be permitted, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways and Wetlands.

### **B. Elevation and Floodproofing Requirements**

1. Residential Structures. Within any identified floodplain area, the elevation

of the lowest floor (including basement or cellar) of any new or substantially improved residential structure shall be one and one-half (1 1/2) feet or more above the 100 year flood elevation.

2. Non-Residential Structures.

- a. Within any identified floodplain area, the elevation of the lowest floor (including basement or cellar) of any new or substantially improved non-residential structure shall be one and one-half (1 1/2) feet or more above the 100 year flood elevation or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
- b. Any non-residential structure, or part thereof, having a lowest floor (including basement or cellar) which is not elevated to at least one and one-half (1 1/2) feet above the 100 year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or 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. Lowest Floors. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Design and Construction Standards

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

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;
  - e. be appropriately seeded upon completion of compaction to avoid erosion and scouring of the fill material; and
  - f. be used only to the extent to which it does not adversely affect adjacent properties.
2. Special Requirements for Mobile Homes. For the purposes of this Ordinance, 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 Floodway District, mobile homes shall be prohibited.
  - b. Where permitted within an identified floodplain area, all mobile homes, and any improvements, including those units substantially damaged as a result of a flood, shall be:
    - 1) placed on a permanent foundation;
    - 2) elevated so that the lowest floor of the mobile home (including basement or cellar) is one and one half (1 1/2) feet or more above the elevation of the 100 year flood; and
    - 3) anchored to resist flotation, collapse, or lateral movement.
3. Placement of Buildings and Structures. All buildings and structures shall be constructed and placed on the lot so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of the flood water.
4. .Anchoring.
- a. All buildings and structures, including mobile homes, 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 firmly anchored or affixed to prevent flotation.

5. Floor, Walls and Ceilings. Where a structure is located at or below the 100 year 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 incurring structural damage to the building.
  - b. Plywood and interior finished walls shall be of a "marine grade" or "water-resistant" variety.
  - c. Basement ceilings shall have sufficient wet strength and be installed so as to survive inundation.
  - d. Windows frames, doors frames, door jams and other components shall be made of metal or other water-resistant material.
  
6. Electrical Systems.
  - a. All electrical water heaters, electric furnaces, electric air conditioning and ventilating systems, and other critical electrical installations shall be permitted only at elevations one and one-half (1 1/2) feet or more above the 100 year flood elevation.
  - b. Electrical distribution panels shall be at least three (3) feet above the 100 year flood elevation.
  - c. Separate electrical circuits shall serve lower levels and shall be dropped from above.
  
7. Paints and Adhesives. Where a structure is located at or below the 100 year flood elevation, the following standards shall apply.
  - a. Adhesives shall have a bonding strength that is unaffected by inundation.
  - b. Doors and all wood trim shall be sealed with a waterproof paint or similar product.
  - c. Paints or other finishes shall be capable of surviving inundation.
  
8. Equipment. Water heaters, furnaces, and other critical mechanical installations shall be permitted only at elevations of one and one-half (1 1/2) feet or more above the 100 year 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 in 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 sewer facilities and systems 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.
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 100 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, animal, or plant life (including but not limited to those identified in Section 606 A.) shall not be stored below an elevation one and one-half (1 1/2) feet above the elevation of the 100 year flood.

### **603 WATER MANAGEMENT USES**

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

Under no circumstances shall any alteration or relocation take place which will lower the flood-carrying capacity of any stream or watercourse.

**604 EXISTING STRUCTURES IN IDENTIFIED FLOODPLAIN AREAS**

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

- A. No expansion or enlargement of an existing structure shall be allowed within the Floodway District that would cause any increase in the elevation of the 100 year flood.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of less than 50 percent of its market value, shall be floodproofed and/or elevated to the greatest extent possible.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain district, to an extent or amount of 50 percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

**605 SPECIAL PROVISIONS FOR ACCESSORY STRUCTURES**

- A. Accessory structures which are proposed to be built within any designated floodplain area need not be floodproofed as called for in Section 602 B.1 and B.2 provided that the following provisions are met:
  - 1. The structures are designed and constructed so as to be able to withstand the hydrostatic and hydrodynamic load of the 100 year flood.
  - 2. In particular, Sections 602 C. 3., 4., 5., 6., 7., 8., 9., 10., and 14.
  - 3. Accessory structures shall not be used for human habitation.
  - 4. The requirements of Section 602 B. 3 shall be met in full.
- B. Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessory structure and its contents.
- C. The administrative procedures contained in Section 608 and other appropriate Sections of this Ordinance shall apply.

**606 DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE**

- A. Hazardous Materials and Substances

In accordance with the Pennsylvania Floodplain Management Act (Act 1978-166), and regulations adopted by the Department of Community Affairs (now

known as the PA Department of Community and Economic Development) as required by the Act, any new or substantially improved structure which:

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

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

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

B. Floodproofing Requirements

1. Within any Floodway area, any structure of the kind described in Sub-Section A above shall be prohibited.
2. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Sub-Section A. above shall be:
  - a. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the 100 year flood;

- b. designed to prevent pollution from the structure or activity during the course of a 100 year flood; and,
  - c. where any such structure, or part thereof, will be built below the Regulatory Flood Elevation it shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "FloodProofing Regulations", (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.
3. In addition, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.
  4. Except for a modification of the freeboard requirements involved, no variance shall be granted for any other requirements of this Section.

**607 ACTIVITIES REQUIRING SPECIAL PERMITS**

**A. Identification of Activities Requiring a Special Permit**

In accordance with the PA Department of Community and Economic Development's administrative regulations implementing the Pennsylvania Floodplain Management Act (Act 1978-166), the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Valley Township Supervisors.

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. hospital
  - 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**

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

1. A written request including a completed Zoning Permit Application Form.
2. A small scale map showing the vicinity in which the proposed site is located.

3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to 100 feet or less, showing the following:
  - a. north arrow, scale and date;
  - b. topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two (2) feet;
  - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
  - d. the location of all existing streets, drives, other accessways, 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 100 year flood elevations, and information concerning the flow of water including direction and velocities;
  - g. the location of all proposed buildings, structures, utilities, and any other improvements; and
  - h. any other information which the municipality considers necessary for adequate review of the application.
  
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
  - a. sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior 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 100 year 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 propose grades; and,
  - g. plans and profiles of all proposed sanitary and storm water 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 100 year 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 100 year 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 100 year flood elevations;
  - e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the 100 year flood elevation and the effects such materials and debris may have on 100 year flood elevations and flows;
  - f. the appropriate component of the Department of Environmental Protection'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 100 year



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 which are established.

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
2. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.
3. If the Township decides to disapprove an application, it shall notify the applicant in writing of the reasons for the disapproval.
4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information with the Department of Community and Economic Development by registered or certified mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development 30 days, after the receipt of the notification, to review the application and the decision made by the Township.
6. If the Township does not receive any communication from the Department of Community and Economic Development during the 30 day review period, it may issue a Special Permit to the applicant.
7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

D. Special Technical Requirements

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

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and

maintained in a manner which will:

- a. fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
    - 1) the structure will survive inundation by waters of the 100 year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation;
    - 2) the lowest floor elevation 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 100 year flood.
  - b. prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
2. All hydrologic and hydraulic analyses shall be undertaken only by a professional engineer or another of demonstrated 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 Department of Community and Economic Development.
  3. In approving any application for a Special Permit, the Township may attach whatever additional conditions and safeguards it may deem necessary and reasonable in order to implement the purposes of this Ordinance and to protect the general health, safety, and welfare of the public.
  4. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements of this Section.

## **608 ADMINISTRATION**

### **A .Zoning Permit Requirements**

To insure that the aforementioned flood damage controls are being employed in all 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 100 year flood at the proposed construction site. The applicant shall provide all necessary information in

sufficient detail and clarity to enable the 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; and,
3. adequate drainage is provided so as to reduce exposure to flood hazards.

B. Application Requirements

The Zoning Officer shall require the following specific information plus any other pertinent information as may be required to be included as 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 and land development;
  - e. the location of all existing streets, drives, and other accessways; and,
  - 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.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
  - a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
  - b. the elevation of the 100 year flood;
  - c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100 year

flood; and,

- d. detailed information concerning any proposed floodproofing measures.

4. The following data and documentation:

- a. 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 the 100 year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.

All plans and specifications for 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 standards contained in Section 602 of this Ordinance.

- b. 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 dangerous materials or substances referred to in Sections 602 C. 14. and 606 A. which are intended to be used, produced, stored or otherwise maintained on site.
  - 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 A. during a 100 year flood.
- c. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development".
- d. 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.

C. Review by the County Conservation District

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

received within 14 days, the Zoning Officer may take action on the Permit.

D. 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 may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

E. Issuance of Zoning Permits

Prior to the issuance of any Zoning Permit, the 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 Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania 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 variance within any designated floodplain area, the Zoning Hearing Board shall consider all factors specified in other Sections of this Ordinance, state law relative to variances, and the following:

- A. Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places provided that the proposed repair 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 Floodway area that would cause any increase in the 100 year flood elevation.
- C. In reviewing any request for a variance, the 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 to the applicant; and
  - 3. that the granting of a variance will (i) neither result in an unacceptable or prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor cause nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or

local ordinances or regulations.

- D. Whenever a variance is granted, written notification shall be given by the Zoning Hearing Board to the applicant indicating that:
  - 1. the granting of a variance may result in increased premiums for flood insurance, and
  - 2. construction occurring below the 100 year flood level increases risk to life and property.
- E. 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 to Section 607, Development Regulated by Special Permit.
- F. If granted, a variance shall involve only the least modification necessary to provide relief.
- G. In granting any variance, the Township Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- H. A complete record of all variance requests and their related actions shall be maintained by the Township, as well as reported in its annual report to FEMA.
- I. Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures of the 100 year flood.

## ARTICLE 7

### SIGN REGULATIONS

#### 700 TYPES OF SIGNS

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

A. Billboards or Advertising Sign Boards

Signs or boards which direct motorists or pedestrians to a business establishment or call the attention of a motorist or pedestrian to a product, place or activity that exists or occurs at a location other than the location upon which the board is erected. For the purposes of this Ordinance, billboards shall be free-standing structures, and shall not include wall signs.

B. Business Identification Signs

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

C. Ground Signs

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

D. Temporary Signs

Flags, pennants, ground signs, or special promotional devices intended to be erected for a limited period of time to call attention to a legally permissible special event.

E. 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.

F. Wall Signs

Signs attached to a wall or part of a wall of a building or structure, not including

billboards as defined above, which advertise products sold or directly related to the premises upon which they are located, i.e. business identification signs.

## **701 GENERAL SIGNS REGULATIONS**

The following regulations shall apply to all permitted sign uses.

### **A. Location**

The main supporting structure of all signs shall be setback in accordance with the minimum requirements established in this Article for the specific type of sign and the District in which it is located. In no case however, shall the sign be located closer than three (3) feet to any property line or be situated within any public right-of-way, except traffic signs or signs that are required in connection with the provision of municipal services.

### **B. Illumination**

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

### **C. Attachment**

All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the elements and prevent collapse. Signs attached to a building may not project more than 18 inches over a public side-walk, unless the sign is located at least ten (10) feet above the sidewalk. No sign shall be permitted to swing. No sign shall be affixed to a fence.

### **D. Anchoring**

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

### **E. Access**

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

### **F. Traffic or Visual Obstruction**

No sign shall be erected at the intersection of a street which would obstruct a motorist's clear vision. If located within the direct line of vision of any traffic



control signal, no sign shall have red, green or amber illumination.

G. Construction and Maintenance

All signs permitted under this Ordinance must be constructed of durable material and shall be adequately maintained to present a legible appearance and to avoid deterioration, decay or other conditions which could endanger the public health, safety or welfare.

H. Landowner's Permission

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

I. Nonconforming Signs

Signs existing at the time of passage of this Ordinance which do not conform to the requirements of this Ordinance shall be considered nonconforming signs, and once removed, shall be replaced with only conforming signs. Nonconforming signs may be painted, repaired or maintained, provided such maintenance or repair does not extend the dimensions of the existing sign. A Certificate of Nonconformance shall be issued by the Zoning Officer for all nonconforming signs in existence at the date of this Ordinance. (See also Article 9 of this Ordinance.)

J. Temporary Signs

Temporary signs which are to be erected for a legally permissible special event or purpose may be permitted in any zoning district, subject to the following restrictions.

1. No more than two (2) such signs referring to a single temporary event may be permitted.
2. The size or area of each sign shall not exceed 8 sq.ft.
3. Such signs shall not be located within any public right-of-way.
4. The signs shall be removed by the property owner or applicant within seven (7) days after the event has occurred.

K. Zoning Permit

A zoning permit shall be required for the erection or alteration of all signs, with the exception of temporary signs meeting the requirements of 701 Section J. above and those signs permitted in Section 702.

L. Fees

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

**702 SIGNS IN THE R-1, R-2, AR AND OS DISTRICTS**

The following regulations shall apply to all signs placed or located in the R-1, R-2, AR and OS Zoning Districts.

- A. No more than one (1) of the following non-flashing, non-animated signs may be permitted on a property at one time, unless such property is situated on a corner and fronts on two (2) streets, in which case one (1) sign may be erected on each frontage. (A double-faced sign shall count as a single sign.)
1. Name plates, identification signs, home occupation signs. (Maximum size - 2 square feet)
  2. Trespassing signs. (Maximum size - 2 square feet)
  3. Sale and rental signs. (Maximum size - 6 square feet)
  4. Signs advertising the sale of farm or nursery products grown on the premises. (Maximum size - 6 square feet)
  5. Signs of schools, churches, and similar institutions. (Maximum size - 40 square feet)
  6. Signs of mechanics, painters or artisans while performing work on the same premises. (Maximum size - 12 square feet)
  7. Development signs. (Maximum size - 6 square feet)
- B. Permitted signs may be located in any portion of a required front yard, but shall be no closer to the adjoining street right-of-way line than ten (10) feet. (See also Section 701 A.) No sign shall be erected however which will effectively limit proper sight distance.
- C. No such sign shall be higher than ten (10) feet above the average grade of the proposed site.

**703 SIGNS IN THE C-1, C-2 AND I DISTRICTS**

The following regulations shall apply to all signs located in the C-1, C-2, and I Zoning Districts.

- A. No more than two (2) of the following non-flashing, non-animated signs may be permitted on a property at any one time, unless such property is situated on a corner and fronts on two (2) streets, in which one (1) additional sign may be erected. (A double-faced sign shall count as a single sign.)
  - 1. Those signs permitted in Section 702.
  - 2. Business identification ground signs. (Maximum size - 75 square feet)
  - 3. Business identification wall signs. (Maximum size - 75 square feet)
  - 4. Billboards or advertising sign boards. (Maximum size - 150 feet)
- B. Business identification signs and billboards shall not exceed 30 feet in height (to the top of the sign) above the average grade of the proposed site nor be closer to the ground than 15 feet when in a parking, vehicular or pedestrian circulation area.
- C. Business identification ground signs may be placed within any required front yard, but shall be setback a minimum of 15 feet from the edge of the adjoining public street right-of-way. (See also Section 701 A.) No sign shall be erected however which will effectively limit proper sight distance.
- D. Business identification wall signs shall not extend above the top of the wall nor beyond either side of the wall to which they are attached.
- E. The sign area for billboards shall be calculated including all trim and border area, but shall exclude the main supporting structure, base and apron.
- F. No billboard shall be located closer than 500 feet (on the same side of the street) to any other billboard.
- G. Billboards may be placed within any required front yard, but shall be setback a minimum of 30 feet from the edge of the adjoining public street right-of-way. (See also Section 701 A.) No such sign shall be erected however which will effectively limit proper sight distance.
- H. All applicable provisions of the State's Outdoor Advertising Act of 1971, as amended, shall be adhered to where signs are to be placed in areas adjacent to highways in PaDOT's Primary and Interstate Highway System. Any individual desiring to establish a sign in these areas shall contact PaDOT's Division of Outdoor Advertising to determine if the State's regulations will effect his proposal.

#### **704 SIGNS IN THE FLOODPLAIN DISTRICTS**

Any sign proposed to be placed in an identified floodplain area shall not impede natural drainage or the flow of water. No signs shall be permitted in the Floodway District, except as might be necessary by Federal, State or local governments to

protect the health, safety and welfare of the people. If such signs are necessary they shall be designed so as not to impede natural drainage or the flow of water. Where State approval is necessary, the requirements of that agency shall be met prior to the issuance of a Zoning Permit.

## ARTICLE 8

### OFF-STREET PARKING, 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. Parking spaces shall contain not less than 180 square feet of useable area and shall have a minimum width of nine (9) feet.
- 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. In the case of any building or premises, the use of which is not specifically mentioned herein, the provisions for a use so mentioned and to which said use is similar, in the opinion of the Zoning Hearing Board, shall apply. 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**

1. Residential dwelling units.	2 for each dwelling unit.
2. Rooming houses, hotel, motels, or transient lodging facilities.	1 for each guest room + 1 for each 2 employees.
3. Churches, schools, & places of public or private assembly.	1 for each 3 seats.
4. Retail stores or business establishments.	1 for each 200 sq. ft. of retail floor area.
5. Food markets or grocery stores.	1 for each 100 sq. ft. of retail floor area.
6. Restaurants and taverns.	1 for each 3 customer seats + 1 for each employee.
7. Offices, including medical buildings.	1 for each 250 sq. ft. of floor area + 1 for each 2 employees.
8. Industrial Operations, including warehouses.	1 for each 2 employees in the maximum work shift.
9. Nursing or personal care homes.	1 for each 3 beds + 1 for each 2 employees.
10. Parks, playgrounds and public or semi-public recreational uses.	1 for each 5 persons of total facility capacity.

**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 nonconform

-ing 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. Registration

The Zoning Officer shall identify and register the nonconforming uses and structures existing as of the effective date of this Ordinance, for the purpose of assuring the right to continue said use or structure. A Certificate of Nonconformance shall be issued by the Zoning Officer for all such uses or structures upon receipt of a request from a property owner or occupant.

Nothing herein shall require any change in plans, construction, or designated use of a building or structure which complies with existing laws or for which a permit was granted and/or where the construction shall have stated before the date of adoption of this Ordinance.

**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. Registration

The Zoning Officer shall identify and register all nonconforming lots existing as of the effective date of this Ordinance, for the purpose of ensuring the right to continue said lot. A Certificate of Nonconformance shall be issued by the Zoning Officer for all such lots upon receipt of a request from a property owner or occupant.

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.

## ARTICLE 10

### ZONING HEARING BOARD

#### 1000 ORGANIZATION AND PROCEDURE

##### A. Establishment

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended, a Zoning Hearing Board is hereby established in Valley Township, Montour County.

##### B. Appointment and Membership

The Zoning Hearing Board shall consist of three (3) residents of Valley Township to be appointed by Resolution of the Township Board of Supervisors. The terms of the initial appointees shall be for one, two and three years from the date of appointment. Their successors shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office.

A Zoning Hearing Board member may be removed by majority vote of the appointing authority for just cause only after the member has received 15 days' advance notice of the Township's intent to take such a vote. Members of the Zoning Hearing Board shall hold no other office in the Township.

The Township Supervisors shall also appoint two (2) alternate members to the Zoning Hearing Board to serve in the event of absence or conflict of interest of a regular member. The term of office of an alternate shall be three (3) years. For each case, the Chairman of the Zoning Hearing Board shall designate as many alternates as may be necessary to provide a quorum. Designation shall be made on a case-by-case basis, in rotation, according to declining seniority.

##### C. Appointment to Fill Vacancies

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

##### D. General Grant of Power

The Zoning Hearing Board shall perform all the duties and have the powers prescribed by the Pennsylvania Municipalities Planning Code, as amended, and as herein described.

## **1001 POWERS AND DUTIES**

The Zoning Hearing Board shall hear and decide appeals pursuant to the provisions of the PA Municipalities Planning Code, as amended, and shall have the following powers.

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

1. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Zoning Officer administering this Ordinance, including but not limited to the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order, or the registration or refusal to register any nonconforming use, structure or lot.
2. The Zoning Hearing Board shall hear and decide appeals from a determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving the provisions regulating subdivision or Planned Residential Development contained in Articles V and VII of the PA Municipalities Planning Code.
3. The Zoning Hearing Board shall hear and decide appeals from a determination by the Zoning Officer or municipal engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions with a land use ordinance.
4. The Zoning Hearing Board shall hear and decide upon appeal from a determination of the Zoning Officer, any questions involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary where there is uncertainty with respect thereto.

### **B. To Hear and Decide Challenges to the Validity of any Land Use Ordinance**

1. The Zoning Hearing Board shall hear and decide substantive challenges to the validity of any land use ordinance, except those for Landowner Curative Amendments, which shall be brought before the governing body pursuant to Sections 609.1 and 916.1(a) (2) of the PA Municipalities Planning Code, as amended.
2. The Zoning Hearing Board shall hear and decide challenges to the validity of any land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption. Such challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

C. To Hear and Decide Requests for Variances

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

No variance in the strict application of any provisions of this Ordinance shall be granted by the Zoning Hearing Board unless it finds:

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

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

## 1002 HEARING PROCEDURES

### A. Parties Appellant Before Zoning Hearing Board

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

### B. Time Limitations

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

### C. Applications Required

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

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

### D. Procedure for Zoning Officer

1. The notice of appeal in any case where a Permit has been granted or denied by the Zoning Officer shall be prescribed by the Zoning Hearing



Board under general rule after notice of such action granting or denying the Permit has been mailed to the applicant. The Zoning Officer shall then immediately transmit to the Zoning Hearing Board all papers constituting the record from which the appealed action was taken or in lieu thereof, certified copies of said papers.

2. It shall be acceptable for the Zoning Officer to recommend to the Zoning Hearing Board a modification or reversal of his action in cases where he believes substantial justice requires the same but where he does not have sufficient authority to grant the relief sought.

E. Hearings Required and Notice of Hearings

The Zoning Hearing Board, before rendering a decision, shall hold hearings on any appeal, interpretation, variance, challenge or other matter requiring the Zoning Hearing Board's decision or other official action. Within 60 days of the date of receipt of an applicant's application for such a hearing, the Board shall fix a reasonable time and place for and commence the first hearing thereon, giving notice as follows:

1. Publish Public Notice in accordance with the definition of "Public Notice" in Article 13 of this Ordinance.
2. Post in a conspicuous place on the property involved a written notice of the pending hearing and action; such notice shall take place at least seven (7) days prior to the public hearing;
3. Give written notice to the applicant, the Zoning Officer, the Township Secretary, Secretary of the Township Planning Commission, and to any person who has made a timely request for the same, at least seven (7) days prior to the hearing. (Where the Zoning Hearing Board is requesting comments on an application from the Township Planning Commission, the Planning Commission shall be given notice at least 30 days prior to the hearing); and,
4. In case of an appeal or a request for a variance, all adjacent property owners within 500 feet of the nearest line of the property for which the variance is sought shall be given written notice within seven (7) days of the hearing.

Each subsequent hearing on the application shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.

F. Rules of Conduct

The Zoning Hearing Board shall adopt rules consistent with the provisions of this Ordinance and shall commence, conduct, and complete all hearings in accordance with the requirements of Article IX of the PA Municipalities Planning

Code, as amended. Meetings of the Zoning Hearing Board shall be held at the call of the chairman and at such other times as the Zoning Hearing Board may determine. Such chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Irrelevant, immaterial or unduly repetitious evidence may be ruled out of order and excluded from the hearing record.

All hearings and meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep a stenographic record of the hearing proceedings. Minutes shall be kept of all other meetings and shall show the vote of each member upon each question or if absent or failing to vote, indicate such fact. Such records shall be public and shall be kept on file with the Township Secretary. A report of the Zoning Hearing Board's activities shall be submitted to the Township Supervisors once each year.

A quorum of two (2) Board Members shall be required for the Zoning Hearing Board to take action.

G. Decisions

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

In exercising the above-mentioned powers, the Zoning Hearing Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as it feels appropriate.

A copy of the final decision or findings must be delivered to the applicant personally or must be mailed to him not later than the day after the date of the report. All other persons interested in the result or who filed an appearance or testified during the hearing must be provided with a brief notice of the decision or findings and a statement indicating where the full decision may be examined.

H. Expiration of Appeal Decision

Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request shall expire if the applicant fails to obtain any necessary Zoning Permit or comply with the conditions of said authorized permit within

six (6) months from the date of authorization thereof.

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

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

J. Failure to Hold Required Hearing or Render Decision

Where the Board fails to commence, conduct, or complete the required hearing or fails to render its decision within the prescribed time periods, (except for challenges filed under Section 916.1 of the PA Municipalities Planning Code), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision is rendered in favor of the applicant due to a violation of the established time requirements, the Zoning Hearing Board must give public notice of this decision within ten (10) days from the last day it could have met to render a timely decision.

K. Stay of Proceedings

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

L. Appeals

Any person aggrieved by any decision of the Zoning Hearing Board may appeal therefrom within 30 days to the Court of Common Pleas of Montour County pursuant to the procedures established in Article X-A of the PA Municipalities Planning Code, as amended.

## ARTICLE 11

### AMENDMENTS AND CONDITIONAL USES

#### 1100 AMENDMENTS TO ZONING ORDINANCE OR MAP

The municipality may on its own motion or by petition amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner. (See Appendix B of this Ordinance for an illustration of the amendment procedure.) For Curative Amendments see Section 609.1, Procedure For Landowner Curative Amendments, under Article VI of the PA Municipalities Planning Code, Act 247 of 1968, as amended.

##### A. Public Hearing and Notice Requirements

The Township Supervisors shall, at a public meeting, establish a date, time and place for a public hearing on the proposed amendment. Notice of such hearing shall be published once each week for two (2) successive weeks in a newspaper of general, local circulation. The first notice shall be published not more than 30 days and the second publication should appear no less than seven (7) days prior to the hearing date. The notice shall state the time and place of the hearing and the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents and shall name the place(s) where copies of the proposed amendment may be examined.

In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the affected tract at least seven (7) days prior to the date of the hearing. Further, where a proposed amendment involves a map change, other than a comprehensive municipal rezoning, the Township shall notify all property owners within the area proposed for rezoning (by first class mail) of the date, time and location of the hearing at least 30 days prior to the hearing.

If after said hearing, the proposed amendment is changed substantially or is revised to include land not previously affected by it, the Supervisors shall hold another public hearing and give notice thereof as set forth above, before proceeding to vote on the amendment.

##### B. Review by Planning Commissions

Every such proposed amendment or change, whether initiated by the Township Supervisors or by petition, shall be referred to the Township Planning Commission and the County Planning Commission at least 30 days before the public hearing for report thereon. If the Planning Commission(s) fail to file such a report before the public hearing it shall be presumed that the Planning

Commission(s) have no comments or concerns regarding the proposed amendment, supplement or change.

C. Opportunity to be Heard

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

D. Notice of Enactment

Prior to taking action on the amendment, the Township Supervisors shall give notice of proposed enactment by publishing the entire amendment or the title and a brief summary in a newspaper of general, local circulation. Such notice shall include the time and place of the meeting at which passage will be considered and shall name the place where copies of the proposed amendment may be examined. The notice shall be published one time, not more than 60 days nor less than seven (7) days prior to passage. If the full text is not published, a copy of the amendment shall be supplied to the newspaper at the time of publication of the notice, and an attested copy of the proposed amendment shall be filed with the County Law Library or other county office designated by the County Commissioners.

E. Enactment of Amendment

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

Within 30 days after enactment, a copy of the amendment shall be forwarded to the County Planning Commission.

**1101 CONDITIONAL USES**

The Township Supervisors may grant Conditional Use approval for only those uses set forth in Article 3 of this Ordinance, the District Regulations, pursuant to the express standards and criteria outlined in Article 4, the Supplementary Use Regulations. In addition, the Supervisors may attach such reasonable conditions and safeguards as they deem appropriate to protect the public welfare and implement the purposes of this Ordinance. (See Appendix C of this Ordinance for a chart illustrating the Conditional Use procedure.)

A. Application Procedure

Applications for any Conditional Use permitted by this Ordinance shall be made to the Zoning Officer who shall refer such applications to the Secretary of the Township Supervisors. Upon receipt of a Conditional Use application, the Secretary of the Township Supervisors shall forward a copy of the

application to the Township Planning Commission for their review and recommendation. The Planning Commission shall conduct its review and make its recommendations within 45 days of receipt of such request.

B. Written Statement

All applications for Conditional Uses shall include a written statement describing the tract of land and its intended use. Such statement shall include the following information:

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

C. Site Plan

All applications for Conditional Uses shall include a site plan of the proposed development as set forth below. such site plan shall be drawn to a scale sufficient to clearly show the features of the tract and shall include:

1. title block containing the name of the developer or landowner, date, scale, north arrow and the name and profession of the preparer of the plan;
2. tract boundaries showing bearings and distances;
3. existing significant natural or man-made features of the site;
4. existing and proposed streets, rights-of-way, easements, means of access and setback lines;
5. existing buildings, sewers, water mains, culverts, transmission lines, and fire hydrants on or adjacent to the site;
6. proposed grading and drainage plan;
7. proposed plan of any landscaping of the tract showing all paved and planted areas, screens or fences and erosion control measures;

8. plans of any proposed sanitary sewer or storm sewer systems and water supply systems; and,
9. location, size and floor plan of all proposed buildings or structures and proposed use of all buildings or structures and open or unenclosed areas of the tract.

D. Hearing Requirements

Within 60 days of the date of receipt of the applicant's application for a Conditional Use, the Supervisors shall select a date, advertise (pursuant to the definition of Public Notice), and hold the first public hearing on the proposal. Hearing shall be conducted in accordance with the proceedings set forth in Section 1002 F. of this Ordinance for Zoning Hearing Board hearings. The burden of presentation of the Conditional Use request at the hearing shall rest with the applicant.

E. Criteria for Review and Approval of Conditional Uses

The Supervisors shall, in making decisions on each application for a Conditional Use, consider the following general criteria, in addition to the special criteria established elsewhere in this Ordinance:

1. the purpose of the zone in which the requested conditional use is to be located and the compatibility of the requested conditional use with existing and potential land uses on adjacent tracts of ground;
2. whether the specific site is an appropriate location for the use, structure or condition;
3. whether the use developed will adversely affect the neighborhood;
4. whether the use will create undue nuisance or serious hazard to vehicles or pedestrians;
5. whether adequate and appropriate facilities and services will be provided to ensure the proper operation of the proposed use;
6. the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district; and,
7. whether satisfactory provision and arrangement has been made concerning the following:
  - a. ingress and egress to the property and structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, control and access in case of fire or other emergency;

- b. off-street parking and loading areas;
- c. waste collection, storage and disposal;
- d. utilities, with reference to location, availability and compatibility;
- e. screening and buffering with reference to type, dimensions and character;
- f. signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district; and,
- g. required yards and open spaces.

F. Decisions

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

A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

G. Failure to Hold Required Hearing or Render Decision

Where the Township Supervisors fail to commence, conduct, or complete the required hearing or fail to render their decision within the prescribed time periods (except for challenges filed under Section 916.1 of the PA Municipalities Planning Code), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of a violation of the prescribed time periods, the Township Supervisors shall give public notice (in the same manner as is done for the public hearing) of the decision within ten (10) days from the last day they could have met to render a timely decision. If the Supervisors fail to provide such notice, the applicant may do so.

H. Expiration of Decision

Unless otherwise specified by the Supervisors at the time of their action, a Conditional Use authorization shall expire if the applicant fails to obtain any



necessary Zoning Permit or comply with the conditions of said authorization within six (6) months from the date of authorization.

I. Appeals

Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

## ARTICLE 12

### ADMINISTRATION AND ENFORCEMENT

#### 1200 ZONING OFFICER

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

- A. to receive and process applications for permits, certificates, variances, conditional uses, appeals and other applications required under the terms of this Ordinance;
- B. to prescribe the form of all applications, permits and certificates required under the terms of this Ordinance;
- C. to issue Zoning Permits for the construction, alteration and occupancy of all uses or buildings which are in accordance with the requirements of this ordinance, within 10 days after receipt of an application for such a permit. In cases of applications for a Conditional Use or a variance, permits shall be issued only upon written order of the appropriate approving agency. It shall be the responsibility of the Zoning Officer to process requests for hearings before the Zoning Hearing Board and in certain instances (i.e. a Conditional Use request) hearings before the Township Supervisors;
- D. to deny applications for Zoning Permits which do not meet the requirements of this Ordinance, within 10 days following receipt of such application. Said denial shall be in writing and shall state the reasons for such action;
- E. to examine land, buildings and structures to determine their consistency with the Zoning Ordinance at the time of application filing, during the work and upon completion of the work;
- F. to issue or deny Certificates of Compliance within 10 days after final inspection in accordance with the procedures set forth in Section 1203 of this Ordinance;
- G. to issue written enforcement notices as specified in Section 1204 A. of this Ordinance where it appears that there has been a violation, and to institute civil enforcement proceedings with the appropriate District Justice on behalf of the Township as a means of enforcing the zoning regulations;
- H. to maintain and update the official Zoning Map as amendments are made by the Township Supervisors;
- I. to maintain a log of all applications, permits or certificates issued, variances granted, inspections made, reports rendered and notices or orders issued;

- J. to identify, register, and list all nonconforming uses, structures, and lots existing at the effective date of this Ordinance and to issue Certificates of Nonconformance for all such nonconformities as requested (See also Sections 900 E. and 901 A.); and,
- K. to perform such other duties as may be provided or made necessary by the terms of this Ordinance.

**1201 GENERAL PROCEDURE FOR ZONING PERMIT APPLICATION**

All persons desiring to undertake any new construction, structural alteration, or change in the use of a building or lot shall apply to the Zoning Officer for a Zoning Permit by completing the appropriate application form and by submitting the required fee. (In addition to meeting the requirements of this Ordinance, the applicant shall meet all other regulations or codes in effect in Valley Township or as may be hereafter adopted. Nothing in this Ordinance shall exempt the applicant from obtaining any permits which may be required by such regulation.) The Zoning Officer shall then either issue or deny the Zoning Permit or refer the application to the Zoning Hearing Board or Township Supervisors for their consideration, as may be appropriate. After the applicant has received his Zoning Permit, he may proceed with his proposal as approved. Following completion of his project, the applicant shall apply to the Zoning Officer for a Certificate of Compliance. If the Zoning Officer finds that the project has been completed in accordance with the terms of the Zoning Permit, he shall issue a Certificate of Compliance thus allowing the premises to be occupied. (The specifics of each step in this process are discussed in Sections 1202 and 1203.)

**1202 ZONING PERMITS**

A. Requirements for Zoning Permits

It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a Zoning Permit has been duly issued therefor. Specifically, a Zoning Permit shall be required:

1. prior to the placement, erection, construction, addition or alteration of any building or structure, or portion thereof;
2. prior to the use or change in use of a building, structure, or land;
3. prior to the erection or alteration of signs except as specified in Article 7;
4. prior to the change or extension of a nonconforming use; and
5. prior to development in any Floodplain District;

***except as listed below.*** (In some instances, additional permits may also need to be obtained prior to beginning construction or alterations.)

## Exemptions

Zoning Permits shall not be required for the following activities *unless they are proposed within a floodplain district*:

1. interior alterations when there is no increase in ground floor exterior dimension and no change in use;
2. general maintenance and repair to existing buildings or structures; including siding, roofing, painting, the addition of storm windows, and similar activities;
3. agricultural activities, including crop or tree farming and/or animal husbandry;
4. landscaping or clearing woodlands;
5. construction or erection of fences, land terraces, steps or other similar features;
6. placement or location of transmission, distribution and/or collection lines for utilities; and,
7. razing of buildings.

### B. Application for Zoning Permits

Each request for a Zoning Permit shall be made by completing the appropriate application form obtained from the Zoning Officer and submitting it along with the required fee to the Township. Application for a Permit shall be made by the owner or lessee of any building or structure, or the agent of either; provided however, that if the application is made by a person other than the owner, it shall be accompanied by a written authorization from the owner. The full names and addresses of the owner, lessee, applicant or other responsible parties shall be stated in the application.

### C. Description of Work

All applications for Zoning Permits shall be accompanied by plans drawn to scale, showing the actual shape and dimensions of the lot, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information as may be necessary to determine compliance with this Ordinance and all other pertinent regulations. No application shall be considered complete until all necessary documents have been filed and all fees have been paid to the Township.

D. Proof of Compliance

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

E. Changes

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

F. Posting of Permit

The Zoning Permit shall be displayed or posted on the premises during the time construction is in progress. The Permit shall remain posted until completion of the project and final inspection has been made by the Zoning Officer.

G. Time Limitations for Permit

Work on the proposed construction shall be completed within 12 months after the date of issuance of the Zoning Permit or the Permit shall expire, unless a time extension is granted in writing by the Zoning Officer. The right to proceed may be extended for no more than two (2) additional six month periods of time. Time extensions may be granted only if a written request is submitted by the applicant which sets forth sufficient and reasonable cause for the Zoning Officer to grant such a request. Any extensions beyond the additional one (1) year period must be considered by the Zoning Hearing Board.

For the purposes of this Ordinance, construction and/or development shall be considered to have started with the preparation of land, including land clearing, grading, filling, excavation for basement, footers, piers or foundations, erection of temporary forms, the installation of pilings under proposed subsurface footers, or the installation of sewer, gas, and water pipes, or electrical or other service lines from the street.

H. Inspections

During the construction period, the Zoning Officer shall inspect the premises to determine that the work is progressing in compliance with the information

provided on the Permit application and with all other applicable Township laws. He shall make as many inspections as necessary to determine compliance.

I. Revocation of Permits

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

J. Temporary Permit

A Temporary Zoning Permit may be authorized by the Zoning Officer for a non-permanent structure or use where it is deemed beneficial to the public health or general welfare or necessary to promote the proper development of the community, provided that such structure or use shall be completely removed upon expiration of the Permit without cost to the Township. Such Permits may be issued for a period of time not to exceed one (1) year, and may be renewed annually for an aggregate period of three (3) years.

## 1203 CERTIFICATES OF COMPLIANCE

A. Requirements for Certificate of Compliance

No land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a Certificate of Compliance shall have been issued by the Zoning Officer. In the case of residential construction, such Certificate shall not be issued until the exterior walls of the building are complete and all essential or vital utilities have been installed, including sewage facilities, water supply, and electric service. **The issuance of a Certificate of Compliance is not intended to guarantee or warranty, either stated or otherwise, the soundness of any construction nor the habitability of any building or structure.** The purpose of this Certificate is only to certify that all work authorized by the Zoning Permit has been satisfactorily completed and that the building or proposed use thereof complies with the provisions of this Ordinance.

B. Issuance and Effect

The applicant shall notify the Zoning Officer upon completion of the permitted activity and the Certificate shall be issued within ten (10) days after the activity has been inspected and approved as complying with the provisions of this Ordinance and the issued Permit. Once granted, the Certificate shall continue in effect so long as there is no change of use, regardless of change in ownership, tenants or occupants. If any part of the construction is found in violation, then the applicant shall be notified in writing within five (5) days of

the inspection of the deficiencies or reasons for denial.

C. Temporary Certificates

Upon request of a Zoning Permit holder, the Zoning Officer may issue a temporary Certificate of Compliance for a structure, building or land, or portion thereof, before the entire work covered by the Zoning Permit is completed, provided that such portion may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Temporary Certificates shall also be issued by the Zoning Officer for specific temporary events or outdoor activities such as carnivals or circuses. Such temporary certificates shall be issued for the period of time determined appropriate by the Zoning Officer, but in no case for a period exceeding six (6) months.

**1204 VIOLATIONS AND ENFORCEMENT**

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

A. Enforcement Notice

Whenever it appears to the Zoning Officer that there has been a violation of any provision of this Ordinance, the Zoning Officer, on behalf of the Township, shall give **written notice** of such alleged violation as hereinafter provided. Such enforcement notice shall:

1. be served upon the property owner or sent to him by certified mail (return receipt requested);
2. include the name of the owner of record and any other person against whom the Township intends to take action;
3. include the location of the property in violation;
4. identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of the Ordinance;
5. contain an outline of remedial action which, if taken, will effect compliance;
6. specify the time to be allotted for initial response to the Notice and specify the time to be allotted for correction or abatement of the alleged violation;
7. notify the recipient of his right to appeal to the Township Zoning Hearing Board prior to the expiration of the time period provided for response to the notice; and,
8. indicate that failure to comply with the notice within the time specified,

unless extended by appeal to the Zoning Hearing Board, shall constitute a violation and will be prosecuted or remedied as provided in this Section. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

B. Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township Zoning Officer may institute in the name of the Township, any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping or land, or to prevent any action, conduct, business, or use in or about such premises constituting a violation.

Any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation may also institute an appropriate corrective action or proceeding. Such action must be preceded however by serving a copy of the complaint on the Township Supervisors at least 30 days prior to being instituted. No such action may be maintained until such notice has been given.

C. Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance, whether enacted under current law or prior law, shall, upon being found liable therefore in a civil enforcement proceeding commenced by Valley Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Valley Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to Valley Township.

**1205 FEES**

Fees for the issuance of Zoning Permits, Certificates of Compliance, ordinance amendments, Conditional Uses, variances and other zoning actions shall be paid



to the Township upon filing of an application. Such fees shall be in accordance with the schedule of fees established by separate Resolution of the Township Supervisors and as may be amended hereafter by subsequent Resolution.

Further, any fees paid by a party for the appeal of an enforcement notice to the Township Zoning Hearing Board, shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in favor of the appealing party.

## ARTICLE 13

### DEFINITIONS

#### 1300 INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. Words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "person" shall include a corporation, partnership, trust, company, organization, firm and association as well as an individual; the word "lot" shall include the words "plot" and "parcel"; the term "shall" is mandatory, the word "may" permissive; and the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

#### 1301 DEFINITIONS

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

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

ADULT BOOK STORE: An establishment having a substantial or significant portion of its stock and trade in books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities, or an establishment with a segment or section devoted to the sale or display of such materials. (See also Section 428.)

ADULT ENTERTAINMENT ESTABLISHMENT: Adult book stores, adult cabarets (with or without live entertainment), adult drive-in picture theaters, adult mini-motion picture theaters, adult motion picture theaters, adult amusement or video arcades, adult massage parlors, and similar establishments providing entertainment which depicts, describes or relates to sexual activities.

AGENT: Any person, other than the landowner of a lot, who, acting under specific authorization of the landowner, submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

AGRIBUSINESS: The sale of agricultural products or commodities, including but not limited to, farm produce, seed, fertilizers, and farm machinery.

AGRICULTURAL STRUCTURE: any farm building or structure used for storing

agricultural equipment or farm produce, housing livestock or poultry, or processing dairy products. Such buildings shall not be used for residential purposes.

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

ALLEY: A permanent servicerway providing a secondary means of access to lots.

ALTERATION: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another.

APPLICANT: Any lessee or his authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Township official for the purpose of obtaining approval thereof.

AREA:

- a. Area, Lot: The area contained within the property lines of individual parcels of land shown on a plan, excluding any area within a street right-of-way, but including the area of any easement or future street right-of-way.
- b. Area, Buildable: That portion of a lot bounded by the required front, side and rear yards.
- c. Area, Habitable Floor: Any floor area within a dwelling unit that is usable for living purposes, including area for working, sleeping, eating, cooking, and recreation, or a combination thereof. Floor area used only for storage purposes, such as closet, attic, or unimproved basement space shall not be considered habitable floor area.
- d. Area, Site: The total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

AUTOMOTIVE OR MOTOR VEHICLE REPAIR SHOP: A building or structure used primarily for making major repairs to motor vehicles (automobiles, motorcycles, farm machinery or equipment, and/or snow mobiles), including overhauling, body work, painting, refinishing and upholstering, as well as incidental servicing and maintenance.

AUTOMOTIVE OR MOTOR VEHICLE SALES FACILITY: Any building or land area used for the display and sale of new or used automobiles or other motor vehicles, including warranty repair or associated work.

AUTOMOTIVE OR MOTOR VEHICLE SERVICE STATION: A building or place of

business where gasoline or any motor vehicle fuel or oil or other lubricating substances, batteries, tires, and other automotive accessories are supplied and dispensed to the motor vehicle trade, at retail, and where minor repair service may be offered.

**BASEMENT**: 1) That portion of a building partly underground but having less than half of its clear height below the average lot grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. 2) For floodplain management purposes, a basement shall be that area of a building or structure having its floor subgrade (below ground level) on all sides.

**BED AND BREAKFAST ESTABLISHMENT**: An establishment, dwelling, or part thereof, in which individual rooms are offered for transient or temporary lodging purposes by the owner or operator for limited periods of time. Breakfast may also be provided for overnight guests as a part of the lodging fee.

**BOARDING OR ROOMING HOME**: A building or structure containing a single family dwelling unit and rooms for the lodging of no more than six (6) additional persons for periods of time exceeding one (1) week, where no provision is made for cooking in any individual room. (See also Section 426.)

**BOARD OR ZONING HEARING BOARD**: The Zoning Hearing Board of Valley Township.

**BUFFER YARD**: Yard space, either landscaped or planted, provided between high intensity activities and residential uses.

**BUILDING**: A structure having a roof which is used for the shelter or enclosure of persons, animals, or property. The word "building" shall include any part thereof.

- a. **Building, Accessory**: A detached, subordinate structure located on the same lot as the principal building, serving a purpose customarily incidental to the use of the principal building.
- b. **Building, Principal**: A structure in which the principal use of the site is conducted.
- c. **Building, Attached**: A building which has one (1) or more party walls in common with adjacent buildings.
- d. **Building, Detached**: A building which has no party walls.

**BUILDING COVERAGE**: That percentage of the plot or lot area covered by the principal and accessory buildings, including covered porches, carports, and breezeways, but excluding open patios, parking or loading areas.

**BUILDING HEIGHT**: A vertical distance measured from the mean elevation of the

proposed finished grade to the highest point on the roof for flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridges for gable, hip, or gambrel roofs.

**BUILDING SETBACK LINE OR BUILDING LINE:** A line within and across a lot defining the required minimum yard between a structure and any adjacent street right-of-way line or other property line; i.e. the front, side or rear yard setback requirement.

**CAMPGROUND:** A tract or tracts of ground, or portion thereof, used for the purpose of providing two (2) or more spaces for recreational vehicles or tents for camping purposes, with or without a fee charged for the leasing, renting, or occupancy of such space.

**CARTWAY:** The surface of a street or alley available for vehicular traffic or the area between curbs.

**CELLAR:** A portion of a building partly underground, having half or more than half of its clear height below grade. A cellar shall not be considered in determining the permissible number of stories or determining habitable floor area nor shall it be used for dwelling purposes.

**CERTIFICATE OF COMPLIANCE:** The certificate issued by the Zoning Officer which certifies that all work authorized by the Zoning Permit has been satisfactorily completed and the building or proposed use thereof complies with the provisions of this Ordinance.

**CERTIFICATE OF NONCONFORMANCE:** A certificate issued by the Zoning Officer which acknowledges the existence of a nonconforming use, structure or lot as of the effective date of this Ordinance, thereby authorizing its right to continue until it is eliminated or abandoned.

**CHANGE OF USE:** An alteration of a building or a change of use existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection of the street centerlines.

**CLUB, LODGE, OR SOCIAL ORGANIZATION:** An organization catering exclusively to members and their guests in premises or buildings for social, recreational, or administrative purposes which are not conducted for profit. Clubs shall include but not be limited to service organizations, hunting or sportsmen's clubs, fraternal organizations, as well as social, athletic, or other similar groups.

**COMPLETELY DRY SPACE:** A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**COMMUNICATIONS ANTENNA:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. *This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including limitation, ham and citizen band antennas.* (See also Section 429.)

**COMMUNICATIONS EQUIPMENT BUILDING:** An unmanned building or cabinet containing communications equipment required for the operation of communications antennas. (See also Section 429.)

**COMMUNICATIONS TOWER:** A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas. (See also Section 429.)

**COMPREHENSIVE PLAN:** The complete plan for the development and redevelopment of Valley Township as recommended by the Township Planning Commission and adopted by the Township Board of Supervisors.

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

**CONDOMINIUM:** A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**CONSTRUCTION:** See NEW CONSTRUCTION.

**CONVERSION APARTMENT:** A dwelling or other building converted for occupancy by not more than three (3) families.

**COUNTY:** Montour County, Pennsylvania.

**CROP FARMING:** See AGRICULTURE.

**DAY CARE CENTER OR DAY NURSERY:** For the purposes of this Ordinance, a day care center or day nursery shall be defined as a private facility enrolling more than six (6) young children where tuition, fees, or other forms of compensation for the care of the children is charged and which is licensed or approved to operate as a child day care center by the PA Department of Public Welfare.

**DENSITY:** The number of families, individuals, dwelling units, or housing structures permitted to be constructed or situated on a specific unit of land.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair,

expansion, or alteration of buildings or other structures; the placement of mobile homes or manufactured housing; streets, and other paving; utilities; filling, grading, and excavation; mining; dredging or drilling operations; storage of equipment or materials; and the subdivision of land.

DISTRICT: A zoning district as laid out on the Zoning Map, along with the regulations pertaining thereto.

DRIVEWAY: A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

DWELLING: A building, structure, or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons.

- a. Dwelling, Single-Family Detached: A dwelling containing only one (1) dwelling unit from ground to roof, having independent outside access and open space on all sides, except for a mobile home as defined below. (See MOBILE HOME.)
- b. Dwelling, Single-Family Attached: A dwelling containing only one (1) dwelling unit from ground to roof, having independent outside access and a portion of one or two walls in common with an adjoining dwelling(s); i.e. a townhouse, garden apartment, or duplex. For the purposes of this Ordinance, a single-family attached dwelling structure shall contain a minimum of three (3) dwelling units.
- c. Dwelling, Two-Family Attached: An attached or semi-attached building containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or a common basement or cellar; i.e. a duplex.
- d. Dwelling, Multi-Family: A dwelling containing three (3) or more dwelling units not having independent outside access and not having party walls forming a complete separation between individual dwelling units; i.e. an apartment building or condominium.

For the purposes of this Ordinance, a MULTI-FAMILY HOUSING DEVELOPMENT shall consist of more than one (1) multi-family dwelling structure or more than one (1) single-family attached dwelling structure, or combination thereof.

DWELLING UNIT: One or more rooms in a dwelling structure designed for the use by one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Recreational vehicles and facilities for transient lodging shall not be considered as dwelling units for the purposes of this Ordinance.

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

**ENTERTAINMENT FACILITIES, PUBLIC:** Facilities operated as a business for profit, open to the public, for the purpose of providing entertainment, including but not limited to bowling alleys, roller skating rinks, motion picture theaters, health clubs, and similar types of establishments, but excluding adult entertainment facilities.

**ESSENTIALLY DRY SPACE:** A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

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

**FAMILY DAY CARE HOME:** A family residence where care is provided for no more than six (6) children unrelated to the resident household and which is registered by the PA Department of Public Welfare to provide such care. For the purposes of this Ordinance, a family day care home shall be considered to be a home occupation.

**FARM:** For the purposes of this Ordinance, a farm shall be defined as a parcel of land used for agricultural purposes or activities.

**FARM BUILDING:** See AGRICULTURAL STRUCTURE.

**FENCE:** Any structure constructed of wood, metal, wire mesh or masonry erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purposes of this Ordinance, a masonry wall shall be considered to be a fence.

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

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

**FLOODPLAIN:** 1) A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation. 2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODPROOFING:** Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents. (See Section 602 for further details of acceptable floodproofing techniques.)

**FLOODWAY:** The designated area of the floodplain which is required to carry and discharge the flood waters of a 100 year flood.



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

**GARAGE:** A building or structure used for the parking and storage of vehicles.

- a. **Garage, Private:** An accessory building or an accessory portion of a principal building designed or used for the parking or storage of motor vehicles which is not a commercial enterprise available to the general public.
- b. **Garage, Public:** A building or group of buildings used exclusively for the parking or storage of motor vehicles, available to the general public for compensation.

**GRADE:** The degree of rise or descent of a sloping surface.

- a. **Grade, Street:** The elevation of the centerline of an existing or proposed street; the percentage of slope.
- b. **Grade, Finished:** The final elevation of the ground surface after development.

**GROSS FLOOR AREA:** The sum of the gross horizontal areas of all of the floors of a building measured from exterior face of exterior walls, or from the centerline of a wall separating two buildings, excluding interior parking spaces for motor vehicles, basement or cellar floor areas where this area is not used for business or dwelling purposes, and the area of enclosed or unenclosed porches, decks, patios, and terraces.

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

**GROUP FAMILY HOUSEHOLD:** A group of individuals not related by blood, marriage, adoption or guardianship living together in one dwelling unit as a single housekeeping unit under a common housekeeping plan based on an intentionally structured relationship providing organization and stability.

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

**HABITABLE FLOOR AREA:** Any floor area within a dwelling unit which is useable for living purposes, including area for working, sleeping, eating, cooking and recreation, or a combination thereof. Floor area used only for storage purposes, such as closet, attic or unimproved basement space shall not be considered habitable floor area.

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

HISTORIC STRUCTURE: Any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register.
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - 1) by an approved state program as determined by the Secretary of the Interior; or,
  - 2) directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: A service-oriented occupation operated for gain or profit conducted entirely within the operator's residence or in a building accessory thereto, which is carried on by the inhabitant(s) thereof and is clearly secondary to the use of the dwelling for residential purposes and does not change the character thereof. (See Section 410.)

HORTICULTURE: The growing of fruits, vegetables, flowers, ornamental plants, shrubs, or trees for profit.

HOTEL OR MOTEL: A building or structure other than a dormitory arranged or used for sheltering, sleeping, and/or feeding of transient or overnight guests, in which no provision is made for cooking in any individual room.

JUNK: Any discarded article or material not ordinarily disposed of as rubbish, garbage, or refuse and including, but not limited to, scrap metal, scrapped, abandoned or junked automobiles, machinery, equipment, paper, rags, glass containers and other salvageable materials. For purposes of this Ordinance, the term "junk" shall not include hazardous wastes or materials, industrial residual wastes, or municipal wastes as defined in the PA Solid Waste Management Act.

JUNKED OR ABANDONED MOTOR VEHICLE: Any motor vehicle which does not bear a current license or registration and is not currently inspected, or which is not in runnable condition and is stored outside of an enclosed building.

JUNK YARD OR AUTO SALVAGE OPERATION: Any outdoor establishment, place of business, or use of land which is maintained, used or operated for storing, keeping, buying or selling junk. (See also Section 425.)

KENNEL OR STABLE: A building or structure where animals are housed, feed and/or trained for a fee, including but not limited to dog, cat or animal kennels, horse stables or riding academies.

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

LANDSCAPING: Grass and other plantings such as trees, shrubs and/or bushes.

LOADING BERTH: A space accessible from a street or alley in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

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

- a. Lot Area: See "AREA".
- b. Lot Depth: The mean horizontal distance from the street line of a lot to its opposite rear lot line measured in the general direction of the side lot lines.
- c. Lot Width: The distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such lot line and the opposite lot line.
- d. Lot, Corner: A lot with two adjacent sides abutting on streets. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees.
- e. Lot, Double Frontage: A lot which extends from one street to another, with frontage on both streets.
- f. Lot, Reverse Frontage: A lot extending between and having frontage on an arterial or collector street and a local street with vehicular access solely from the latter.

LOT LINES: The property lines bounding the lot. *(Continued on next page.)*

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

LOT OF RECORD: A lot which individually or as a part of a subdivision has been recorded in the office of the Recorder of Deeds of Montour County, PA.

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

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

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of routine maintenance and upkeep, but no including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beams or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements, nor shall any minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and is constructed so that it may be used without a permanent foundation. For floodplain management purposes, the term shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes placed on a site for a period of time exceeding 180 consecutive days. (See also Section 403.)

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PAD OR STAND: That part of an individual mobile home lot which has been reserved for the placement of a mobile home and appurtenant structures and connections.

**MOBILE HOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes. For floodplain management purposes, the term shall also include facilities for the placement of two (2) or more park trailers, travel trailers, recreational vehicles, and other similar types of manufactured housing for a period of time exceeding 180 consecutive days. (See also Section 408.)

**NEW CONSTRUCTION:** The construction, reconstruction, renovation, repair, extension, expansion, alteration, location or relocation of a building (including mobile and manufactured homes), structure, and/or improvements (such as streets, utilities, etc.). For floodplain management purposes, the term shall pertain to structures for which the start of construction commenced on or after the date of the Township's first adopted floodplain management regulations, and includes any subsequent improvements to said construction.

**NO-IMPACT HOME-BASED BUSINESS:** A business or commercial activity administered or conducted as an accessory use in a residential dwelling which is clearly secondary to the use of the residence as a dwelling and which meets the no-impact criteria set forth in Section 410 A. of this Ordinance.

**NONCONFORMING LOT:** A lot which does not conform to the minimum width, depth, or other dimensional requirements specified for the district in which it is located (Article 3), including those lots which existed prior to the enactment of this Ordinance. (See Section 901 for applicable provisions.)

**NONCONFORMING STRUCTURE:** A structure or part of a structure not designed or built to comply with the use or extent of use provisions of this Ordinance, including those structures which lawfully existed prior to the enactment of this Ordinance or amendment. Such nonconforming structures include, but shall not be limited to, nonconforming signs. (See Section 900 for applicable provisions.)

**NONCONFORMING USE:** A use of a building or land which does not comply with the applicable use regulations (Article 3) of this Ordinance or amendment, including those uses which lawfully existed prior to the enactment of this Ordinance or amendment. (See Section 900 for applicable provisions.)

**NURSING HOME:** A licensed establishment which provides full-time convalescent or chronic nursing and/or medical care. Such facilities shall not provide surgical, obstetrical or other services generally provided by a hospital.

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

**OPEN SPACE:** Space not occupied by a structure, open to the sky, and on the

same lot with the building or structure.

- a. Open Space, Public: Any land area set aside, dedicated, designated or reserved for public enjoyment.
- b. Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use and enjoyment of the residents of the development and which may include complementary structures and improvements as are necessary and appropriate.

PARKING SPACE: An off-street area on a lot available for the parking of one (1) motor vehicle and having direct, useable access to a street or road. A parking space may include covered garage space or uncovered lot space located off of the public right-of-way.

PARK OR PLAYGROUND: A public, semi-public, or private park or park-type facility which provides outdoor recreational enjoyment and activity, either for free or on a fee basis. Such facilities may include golf courses, tennis or basketball courts, baseball or other athletic fields, swimming, hiking and picnic areas, and playgrounds and may also include buildings and accessory structures.

PARTY WALL: A wall on an interior lot line or a wall adapted for joint service between two (2) buildings.

PERSONAL SERVICE BUSINESS: For the purposes of this Ordinance, personal service businesses shall include but need not be limited to barber shops, beauty parlors, self-service laundry and dry cleaning establishments, radio and television repair shops, home appliance and similar equipment repair facilities, tailor and dressmaking shops, travel agencies, or other establishments of a related nature.

PLANNED RESIDENTIAL DEVELOPMENT: Any area of land controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance. (See also Section 427.)

PLANNING COMMISSION: The Planning Commission of Valley Township, Montour County, PA.

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

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Township Supervisors, Township Planning Commission, or Township Zoning

Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING: A forum held pursuant to notice under the Act of July 3, 1978 (P.L. 388, No. 84), known as the Sunshine Act.

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

PUBLIC UTILITY TRANSMISSION TOWER: A structure owned and operated by a public utility electric company regulated by the PA Public Utility Commission, designed and used to support overhead electricity transmission lines.

RECREATIONAL VEHICLE: A portable or mobile vehicle used for temporary living or sleeping accommodation, without a permanent foundation. Recreational vehicles shall include travel trailers, house trailers, truck campers, motor homes and other similar types of vehicles used for recreational, camping or travel purposes. Such vehicles are permitted to be used only in campground areas or recreational vehicle parks in the municipality or on private independent parcels.

RECREATION FACILITY: See PARK OR PLAYGROUND.

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

REGULATORY FLOOD ELEVATION: The 100 year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

RESOURCE EXTRACTION OPERATION: Quarrying or commercial extraction of rock, sand, gravel, earth, clay or other similar materials, including facilities for the batching or mixing of extracted materials.

ROADSIDE STAND: A temporary booth, stand or shelter located along a roadway (but off of the road right-of-way) from which farm, nursery or greenhouse products grown on the premises are offered for sale to the general public.(See also Section 415.)

SCREEN PLANTING: The provision of a barrier to visibility, glare and noise between adjacent properties made of plant materials, such as trees or shrubs which will be of such species that will produce the desired visual screen within three (3) years of planting. Such plantings shall however adhere to the requirements of Section 506 and shall be broken at points of vehicular or pedestrian access or utility easements.

**SERVICES, ESSENTIAL:** Services necessary for the preservation of the public health and safety, including but not limited to, the erection, construction, alteration or maintenance, by public utility companies or governmental agencies, of under-ground or overhead transmission or utility systems, poles, wires, pipes, conduits, cables, hydrants, or other similar equipment.

**SEWAGE FACILITY:** Any sewer, sewage system, sewage treatment plant or parts thereof, designed intended or constructed for the collection, treatment or disposal of liquid wastes, including industrial wastes.

- a. **Sewage Facility, Off-Lot:** Any approved system or part thereof in which sanitary sewage is collected from buildings and piped by means of a sewerage system to a sanitary sewage treatment plant. Such a system must be designed in accordance with Department of Environmental Protection (DEP) standards and be permitted by the Bureau of Water Quality of the DEP. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.
- b. **Sewage Facility, On-Lot:** Any approved system or part thereof designed to serve a single dwelling or building in which sewage is collected in a septic tank, holding tank or similar container located on the same lot and is untreated except for bacterial action occurring within such tank and is disposed of either through a drain field connected to the tank or by hauling to a sewage treatment plant.

**SHOPPING CENTER:** A group of commercial establishments, planned, developed, owned and managed as a unit and related in location, size and type of shops to the trade area that the unit serves; it provides on-site parking in definite relation-ship to the types and sizes of stores. This definition shall include the term "shopping mall".

**SIGN:** Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any public, semi-public or civic, charitable or other religious group. (See Article 7 for definitions of various types of signs.)

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

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

**STORAGE:** A place or space for storing goods, articles of personal property, materials, etc.

- a. **Storage, On-Lot:** For the purposes of this Ordinance, on-lot storage shall be defined as outside, unenclosed storage of man-made materials (excluding



wood piles), recreational vehicles, campers, boats, antique cars or other similar types of vehicles or equipment on a lot occupied by the owner of the material or personal property. (See also Section 507.)

- b. Storage, Off-Lot: Storage of materials, vehicles or other personal property on a lot other than that occupied by the unit's owner, whether or not the item is stored in a completely or partially enclosed building or stored outside of a building.

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

STREET: Any thoroughfare, whether public or private, located in whole or in part within Valley Township. The word "road" may be used interchangeably with the word "street".

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including buildings, sheds, and signs, but excluding fences, poles, playground equipment, lawn ornaments and other similar objects. For floodplain management purposes, the term shall also include a gas or liquid storage tank that is principally above ground, as well as a mobile or manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either a) before the improvement or repair or b) if the structure has been damaged and is being restored, before the damage occurred. The term also includes structures that have incurred substantial damage regardless of the actual work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or 2) any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

SUPERVISORS OR TOWNSHIP SUPERVISORS: The Board of Supervisors of Valley Township, Montour County, PA; the governing body.

TEMPORARY PERMIT: A permit authorized by the Zoning Officer for a non-permanent structure or use where such structure or use is deemed to be beneficial to the public health or general welfare or necessary to promote the proper development of the Township.

**TIMBER HARVESTING OPERATION:** Any cutting or removal of trees or other harvesting of forest products for commercial use.

**USE:** The specific purpose or activity for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

- a. **Use, Accessory:** A use subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use.
- b. **Use, Principal:** The primary purpose for which a lot is occupied or utilized. (See Article 3.)

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

**VETERINARY OFFICE OR ANIMAL HOSPITAL:** An establishment where animals are given medical or surgical treatment and their boarding is limited to short-term care incidental to the treatment.

**WATER FACILITY:** Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

- a. **Water Distribution Facility, Off-Lot:** Any approved system in which potable water is supplied from a central water source to a dwelling or other building located off the lot on which such dwelling or building is located.
- b. **Water Distribution Facility, On-Lot:** Any approved system in which potable water is supplied from an individual well to a dwelling or other building located on the same lot as the well.

**YARD:** An open, unoccupied and unobstructed space which lies between the principal building and the nearest lot line and extending along the entire length of the lot.

- a. **Yard, Front:** An open space extending the full width of the lot between the principal building and the front lot line, unoccupied and unobstructed from the ground upward.
- b. **Yard, Rear:** An open space extending the full width of the lot between the principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
- c. **Yard, Side:** An open space extending from the front yard to the rear yard

between the principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

- d. Yard, Required: The minimum area or open space required by this Ordinance to be provided between any front, side or rear property line and a principal or accessory structure(s) on the lot.

ZONING HEARING BOARD: The Zoning Hearing Board of Valley Township, Montour County, PA.

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

ZONING OFFICER: The administrative officer duly appointed by the Township Supervisors and charged with the duty of enforcing the provisions of this Ordinance.

ZONING PERMIT: 1) The permit required by this Ordinance for the erection or alteration of any building or structure, or for the change in use of any building, structure or land. 2) A Permit stating that the purpose for which a building, structure or use is to be used is in conformity with the uses permitted and all other requirements of this Ordinance for the district in which the use is to be located. (See also Section 1202.)

## ARTICLE 14

### ENACTMENT AND MISCELLANEOUS PROVISIONS

#### **1400 INTERPRETATION, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Township. The Ordinance is not intended to interfere with or abrogate or annual other rules, regulations or ordinances of the Township provided that where this Ordinance imposes a greater restriction upon the use of land or premises or upon the construction of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinance, the provisions of this Ordinance shall control.

#### **1401 REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed, including the Valley Township Zoning Ordinance, enacted February 18, 1975. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or any cause or causes of action accrued or existing under any Ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

#### **1402 SEVERABILITY AND VALIDITY**

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

**1403 ENACTMENT AND EFFECTIVE DATE**

**ENACTED** and **ORDAINED** into an Ordinance on the 12th day of June, 1991. Said Ordinance became effective on the 17th day of June, 1991.

**AS AMENDED** on the 27th day of April, 1994, and on the 28<sup>th</sup> day of July, 1999, and on the 26th day of April, 2000, and on the 23rd day of April, 2003.

VALLEY TOWNSHIP BOARD OF SUPERVISORS

Carol J. Burton  
Chairman

Stan A. Gill  
Vice Chairman

Gary L. Derr  
Supervisor

ATTEST: Bruce G. LaMotte  
Valley Township Secretary

TOWNSHIP SEAL:

## **APPENDICES**

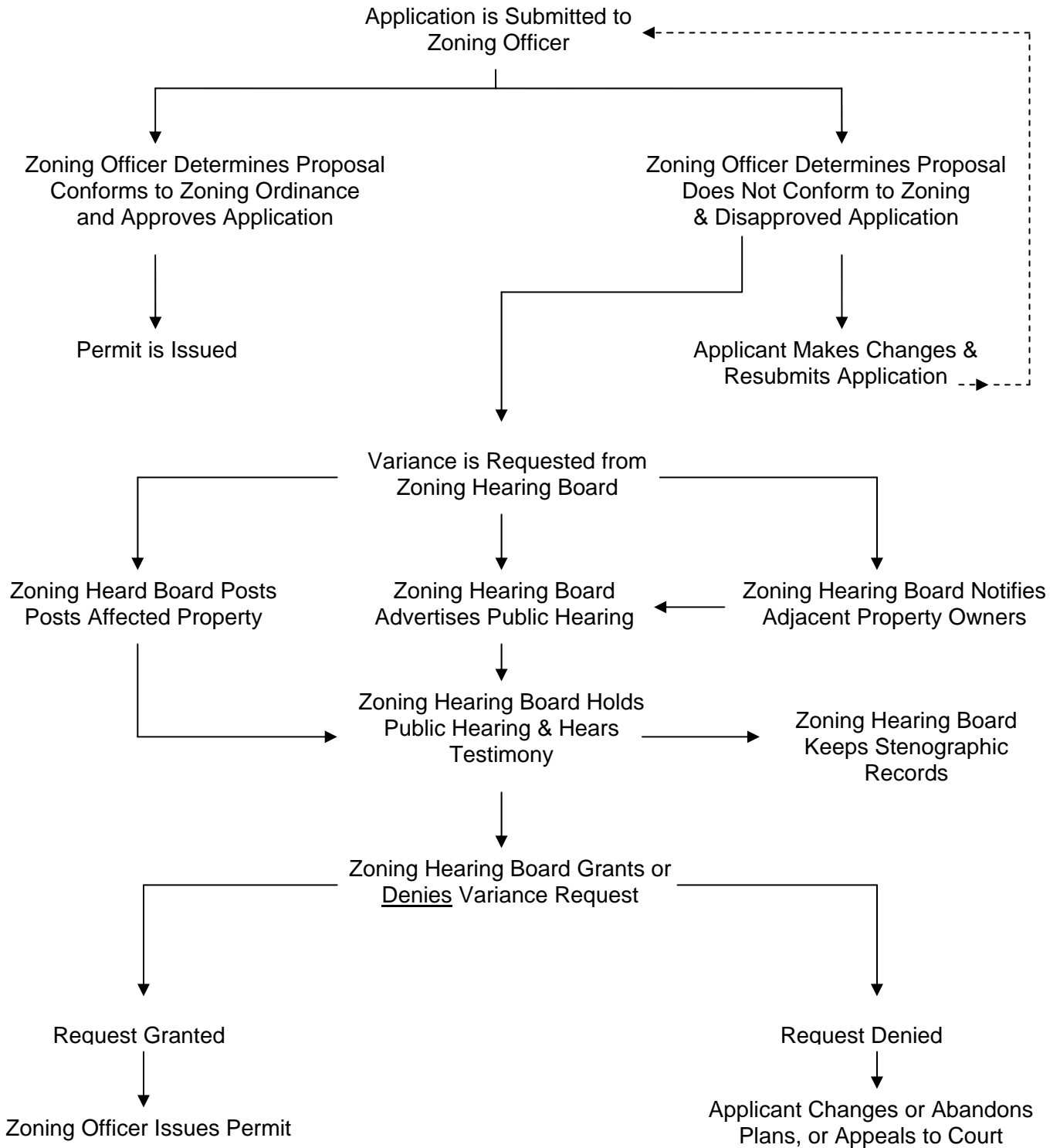
APPENDIX A. Variance Procedure

APPENDIX B. Ordinance Amendment Procedure

APPENDIX C. Conditional Use Procedure

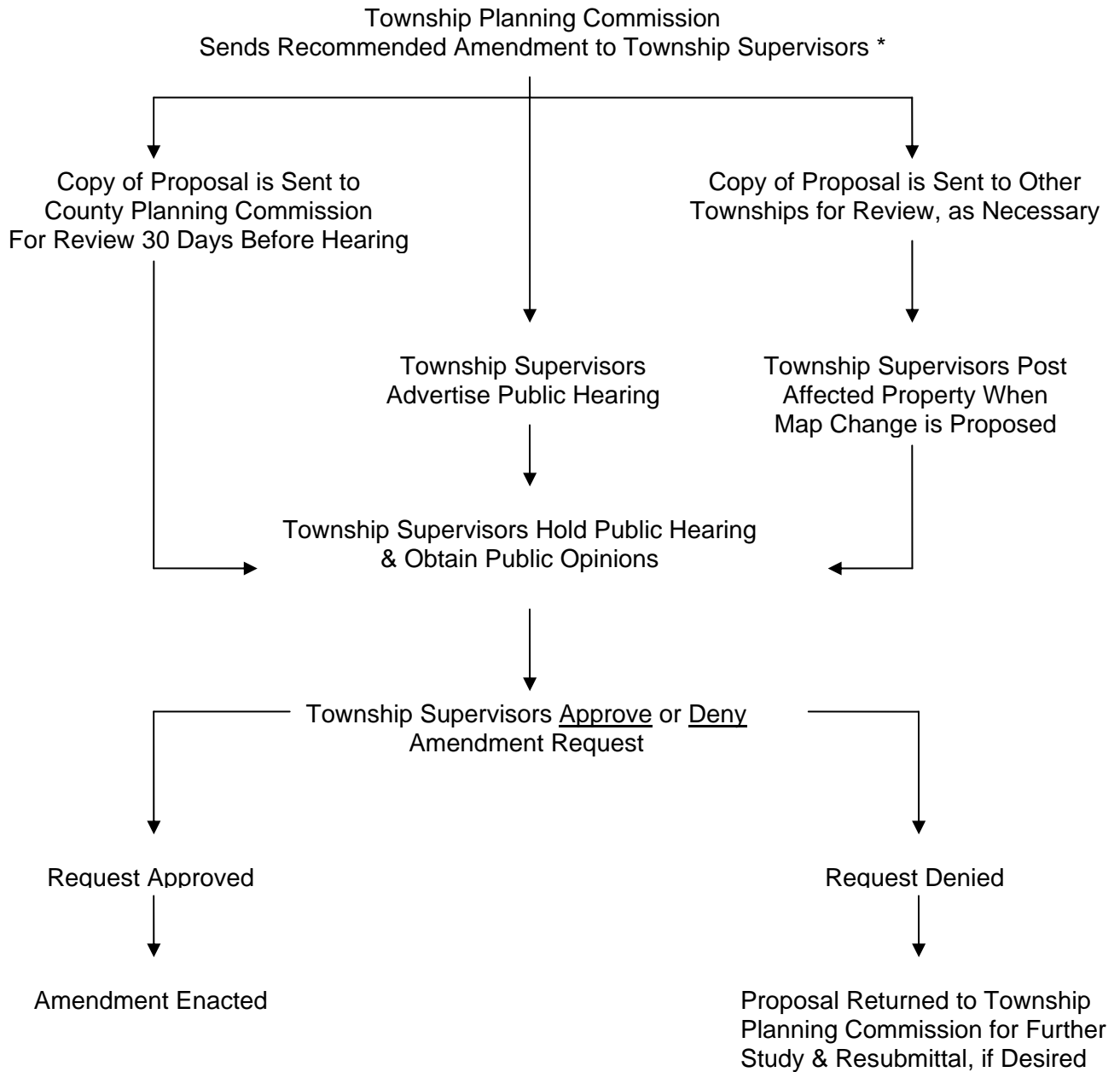
APPENDIX A

**VARIANCE PROCEDURE**



APPENDIX B

**PROCEDURE FOR AMENDING THE ZONING ORDINANCE**



\* If the amendment is prepared by a party other than the Township Planning Commission, then the Township Supervisors must send the proposal to the Planning Commission for their review and recommendations at least 30 days prior to the public hearing



APPENDIX C

**CONDITIONAL USE PROCEDURE**

