

ZONING
ORDINANCE

BUFFALO TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

AMENDMENT TO ZONING ORDINANCE

AUGUST, 1984

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BUFFALO TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA

AN AMENDMENT TO THE ZONING ORDINANCE ADOPTED FOR THE PURPOSES OF: PROMOTING AND PROTECTING THE HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS OF BUFFALO TOWNSHIP AND THE PUBLIC GENERALLY; ENCOURAGING AND MAINTAINING THE COORDINATED DEVELOPMENT OF THE COMMUNITY, THE PROPER DENSITY OF POPULATION, THE PROVISION OF ADEQUATE LIGHT AND AIR SPACE; ASSURING THE PROVISION OF PUBLIC REQUIREMENTS; PREVENTING THE OVERCROWDING OF LAND, BLIGHT, DANGER AND CONGESTION IN TRAVEL AND TRANSPORTATION; PREVENTING THE LOSS OF HEALTH, LIFE OR PROPERTY FROM FIRE, FLOOD, PANIC OR OTHER DANGERS; AND PRESERVING PRIME AGRICULTURAL LAND AND FARMLAND.

THEREFORE, this Ordinance regulates: the uses of land for agricultural, residential, commercial, industrial and other purposes; the size, location, construction and uses of structures and unoccupied open spaces; and the density of population and intensity of use; further providing for special exceptions, variances and conditional uses and for the protection and preservation of natural resources and agricultural activities; and providing a method of administration by the governing body and a Zoning Hearing Board, and a method of enforcement through prescribed penalties for violations.

All references herein to this "Ordinance" shall mean the Zoning Ordinance of Buffalo Township, Washington County, Pennsylvania, Ordinance Number 17, as hereby amended.

WHEREAS, this Amendment to the Zoning Ordinance is found by the governing body to be in accordance with the Comprehensive Plan for Buffalo Township, now therefore:

BE IT HEREBY ORDAINED BY THE TOWNSHIP SUPERVISORS OF THE TOWNSHIP OF BUFFALO, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA.

ARTICLE 1
GENERAL PROVISIONS

SECTION

101

TITLE: This Ordinance shall be known and may be cited as the "Buffalo Township Zoning Ordinance."

102

EFFECTIVE DATE: This Ordinance shall take effect the 23rd day of August, 1984.

103

DEFINED WORDS: Words used in a special sense in this Ordinance are defined in Article 13.

SECTION

- 104 COMMUNITY DEVELOPMENT OBJECTIVES: The community development objectives which are the basis for the provisions of this Ordinance are set forth in the Comprehensive Plan for Buffalo Township under the heading "Community Development Objectives."
- 105 ZONING MAP: A map, entitled "Buffalo Township Zoning Map", is hereby adopted as a part of this Ordinance. Said Zoning Map shall be kept on file for examination in the possession of the Secretary and in the possession of the Zoning Officers.
- 106 COMPLIANCE: No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this Ordinance and only after lawful issuance of all permits and certificates as required by this Ordinance.
- 107 SEVERABILITY: If any provision or section of this Ordinance or the application of any provision or section to particular circumstances is held invalid or unenforceable, the remainder of this Ordinance or the application of such provision or section to other circumstances shall not be affected.
- 108 INTERPRETATION: This Ordinance is to be strictly construed with a view toward effectuating the purposes set out herein.
- 109 CONFLICT: If under any circumstances the standards and regulations established by this Ordinance come into conflict with the standards and regulations established by another Ordinance of Buffalo Township, the higher or more restrictive standards and regulations shall be met.

ARTICLE 2
DESIGNATION OF ZONING USE
DISTRICTS AND REGULATIONS

- 201 DESIGNATION OF ZONING USE DISTRICTS: For the purposes of this Ordinance, the Township of Buffalo is divided into the zoning use districts listed hereunder and as shown by the district boundaries on the Zoning Map:

SECTION
201

R-S Suburban Residential District
A-R Rural Agricultural District
R-P Planned Residential Development
C-H Highway Commercial District
I Light Industrial District

202 DISTRICT BOUNDARIES: District boundaries shown on the Zoning Map are intended to follow property lines, centerlines of roads, streams and transportation rights-of-way, boundaries of identifiable physical features or measured distances from identifiable points of reference. When the Zoning Officer cannot definitely determine the location of a district boundary by reference to such centerlines, by the scale or dimensions set forth on the Zoning Map, or by the fact that it clearly coincides with the property line, he shall refuse to take action; and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

203 CLASSIFICATION OF USES: Three (3) classifications of uses varying in their impact upon the community and in the procedures by which they are approved may be established in a zoning use district.

203.1 PERMITTED USES: The permitted uses are those which are planned for and compatible with one another in each district. An application for a permitted use shall be granted by the Zoning Officer if all area, yard and other applicable provisions of this Ordinance are met. The permitted uses for each district are set forth in Articles 3 through 7, and uses not specifically listed shall not be permitted.

203.2 SPECIAL EXCEPTION USES: The special exception uses are those which may be acceptable within a zone but which, because of size or other characteristics, would have a greater impact upon neighboring properties than permitted uses. Therefore, special requirements are herein established for such uses, which special requirements must be met if they are to be approved. Application for a special exception use shall be approved by the Zoning Hearing Board after it has determined that all special requirements established in this Ordinance have been met as well as additional reasonable conditions which the Board may impose to insure that the purposes of this Ordinance are carried out.

203.3 CONDITIONAL USES: The conditional uses are those which, because of size or other characteristics, can be expected to produce a major impact upon the community and the environment. Application for approval of a conditional use shall

SECTION
203.3

be reviewed by the Township Planning Commission and decided by the Board of Township Supervisors in accordance with the conditions and standards established in this Ordinance and other Ordinances as established by the Board of Township Supervisors to insure that the purposes of this Ordinance are carried out.

204

DIMENSIONAL STANDARDS: Dimensional standards are established for each use district, setting forth minimum standards for lot sizes and yard requirements for the placement of structures and uses of land. Such standards shall apply to any structures or uses established or expanded after the effective date of this Ordinance. Any lot of record existing at the effective date of this Ordinance then held in separate ownership from adjoining lots may be used for the erection of a structure conforming to the use regulations of the district in which it is located, although its area and width may be less than the minimum requirements of this Ordinance, provided its use would have complied with the area and width requirements of the Zoning Ordinance amended by this Ordinance.

ARTICLE 3

SUBURBAN RESIDENTIAL DISTRICT REGULATIONS

301

PURPOSE: The primary purpose of the R-S Suburban Residential District is to provide for the development of a broad range of suburban residential uses in an orderly manner in areas where public services are or will be most readily available; to preserve the existing character of the land uses within the District; and to prevent the encroachment of land uses that are not compatible with the existing land uses. A further purpose of this District is to avoid scattered residential development in rural areas of the Township.

302

PERMITTED USES:

- (1) Single-family dwellings.
- (2) Parks, Schools, Churches.
- (3) Uses permitted in the Rural Agricultural District, with the exception of cemeteries and intense use for animal occupancy such as, but not limited to, livestock feeding lots, holding pens, or other similar agricultural uses.
- (4) Planned Residential Development subject to Article 5 of this Ordinance.
- (5) Customary accessory uses.

SECTION

303

SPECIAL EXCEPTION USES:

- (1) Cemeteries.
- (2) Home Occupation.

304

CONDITIONAL USE:

- (1) Multifamily dwellings, including townhouses and garden apartments.
- (2) Public and semi-public buildings which are necessary to and serve residents of the township.
- (3) Mobile Home Parks.

305

DIMENSIONAL STANDARDS: The following dimensional standards shall apply to all lots or parcels which may be created in the Suburban Residential District after the effective date of this Ordinance and to all structures constructed thereafter. See attached drawings in Appendix for graphic illustrations of terms for area regulations.

305.1

AREA REQUIREMENTS (MINIMUM LOT OR PARCEL SIZE):

Single family dwelling (sewered)	10,500 square feet*
Single family dwelling (unsewered)	1 Acre*
Multi family dwelling	3,000 square feet per unit*

* All uses shall conform to area standards which may be required by the Pennsylvania Department of Environmental Resources (D.E.R.) as amended from time to time for approval of on-lot sewage disposal systems. The minimum standards established by this Ordinance apply only where the requirements established by the D.E.R. are not more restrictive or limited.

305.2

FRONT YARD REQUIREMENT: (Minimum distances to structure from right-of-way of road.)

All lots or parcels -- 50 feet

305.3

SIDE YARD REQUIREMENT: (Minimum distance to structure or use from side property line.)

All structures or uses -- 15 feet

305.4

REAR YARD REQUIREMENT: (Minimum distance to structure or use from rear property line.)

All structures or uses -- 35 feet

305.5

WIDTH REQUIREMENT: (Minimum frontage along road)

All lots or parcels --125 feet

305.6

STANDARDS FOR OFF STREET PARKING REGULATIONS:

As required by Section 905 of this Ordinance.

SECTION

- 305.7 DESIGN STANDARDS:
As required by Section 910 of this Ordinance.
- 305.8 SITE PLAN REVIEW:
As required by Section 918 of this Ordinance.

ARTICLE 4

RURAL AGRICULTURAL DISTRICT REGULATIONS

- 401 PURPOSE: The primary purpose of the A-R Rural Agricultural District is to encourage the use of land for agriculture, forestry and low density residential use and to permit certain other activities which are compatible with agriculture and forestry. Any residential development herein is intended to be rural in character. The extension of public utilities into the Rural Agricultural District is not anticipated.
- 402 PERMITTED USES:
- (1) Agriculture
 - (2) Forestry
 - (3) Single-family dwellings
 - (4) Parks, Schools, Churches
 - (5) Open land recreation
 - (6) Cemeteries
 - (7) Planned Residential Development subject to Article 5 of this Ordinance
 - (8) Customary accessory uses
- 403 SPECIAL EXCEPTION USES:
- (1) Public and semi-public buildings which are necessary to and serve residents of the Township
 - (2) Home Occupations
- 404 CONDITIONAL USES:
- (1) Oil and Gas Wells
 - (2) Coal and Mineral Extraction
 - (3) Sanitary landfill
 - (4) Institutional Residences and Group Homes
 - (5) Salvage Business
 - (6) Airport
 - (7) Mobile Home Parks
- 405 DIMENSIONAL STANDARDS: The following dimensional standards shall apply in the Rural Agricultural District to all lots or parcels which may be created to all structures and to particular uses of land as permitted in this Section.

SECTION

405.1	<u>AREA REQUIREMENTS:</u> (Minimum lot or parcel size)	
	Farming, Forestry	10 Acres*
	Single Family Dwelling	1 Acre*
	Special Exception Uses	1 Acre or as determined by Zoning Hearing Board
	Conditional Uses	As determined by Board of Supervisors

*All uses shall conform to area standards which may be required by the Pennsylvania Department of Environmental Resources (D.E.R.), as amended from time to time, for approval of on-lot sewage disposal systems. The minimum standards established by this Ordinance apply only where the requirements established by the D.E.R. are not more restrictive or limited.

405.2	<u>FRONT YARD REQUIREMENT:</u> (Minimum distance to structure from right-of-way of road)	
	All lots or parcels	50 feet
405.3	<u>SIDE YARD REQUIREMENT:</u> (Minimum distance to structure or use from side property line).	
	All structures or uses	30 feet
405.4	<u>REAR YARD REQUIREMENT:</u> (Minimum distance to structure or use from rear property line)	
	All structures or uses	50 feet
405.5	<u>WIDTH REQUIREMENT:</u> (Minimum frontage along road)	
	All lots or parcels	125 feet
405.6	<u>GENERAL SETBACK REQUIREMENTS</u>	

Required Distance from Property Line or Public Right-of-Way or Highway (Feet)

Storage or manure or dust-producing substances	200 ft.
Greenhouse heating plants	100 ft.

SECTION
405.6

Required Distance from
Property Line or Public
Right-of-Way or Highway (Feet)

Buildings, sheds, shelters,
kennels, structures or other
partial or complete enclosures
in which animals or poultry are
kept. (Does not apply to build-
ings or structures housing not
more than two (2) dogs or other
pets.) 200 ft.

Additional farm buildings, sheds,
shelters, structures or enclosures
other than a dwelling 50 ft.

405.7 OFFSTREET PARKING REGULATIONS:
As required by Section 905 of this Ordinance.

405.8 LOADING REGULATIONS:
As required by Section 906 of this Ordinance.

ARTICLE 5

PLANNED RESIDENTIAL DEVELOPMENT (PRD)

501 PURPOSE: It is the purpose of these regulations to establish zoning regulations, controls and standards for minimum land areas, the use of land and buildings, amount and kind of open space land, provisions for offstreet parking and other similar requirements necessary to regulate Planned Residential Development within the limits of the Township and in accordance with the Pennsylvania Municipalities Planning Code and other laws of the Commonwealth of Pennsylvania.

These regulations recognize that, while the standard zoning functions (use and bulk) and the standard subdivision functions (platting and design) are appropriate for the regulation of land uses in areas or neighborhoods of the community that are already substantially developed, these controls represent a type of preregulation and regulatory rigidity which would frustrate the application of the PRD concept.

Thus, where PRD techniques are permitted, the normal use and dimensional specifications contained elsewhere in the zoning ordinance and applicable to the respective Residence Districts are herein replaced by an approval process in which the approval plan becomes the basis for continuing land use controls.

SECTION
501

To insure that the increased flexibility of regulations over land development as authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay, the following review powers are granted to the Planning Commission which acts as the designated planning agency for the Township.

(1) The Planning Commission shall review all planned residential developments pursuant to the provisions of this Ordinance and shall make written recommendations to the Supervisors for approval or disapproval;

(2) The Planning Commission shall insure that the applicant conforms to all requirements, standards, controls and regulations as set forth in Sections 510 through 512 of this Ordinance;

(3) The Planning Commission and the applicant shall comply with all procedures as set forth in Section 513 of this Ordinance pertaining to application and hearings on tentative and final approval of a proposed Planned Residential Development by the Supervisors.

501.1 ESTABLISHMENT OF CONTROLS:

The regulations set by this Ordinance are minimum regulations within the Rural Agricultural and Suburban Residential Districts and shall apply uniformly to each classification or kind of lot and structure within the respective Zone Districts.

501.2 OTHER ARTICLES OF THE ZONING ORDINANCE:

Planned Residential Development does not necessarily correspond in minimum lot size, building area, type of dwelling unit, density, lot coverage or required open space, to any other residential district zoning ordinance requirements in the Township.

502 PLANNED RESIDENTIAL DEVELOPMENT REGULATIONS FOR THE RURAL AGRICULTURAL AND SUBURBAN RESIDENTIAL DISTRICTS

502.1 USE REGULATIONS:

Within the PRD, land may be used and buildings erected for the following purposes:

(1) Residential uses of any variety or type. In developing a balanced community the use of a variety of housing types shall be deemed most appropriate in keeping with the intent of this Article.

(2) Accessory commercial, service, and other non-residential uses may be permitted or required where such uses are scaled primarily to serve the residents of the Planned Residential Development and the surrounding community.

SECTION
502.1

(3) Customary accessory uses, such as private garages, storage spaces, recreational and community buildings and uses, churches, schools, etc., may be permitted as appropriate to the PRD and may also be permitted if appropriate to the overall development of the Township.

(4) Determination of non-residential uses:

(a) Because of the primarily residential nature of a PRD, only those commercial uses compatible with reasonably associated residential development shall be permitted. No industrial uses shall be permitted.

502.2 SITE AREA:

The minimum area for a tract to qualify for a Planned Residential Development within the Rural Agricultural and Suburban Residential Districts shall be twenty (20) contiguous acres of land. Where an applicant can demonstrate that the characteristics of his land will meet the objective of this Ordinance, the Township may consider projects having less acreage than the minimum but such projects may not be less than ten (10) contiguous acres in size.

502.3 OWNERSHIP:

The tract of land for a project may be owned, leased or controlled by either a single person, a corporation or a group of individuals or corporations. An application must be filed by the owner or jointly by the owners of all properties included in the project. In the case of multiple ownerships, the approved plan shall be binding upon all owners.

502.4 LOCATION OF THE PRD:

The location of the PRD regulated by this Section may be any site within the Rural Agricultural and Suburban Residential Districts meeting the minimum acreage requirements of Section 502.2.

502.5 DENSITY PERMITTED:

For the purposes of this Ordinance, residential uses of any variety or type may be constructed provided that the overall gross density of 3.4 dwelling units per acre of site area is not exceeded and providing that all requirements of this Ordinance are met and State approved sewer facilities are installed.

Adjustments in overall permitted density may be made by the Township where deemed appropriate and following detailed engineering evaluations relative to surface water runoff control, provisions for sanitary sewer facilities, erosion control procedures, and such other engineering data as the Township may prescribe. Adjustments shall be based upon written recommendations by the Township Engineer,

SECTION
502.5

tentative approvals granted by the Department of Environmental Resources and other related agencies having an interest in the proposed development.

503

GENERAL REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENT:

503.1

DIMENSIONAL STANDARDS:

The general location of all structures shall be shown on the final approved plan. The location and the arrangement of all structures shall be such that proper light and air are provided. The face-to-face (front-to-front), front-to-rear, (rear-to-rear) space between buildings shall be not less than two (2) times the height of the lowest building or fifty (50) feet minimum, whichever is greater.

Minimum lot sizes, building setbacks, yard lines, lot coverage, and lot width are not specifically regulated by this Ordinance. However, the relationship of buildings to each other, the local street system, the utility systems and the open space land pattern shall be consistent with the purpose and intent of this Ordinance.

A perimeter conservation easement shall be maintained around the perimeter of a PRD having dimensions of fifty (50) feet or two (2) times the height of an adjacent building, whichever is greater.

Because of the unique nature of the areas of the community, developers must maintain the existing plant cover to the maximum extent possible. Existing trees shall be maintained beyond twenty (20) feet of all perimeter building walls, except in areas where roads, parking areas, sewer lines, water impoundments, foot or bicycle paths, etc. are required.

The height limitation for all residential buildings shall be ten (10) stories or one hundred (100) feet, whichever is less.

503.2

COMMON OPEN SPACE LAND:

Private common property in the PRD is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners or occupants of the individual dwelling units within the PRD. Where common property exists, satisfactory arrangements must be made for the improvement, operation and maintenance of such common property and facilities including streets, drives, service and parking areas, utility systems and networks, and recreational and open space land. Common open space land shall be bound permanently to such use in a manner acceptable to the Township.

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503.3 PUBLIC LAND:

The Township may at any time or from time to time accept dedication of common open space land and facilities including streets, and open space land as the Township deems appropriate, proper and necessary for the general welfare of the Township residents.

503.4 OFFSTREET PARKING REQUIREMENTS:

One Family Dwelling: 2 spaces, one of which shall be enclosed.

Townhouse or Garden Apartment Unit: 2 spaces per unit.

High-Rise Apartment Unit: 1.5 spaces per unit.

Offices: 1 space per 200 square feet of gross building area.

Commercial Uses: 1 space per 300 square feet of gross building area.

Other Uses: As determined by the Planning Commission, based upon requirements contained elsewhere in the Township Zoning Ordinance, or as required by good practice.

Parking requirements for housing for the elderly may be reduced by 25%. Standards shall be as in Section 905.

504 APPLICATION & APPROVAL FOR PLANNED RESIDENTIAL DEVELOPMENT

504.1 GENERAL

Whenever any Planned Residential Development is proposed, before any permit for the erection of the permanent building in such Planned Residential Development is granted, and before any subdivision plan for any part thereof may be filed in the office of the Township, the developer or his authorized agent shall apply to the Township for approval of such Planned Residential Development in accordance with the following procedures:

1. Pre-application conference: The applicant shall appear before the Planning Commission and present a written request containing the following:

a. A statement of his intention to construct a Planned Residential Development and designate the Residence District.

b. A plot plan showing the ownership of all land to be included in the PRD and all abutting owners' houses.

c. (1) General statements regarding the nature of the proposed land uses, (2) the applicant's ability to carry out such a project, (3) the applicant's knowledge of the PRD concept and his understanding of the Ordinance and conditions under which he will operate.

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(2) Tentative Approval as set forth in Section 504 of this Ordinance.

(3) Final Approval as set forth in Section 304.6 of this Ordinance.

504.2

APPLICATION FOR TENTATIVE APPROVAL OF PLANNED RESIDENTIAL DEVELOPMENT:

1. In order to provide an expeditious method for processing a plan for a Planned Residential Development under the terms of this Ordinance and to avoid the delay and uncertainty which would arise if it were necessary to secure approval by multiplicity of local procedures, of a platted subdivision or resubdivision, as well as approval of a change in the zoning regulations otherwise applicable to the property, Application for Tentative Approval of a Plan for Planned Residential Development shall be filed on behalf of the land owner.

2. Following approval of the applicant's request for permission to proceed under the requirements of this Ordinance, the applicant must submit plans to the Township for review and Tentative Approval within nine (9) months from the date of approval granted under Paragraph 1 above. In order to allow the Township Supervisors, the Planning Commission and the applicant time to reach an understanding on the basic design requirements, the applicant shall submit a preliminary plan for his proposed PRD to the Township Supervisors and the Planning Commission for their review and approval.

3. Because of the unique nature of Planned Residential Development when compared with other forms of zoning and land development, the preliminary plan and all subsequent plans shall be prepared by competent consultants having experience in the design of Planned Residential Development. The Township may require the applicant's consultants to submit their credentials and experience for review for conformance with the intent of this Article.

4. The Application for Tentative Plan Approval shall contain only such information on the Application as is reasonably necessary to disclose to the Township the:

a. Overall development plan showing:

(i) the location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed;

(ii) the density of land use to be allocated to parts of the site to be developed;

(iii) the location and size of the common open space and the form of organization proposed to own and maintain the common space;

(iv) the use and the approximate height, bulk and location of buildings and other structures;

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(v) the feasibility of proposals for the disposition of sanitary waste and storm water;

(vi) the substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;

(vii) the provisions for parking of vehicles and the location and width of proposed streets and public ways;

(viii) the required modifications in the municipal land use regulations otherwise applicable to the subject property;

(viii.1) the feasibility of proposals for energy conservation and the effective utilization of renewable energy sources; and

(ix) in the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.

504.3

TENTATIVE APPROVAL:

In order to provide an expeditious method for processing a plan for Planned Residential Development, under the terms of an ordinance adopted pursuant to the "Pennsylvania Municipalities Planning Act," as amended, the Township shall review the tentative plan and its related documents and shall inform the applicant of their approval or disapproval of the tentative plan in whole, or in part, in writing within sixty (60) days following the conclusion of the public hearing provided for in this Article. The Township's Decision shall contain the required information as set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended, Section 709, and will govern the procedures and limitations for conditional approvals. The Township may refer the tentative plan to other public or quasipublic agencies or any private consultant deemed necessary to provide a sound review of the proposal. Notwithstanding anything to the contrary contained herein, applications and accompanying documents shall be submitted for study and recommendation to the Washington County Planning Commission according to law. In approving a plan, the Township may take into account the following:

1. Proposal conformance with the local comprehensive plan.

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2. Proposal conformance with the purpose and intent and objectives of Planned Residential Development as expressed in Section 510.

3. Proposal conformance of Section 510 above.

4. The conceptual soundness of the proposal inasmuch as it meets community needs and conforms to accepted design principles in land use configuration, proposed functional roadway system, proposed functional utilities systems, open space land systems, and the scale of these elements both absolutely and one to another.

5. The purpose, location and amount of the common open space land in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the open space land, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of development.

6. In the case of a Planned Residential Development which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents and owners of the Planned Residential Development in the integrity of the plan.

504.4

STATUS OF PLAN AFTER TENTATIVE APPROVAL

(1) The official written communication provided for in this Article shall be certified by the Secretary or Clerk of the governing body and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the Zoning Map.

(2) Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

(3) In the event that a development plan is given tentative approval and thereafter, but prior to final

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approval, the landowner shall elect to abandon said development plan and shall so notify the governing body in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Secretary or Clerk of the municipality.

504.5 PROGRESS MEETINGS AND SUBMISSION OF REVISED PLAN:

1. A public hearing within sixty (60) days after the filing of an application for tentative approval of a Planned Residential Development under this Article shall be held pursuant to public notice on said application by the Board of Supervisors and the Planning Commission. The recommendations of the Planning Commission shall be advisory only and the final approval shall be solely vested in the Board of Supervisors. The public hearing or hearings shall be concluded within sixty (60) days of the first public hearing.

2. If required by the Township, the applicant shall submit revised plans for their review and approval prior to submission of the final plan.

3. It is anticipated that changes will occur in the plan during the development of the final plan(s). It is, therefore, required that the applicant arrange at least one progress meetings with the Township during the period between tentative plan approval and final plan submission.

504.6 APPLICATION FOR FINAL APPROVAL:

An application for final approval shall be submitted to the Township by the applicant after tentative plan approval. A plan submitted for final approval shall be deemed in substantial compliance with the plan previously given tentative approval provided any modifications by the applicant of the plan as tentatively approved does not:

1. Vary the proposed gross residential density or intensity of use by more than five (5%) percent; nor

2. Involve a reduction of the area set aside for common open space nor the substantial relocation of such areas; nor

3. Increase by more than ten (10%) percent the floor area of the non-residential use; nor

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4. Increase by more than five (5%) percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.

504.7 ACTION ON FINAL PLAN BY TOWNSHIP:

The Township shall within forty-five (45) days of the final plan approve or disapprove the final plan in whole or in part based upon, but not limited to, the following considerations:

1. Substantial conformance of the final plan with the previously approved tentative plan.
2. Plan conformance with the requirements of this Ordinance.

In the event the plan submitted for final approval is not in compliance with the plan given tentative approval, the Township shall within forty-five (45) days from the filing of the application for final approval, so notify the applicant in writing setting forth the particular ways in which the plan fails to be in substantial compliance. The applicant shall direct his course of action based upon the alternatives permitted him under the "Pennsylvania Municipalities Planning Act", Act No. 101.53, 53 P.S. §10711, as amended.

504.8 PHASING AND PLAN CHANGES:

A plan which requires more than twenty-four (24) months to complete shall be constructed in phases and the phasing plan must be developed.

In a phased PRD, it is expected that changes in the approved final plan will be required from time to time. In order to preserve the flexibilities which are fundamental to PRD, plan changes are permitted subject to the limitations listed below:

1. The changed plan must meet the basic objective of all regulations and all requirements of this Ordinance.
2. All changes in the final plan must meet the fundamental substantial compliance requirements of this Ordinance.
3. All plan changes must be submitted to the Township for review and approval in accordance with the requirements of this Ordinance.

504.9 FEE:

A fee relating to the processing of Planned Residential Development applications and subdivision plans is prescribed by resolution of the Governing Body as from time to time adopted but shall be set at a rate not less than \$2.50 per dwelling unit or \$6.00 per acre, whichever is greater.

ARTICLE 6

HIGHWAY COMMERCIAL DISTRICT REGULATIONS

SECTION

601

PURPOSE: The primary purpose of the C-H Highway Commercial District is to encourage a compatible relationship between abutting or proximate agricultural and/or residential districts and the area designated as a commercial district. It is intended that this district encompass commercial uses directed toward the needs of local residents and through neighborhood type facilities and highway users through general convenience needs, and regulate such uses so as to preserve the nature of surrounding districts.

602

PERMITTED USES:

In any C-H District, land, buildings or premises shall be used by right only for one or more of the following:

(1) Apparell and Accessories Stores including shoe stores, furriers and custom tailors.

(2) Furniture, Home Furnishing and Equipment including household appliance stores, hardware, paint and glass stores, radio and television stores including services.

(3) Convenience Food Stores including bakeries and confectionary shops where the production of baked goods is to be sold only at retail on the premises; dairy products; and meats.

(4) Eating establishments including restaurants, lunch counters and delicatessens.

(5) Gift shops, including camera, book, stationery, antique, musical supplies, cosmetics, candy, cigarettes and tobaccos, flowers, hobby, jewelry, leather and luggage shops.

(6) Greenhouses.

(7) Bus or railway passenger stations; express agency.

(8) Business machine shops, sales and service.

(9) Personal service shops, including dry cleaning, barber, beautician, shoe repair, laundromat and tailor.

(10) Artists and photographers studios.

(11) Mortuaries and crematories.

(12) Libraries and museums.

(13) Storage garages and public garages.

(14) Factory authorized new automobile sales, agencies and services.

(15) Veterinary hospitals.

(16) Accessory Uses, limited to:

(a) Accessory buildings and uses customarily incidental to the above uses; and

(b) Residential uses where such are an integral and accessory part of commercial structure.

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CONDITIONAL USES:

(1) Offices for the conduct of medical and other professions, real estate and insurance, banks including branch banks, messenger or telegraph services.

(2) Government offices serving the public, including a post office, or other public or semi-public offices, including clubs, fraternities and lodges.

(3) Indoor recreational facilities, including theatres, gymnasiums, racquet ball courts and other facilities for similar activities.

(4) Motels - hotels and related facilities such as restaurants, meeting rooms, auditorium spaces and swimming pools.

(5) Educational, religious or philanthropic uses, hospitals and medical facilities, and sanitariums.

(6) Public garage or gasoline service stations or motor vehicle services and repair shops.

(7) Automobile laundries.

(8) Business offices.

(9) Outdoor recreational facilities, including miniature golf courses, golf driving ranges, swimming pools, tennis courts and other similar activities.

604

DIMENSIONAL STANDARDS

604.1

AREA REQUIREMENTS (MINIMUM LOT OR PARCEL SIZE):

All uses or structures

As determined by the Township Supervisors upon recommendation from the Planning Commission, the area necessary for the intended use or structure.

Lot coverage

50% maximum

604.2

FRONT YARD REQUIREMENT: (Minimum distances to structure road right-of-way.)

All uses or structures

50 feet*

*No portion of any use or structure, including parking facilities, shall be located with the highway right-of-way.

SECTION

604.3 SIDE YARD REQUIREMENT: (Minimum distance to structure or use from side property line.)

Uses and structures contiguous to other commercial uses and structures 20 feet

Uses and structures contiguous to a residential area 75 feet

Buildings over 35 feet in height 1 foot minimum for each 1 foot in height over 35 feet

604.4 REAR YARD REQUIREMENT: (Minimum distance to structure or use from rear property line.)

All structures and uses 50 feet

604.5 WIDTH REQUIREMENT: (Minimum road frontage)

All structures and uses As determined by the Township Supervisors upon recommendation from the Planning Commission, the width necessary for the intended use or structure.

604.6 HEIGHT OF BUILDING:

No limitation unless the structure shall be visible from a residential structure in which event the height of all proposed structures shall be as established by the Township Supervisors upon recommendation from the Planning Commission.

604.7 OFF STREET PARKING REGULATIONS:

As required by Section 905 of this Ordinance.

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604.8 LOADING REGULATIONS:

As required by Section 906 of this Ordinance.

604.9 DESIGN STANDARDS:

As required by Section 910 and 911 of this Ordinance.

604.10 SITE PLAN REVIEW:

As required by Section 918 of this Ordinance.

ARTICLE 7

LIGHT INDUSTRIAL DISTRICT REGULATIONS

701 PURPOSE: The primary purpose of the Light Industrial (L-I) District is to provide for the development of light industrial properties, while preserving the intended residential or commercial uses of surrounding properties.

702 PERMITTED USES:

- (1) Manufacturing, packaging, processing and assembly.
- (2) Storage and distribution
- (3) Laboratories, research and testing
- (4) Automotive repair
- (5) Offices
- (6) Customary accessory uses limited to:
 - (a) Restaurant or cafeteria facilities for employees.

703 SPECIAL EXCEPTION USES:

- (1) Outdoor storage of materials.

704 CONDITIONAL USES:

- (1) Retail sales.
- (2) Planned Industrial Development.

705 DIMENSIONAL STANDARDS: The following dimensional standards shall apply to all lots or parcels which may be created in the Light Industrial District after the effective date of this Ordinance and to all structures constructed thereafter and to particular uses of land as hereunder noted.

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705.1

AREA REQUIREMENTS: (Lot by lot development)

Lot Size	
Permitted and Conditional Uses	1 acre*
Special Exception Uses	2 acres*
Lot width	150' minimum
Lot coverage	30% maximum
Building setback line	50' minimum
Side yard required: (Two required)	
Permitted and Conditional Uses	30' minimum
Special Exception Uses	75' minimum
Rear yard	45' minimum
Front yard (distance to structure or use from right-of-way of road)	See Building Set Back Line
Height of building	40' maximum

*All uses shall conform to area standards which may be required by the Pennsylvania Department of Environmental Resources (D.E.R.), as amended from time to time, for approval of on-lot sewage disposal systems. The minimum standards established by this Ordinance apply only where the requirements established by the D.E.R. are not more restrictive or limited.

705.2

AREA REQUIREMENTS FOR PLANNED INDUSTRIAL DEVELOPMENT (INDUSTRIAL PARK):

Lot size (site)	-----174,240 sq. ft. (4 acres) minimum
Lot size (unit of use)	-----As required to meet and design performance standards, however, a 10,000 sq. ft. minimum shall be required
Lot width	-----300 ft. minimum w/100' minimum access corridor
Lot coverage	-----30% maximum
Distance between buildings	---50 ft. minimum, or as determined by Planning Commission
Setbacks	
Improvement setback line	---10 ft. minimum
Building setback line	-----45 ft. minimum (from all street right-of-way lines)
Side yards (site)	-----50 ft. minimum
Rear yards (site)	-----50 ft. minimum
Building Height	-----No limit, however, all yard areas shall be increased by 3' in width for every 10' of building height over 20'
Highway access points	-----300 ft. minimum
Paved areas	-----35% maximum, paving of parking, loading and circulation areas mandatory