

April 10, 2001

The Board of Supervisors of Mt. Carmel Township held a Special Meeting on Tuesday, April 10, 2001, at the Township Municipal Building, commencing at 10:30 P.M. to address Zoning changes. The meeting began with the Pledge of Allegiance to the Flag.

Roll Call: John Fiamoncini, Chairman
Mary Jo Rynkiewicz, Vice-Chairperson
Edward Sebastian, Secretary/Treasurer (Arrived Late)
Reno Benedetti
Thomas Nowroski (Absent due to work schedule)

There was no public participation on Agenda Items.

Mr. Benedetti moved and Mr. Fiamoncini seconded to adopt the proposed change the Zoning regarding dimensional regulations for sideyards as submitted. The complete discussion is on audio tape.

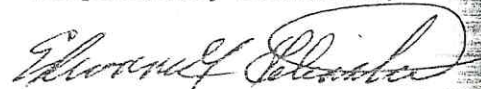
Motion carried 3 - 0

Mr. Fiamoncini moved and Mrs. Rynkiewicz seconded to adopt the proposed ordinance change in the zoning regarding porches and decks in the rear of homes only as presented. A complete discussion is on audio tape.

Motion carried 3 - 0

There being no further business, the meeting adjourned at 10:30 A.M.

Respectfully submitted,



Edward Sebastian
Secretary/Treasurer

PROPOSED CHANGES TO ZONING

ACTUAL ZONING

R-2 DISTRICT - MEDIUM AND HIGH DENSITY DISTRICT

Section 504

Subsection 6

Dimensional Regulations

E. Minimum sideyard

Single - family detached and two family dwellings

3 feet on one side

10' between both sides

Single family attached and multiple family townshouses

none required

PROPOSED CHANGES

Single Family detached dwelling

3 feet on one side

10 feet between both sides

Two family dwelling (half doubles) 3 feet on one side

Single family and multiple family townshouses - none required

ACTUAL

803 Supplementary Yard Regulations

Subsection 5

Porches and Decks: Any porch or deck more than four and one half feet (4½) in depth shall be considered a part of the building in the determination of the size of yards or lot coverage. Proposed changes are for the rear of homes only.

PROPOSED CHANGE

Sub Section 5

Porches and decks: Any porch or deck more than four and one half (4½) feet in depth shall be considered a part of the building in the determination of the size of yards or lot coverage.

Therefore, as this porch or deck is already considered to be of the original structure, it may be enclosed, without applying for a Zoning Variance.

All other rules of Zoning remain in effect regarding this matter.

MOUNT CARMEL TOWNSHIP

ZONING ORDINANCE

0 - 92 - 8

was passed on
October 15, 1992

ZONING ORDINANCE

Mount Carmel Township
Northumberland County, Pennsylvania

December 1988

The preparation of this report was financed in part by a grant from the Federal Department of Housing and Urban Development, under the administration of the Commonwealth of Pennsylvania, Department of Community Affairs.

Prepared by:

Marlene M. Pawlowski, AICP
Planning Consultant
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290 South Pennsylvania Boulevard
Wilkes-Barre, Pennsylvania 18701-3304

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PREFACE: HOW TO USE THIS ORDINANCE

All articles in the Zoning Ordinance are important. However, some are more important to the property owner; some are more important to the Zoning Officer; some are more important to the Zoning Hearing Board; and some are more important to the Planning Commission and Board of Supervisors. Those most important to each user are discussed below.

Property Owner

A property owner who wants to know what is required of him or her under the Zoning Ordinance should first refer to the Zoning Map in order to determine the district (or "zone") in which the property is located. (See Article 4.) Once that determination is made, he or she should review the basic regulations for that district (Article 5). These district regulations tell the property owner the purpose served by the creation of such district, which purpose is related to the Community Development Objectives (Article 2); the uses allowed in the district; the dimensional requirements for lots, yard areas, and building height and coverage in the district; and supplementary regulations dealing with such concerns as flood plains, signs, and parking, which apply to most, if not all, the districts in the Township.

Principal Permitted Uses: The majority of property owners will want to know the principal uses permitted in the district and the dimensional regulations that apply. Therefore, Article 5, District Regulations, will tell the owner nearly everything that he or she needs to know. However, since the Supplementary Regulations apply to most, if not all, districts, he or she is referred to Article 8, which he or she should also review. The property owner is then prepared to contact the Zoning Officer for an application for a Zoning Permit. The Zoning Officer will then review the application and issue a permit and, when the work is completed on the property, inspect the work for compliance with Ordinance requirements before issuing a Certificate of Zoning Compliance.

Special Exception Uses: In certain instances the property owner may find that the use for which he or she seeks a permit is listed as a "Special Exception Use" in the district. This means that, although the use is allowed in the district, its particular character requires special regulation. The special requirements for the use are described in Article 6, Special Exception Uses, to which the property owner should refer.

Since the Zoning Officer is not empowered to issue a permit for a "special exception use" until the Zoning Hearing Board authorizes him/her to do so, the Zoning Officer will inform the property owner that he or she must file an application with the Zoning Hearing Board to hear and decide the case.

The Zoning Hearing Board will hold a public hearing in order to make a judgment as to whether the use proposed by the property owner meets the criteria for a "special exception use" and all other applicable requirements of the Zoning Ordinance. The Board may decide to approve the use with or without additional restrictions or to reject it. If the use is approved, the Zoning Officer will issue a permit; if disapproved, the applicant can appeal the case to court. The decision of the Zoning Hearing Board will be given to the property owner in writing.

Conditional Uses: Occasionally, a property owner may find that the use for which he/she seeks a permit is listed as a "Conditional Use" in the district. This means that the use can be allowed in the district under certain conditions which are specified for each use in Article 7, Conditional Uses, to which the property owner should refer.

Just as for "special exception uses", the Zoning Officer is not empowered "to issue a permit for a "conditional use" because a judgment is involved in determining compliance with the requirements of Article 7. However, due to the nature of "conditional uses" as major or controversial developments

having communitywide impact, it is the Board of Supervisors, rather than the Zoning Hearing Board, which decides whether a permit should be granted after review and recommendation by the Planning Commission. Therefore, the Zoning Officer will refer the property owner to the Planning Commission and Board of Supervisors by filing an application for the case to be heard and decided.

The Planning Commission will review the application for its compliance with the criteria for Conditional Uses (Article 7) and all other applicable requirements of the Ordinance and will make a recommendation to the Board of Supervisors on the application.

The Board of Supervisors will then hold a public hearing and review the report of the Planning Commission in order to make a decision on the application. The Board of Supervisors may decide to approve the use with or without additional restrictions or to deny it. Its decision will be given to the property owner in writing and, if the application is approved, the Board of Supervisors will direct the Zoning Officer to issue a permit. If the application is rejected, the property owner can appeal to court.

Zoning Officer

The responsibilities of, the Zoning Officer are addressed in Article 9, Administration and Enforcement. As the one who enforces the Ordinance, the Zoning Officer, more than any other person or agency, should be thoroughly conversant with all articles of the Zoning Ordinance so that he/she can direct applicants as to appropriate actions (appeals to the Zoning Hearing Board, for example) as well as carry out the actions for which he himself/she herself is directly responsible. These actions include: providing applications, granting or denying permits for "permitted uses", citing violators, maintaining a register of non-conforming uses and issuing "certificates of non-conformance", and keeping records of permits and all amendments to the zoning map and text.

Zoning Hearing Board

The Zoning Hearing Board should be especially knowledgeable with regard to Article 10, Zoning Hearing Board and Other Administrative Proceedings; Article 11, Appeals to Court; and Article 6, Special Exception Uses.

The Zoning Hearing Board performs a "quasi-judicial" function; that is, it hears and makes judgments on zoning issues that come before it. The Board's hearing procedures are extremely important in making decisions on matters appealed, for procedures leading to its decisions, as well as the substance of the decisions itself, can be appealed to court. Therefore, the Zoning Hearing Board should always conduct its hearings with its own legal counsel and a standing commissioner to take a stenographic record of the proceedings.

The issues that come before the Zoning Hearing Board are quite varied, but the most common cases involve requests for special exception uses and variances. The Board should thoroughly familiarize itself with the very stringent conditions under which variances can be granted and with the requirements of each special exception use permitted by the Ordinance.

Planning Commission and Board of Supervisors

The only responsibility that the Planning Commission and the Board of Supervisors have in administering the Zoning Ordinance is with regard to Conditional Uses (Article 7). When an application for an appeal to the Board of Supervisors for a "conditional use" is referred to it by the Zoning Officer, the Board of Supervisors must then obtain the review and recommendation on the proposal from its Planning Commission. The Board of Supervisors then holds a public hearing, reviews

the report of the Planning Commission, and renders a decision. If it decides to approve the use, with or without additional requirements to those prescribed for the particular "conditional use", it directs the Zoning Officer to issue a Zoning Permit. If it denies the permit, the applicant can appeal the decision to court.

The most important role that the Planning Commission and Board of Supervisors play in regard to the Zoning Ordinance is not in its administration but in establishing the policies and regulations contained in the Ordinance. The Planning Commission, at the direction of the Board of Supervisors, prepares the Zoning Ordinance and recommends it to the Board of Supervisors for adoption. It also prepares amendments to the Zoning Ordinance on its own initiative or at the direction of the Board of Supervisors. In those instances where it does not prepare the amendments, it reviews the amendments and recommends their adoption or rejection to the Board of Supervisors. Although the Planning Commission, the Board of Supervisors, and any property owner can request an amendment to the Zoning Ordinance text or map, only the Board of Supervisors can officially adopt the amendment after review by both the Township and County Planning Commissions. (See Article 12, Amendments.)

ORDAINING CLAUSE

Article 1

GENERAL PROVISIONS

101	Title
102	Short Title
103	Purpose
104	Interpretation
105	Conflict with Public and Private Provisions
106	Validity
107	Repealer
108	Effective Date

ORDINANCE NO. 92-8

THE MOUNT CARMEL TOWNSHIP ZONING ORDINANCE

ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Mount Carmel Township, County of Northumberland, by authority of and pursuant to the provisions of Act 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code", and any amendments and supplements thereto, as follows:

ARTICLE 1

GENERAL PROVISIONS

101 Title

An Ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; and providing for the administration of such Ordinance.

102 Short Title

This Ordinance shall be known and may be cited as the "Zoning Ordinance of Mount Carmel Township".

103 Purpose

This Ordinance is enacted for the following purposes:

1. To promote, protect and facilitate one or more of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions 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 the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains;
2. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, or other dangers;

Section 103 (cont'd)

3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use;
4. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multiple-family dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that the zoning ordinance shall not be deemed invalid for the failure to provide for any of other specific dwelling types and nonresidential uses.
5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

104 Conflict with Public and Private Provisions

- (a) Public Provisions: These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- (b) Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations or the determinations of the Planning Commission or the Board of Supervisors in approving a subdivision or land development or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

105 Validity

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance is, for any reason, declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Supervisors of Mount Carmel Township, Northumberland County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

106 Repealer

Any resolution, ordinance, or part of any ordinance or resolution inconsistent herewith and any amendments thereof are hereby expressly repealed.

107 Effective Date

This Zoning Ordinance shall become effective five (5) days after the adoption by the Board of Supervisors of Mount Carmel Township, Northumberland County, Pennsylvania.

The Board of Supervisors of Mount Carmel Township, Northumberland County, Pennsylvania

By: /s/ Bernard Rynkiewicz

Chairman

/s/ Reno Benedetti

Supervisor

/s/ Andrew Bednarchick

Supervisor

/s/ Charles Berkoski

Supervisor

/s/ Joseph Warner

Supervisor

ATTEST:

October 15

, ~~1989~~ 1992

I, Joseph Warner, do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Board of Supervisors of Mount Carmel Township, Northumberland County, Pennsylvania, on October 15, ~~1989~~ 1992

/s/ Joseph Warner
Township Secretary

Article 2

COMMUNITY DEVELOPMENT OBJECTIVES

201 Community Development Objectives

Article 2

COMMUNITY DEVELOPMENT OBJECTIVES

201 Community Development Objectives

This Zoning Ordinance has been adopted in part to assist in carrying out the "Goals and Objectives" of the Comprehensive Plan. The Community Development Objectives include the following:

THE PRIMARY GOAL OF THE FUTURE OF MOUNT CARMEL TOWNSHIP IS TO ENHANCE IT AS A MORE ATTRACTIVE SUBURBAN COMMUNITY TO THE VARIOUS BOROUGHES IT SURROUNDS, TO REVITALIZE ITS ECONOMIC BASE BY RETAINING COAL MINING AND PROCESSING, AND TO DEVELOP DIVERSIFIED INDUSTRIAL ACTIVITIES.

More specific development objectives include the following:

1. New industrial activities (such as a co-generation plant, hydroponic gardening, metal working, paper and plastic manufacturing, food processing, aluminum manufacturing, and explosives manufacturing) will be encouraged and existing industries retained at certain appropriate locations to enhance the community tax base and to provide new employment opportunities.
2. Coal mining activities will be continued as an important economic activity in this area having an abundance of coal as a natural resource.
3. Strip-mined land and land scarred by culm banks or other mining activity will be reclaimed where possible to improve its usefulness, to increase the tax base, and to make the Township more attractive.
4. Community shopping centers or areas will be encouraged in such locations as Routes 61, 54 and 901.
5. Neighborhood shopping areas will be provided in the various villages throughout the Township to serve the convenience needs of residents who reside there.
6. New residential development will be encouraged in well-designed subdivisions as well as on scattered vacant lots in older residential areas.
7. Housing quality will be maintained for old as well as new construction. New home construction will be encouraged; rehabilitation of older homes will be pursued; and demolition of dilapidated structures will be undertaken.
8. Coal company-owned houses will be rehabilitated to provide more suitable living conditions for renters.
9. A variety of housing types will be provided to suit the needs and tastes of all residents. Single-family houses and row-houses, which are so typical to Mount Carmel Township, as well as mobile homes will be provided.

Section 201 (cont'd)

10. The plentiful recreation areas and facilities distributed throughout the Township will be maintained in good condition.
11. Public water and sewer systems will be provided wherever feasible throughout the Township to encourage economic development and to provide a high standard of living for all residents.
12. In all new developments and, if possible, in older areas, utility lines for electricity, telephone, etc., will be placed underground.
13. In built-up areas and villages streets will be provided with curbs, sidewalks and landscaping.
14. Municipal streets throughout the Township will be improved and maintained to provide safe and convenient access. This may require making some narrow streets one-way for safer passage.
15. Off-street parking will be required for all new developments, and parking lots will be provided wherever possible in older neighborhoods where parking problems now exist.
16. Government services such as police protection, road and recreation facility maintenance, and garbage disposal as well as volunteer services such as fire and ambulance will be maintained at a high level.
17. The location and operation of junk yards will be strictly controlled to protect nearby properties, to improve the attractiveness of the community for economic development, and to provide for appropriate disposal of junk.
18. All community facilities, such as the landfill, municipal building, churches and cemeteries, and schools, will be maintained as important community assets serving the residents.
19. Government operations will be conducted in an efficient and economical manner in order to provide the best services for the taxpayers' dollars.
20. The public will be invited to participate in planning and all other government activities in order to promote citizen involvement and to improve public relations.

Article 3

DEFINITIONS

301
302

Application and Interpretation Definition of Terms

Article 3

DEFINITIONS

301 Application and Interpretation

It is not intended that these definitions include only words used or referred to in this Ordinance. The words are included in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers and by the Zoning Hearing Board.

Unless otherwise expressly stated, the following shall, for the purposes of this Ordinance, have the meaning herein indicated:

1. Words used in the present tense include the future tense.
2. The word "person" includes a profit or non-profit corporation, company, partnership, or individual.
3. The words "used" or "occupied" as applied to any land or building include the words "intended", "arranged", or "designed" to be used or occupied.
4. The word "building" includes "structure".
5. The word "lot" includes "plot" or "parcel".
6. The word "shall" is always mandatory.

302 Definition of Terms

For the purposes of this Ordinance the following words, terms, and phrases have the meaning herein indicated.

Abandon: To desert, surrender, forsake, or cede. To relinquish or give up with intent of never again resuming one's right or interest. To give up or cease to use. To give up absolutely; to forsake entirely; to renounce utterly; to relinquish all connection with or concern in; to desert. It includes the intention, and also the external act by which it is carried into effect.

Abut: To touch at the end; be contiguous; join at a border or boundary. The term "abutting" implies a closer proximity than the term "adjacent." No intervening land.

Access: A means of vehicular approach or entry to or exit from property.

Accessory Structure or Use: A structure or use customarily incidental and subordinate to the principal structure or use and located on the same lot with such principal structure or use.

Adjacent: Lying near or close to; sometimes, contiguous; neighboring. "Adjacent" implies that the two objects are not widely separated, though they may not actually touch.

Adult Entertainment Establishments: These include adult bookstores, adult cabarets, adult drive-in theatres, adult massage businesses, adult mini-motion picture theatres, adult motion picture theatres, and adult video cassette rental and sales outlets, which exclude minors by virtue of age. Each is defined as follows:

Section 302 (cont'd)

1. Adult Bookstore: An establishment which has as a substantial (10% or more) or significant portion of its stock in trade, books, magazines, or other periodicals and which excludes minors by virtue of age.
2. Adult Cabaret: A cabaret which features go-go dancers, exotic dancers, strippers, male and female impersonators, or similar entertainers and which excludes minors by virtue of age.
3. Adult Drive-in Theatre: An establishment showing motion picture films to patrons, designed to permit patrons to remain in their automobiles or similar vehicles, and which excludes minors by virtue of age.
4. Adult Massage Business: An establishment where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths, and which excludes minors by virtue of age.
5. Adult Mini-Motion Picture Theatre: An enclosed building with a capacity for fewer than fifty (50) persons used for showing motion picture films to patrons and which excludes minors by virtue of age.
6. Adult Motion Picture Theatre: An enclosed building with a capacity of fifty (50) or more persons used for showing motion picture films to patrons and which excludes minors by virtue of age.
7. Adult Video Cassette Rental and Sales Outlet: An establishment which has as a substantial (10% or more) or significant portion of its stock in video cassettes for rental or sales and which excludes minors by virtue of age.

Alley: A public or private way affording only secondary means of access to abutting property. Alleys may also be known as courts, places or lanes.

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

Alteration, Structural: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Amendment: A change in the regulations or district boundaries or classifications of property established by this Zoning Ordinance and according to procedures provided by law and exercised by the Board of Supervisors.

Animal Hospital: A building used for the treatment, housing, or boarding incidental to hospital use of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

Animal Kennel: Any lot or premises on which four (4) or more dogs or cats or both at least six (6) months of age are kept, boarded or trained, whether in special buildings or runways or not.

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Article 10 and Article 11.

Section 302 (cont'd)

Area, Building: (See Building Area.)

Area, Lot: (See Lot Area.)

Attic: That part of a building which is immediately below, and wholly or partly within, the roof framing.

Automotive Service and Repair Garages: A garage, other than a private garage, used for gasoline refueling and for the storage, equipping for operation, repairing, maintaining, keeping for remuneration, hiring, or selling of motor vehicles.

Auto, Trailer, or Boat Sales Area: An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, trailers, or boats in operable condition and where no major repair work is done.

Basement: A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose 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 used for business or dwelling purposes, other than a game or recreation room.

Board: Any body granted jurisdiction under a land use ordinance or under the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as amended to render final adjudications.

Boarding House: (See Rooming or Boarding House.)

Buffer Area: An area of land, with plantings as specified by this Ordinance, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Building: Any structure having a roof supported by walls and intended for shelter, housing, or enclosure of persons, animals, or property.

Building, Accessory: (See Accessory Structure or Use.)

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

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Line: A line formed by the intersection of a horizontal plane at the average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Section 302 (cont'd)

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

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

Certificate of Zoning Compliance: The certificate (sometimes called "occupancy permit") issued by the Zoning Officer after he/she has inspected any structure, building, sign and/or land or portion thereof for which a zoning permit was issued in order to determine compliance with the terms of the permit and the zoning ordinance before the structure, building, sign, and/or land or portion thereof can be lawfully used and/or occupied.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the "corner" so as not to interfere with traffic visibility across the corner.

Club: The room, building, or other facilities used for the meetings of a group of people organized for a common purpose.

Cluster Housing Developments: A group of single, double, or multiple-unit dwellings, in any combination, occupying smaller lot areas in order to increase the amount of open space held in common.

Commercial: Something owned, operated, and supported by private individuals or a corporation, on a profit basis, for the use or benefit of the general public or for some part of the general public.

Community Living Facility: A living arrangement whereby unrelated individuals with diagnosed mental health or mental retardation problems reside on a permanent basis with twenty-four (24) hour supervision and whose primary purpose is the development and maintenance of community living skills.

Comprehensive Plan: A Comprehensive Plan (overall program) consisting of maps, charts, and textual matter, and indicating the recommendations of the Planning Commission for the continuing development of the Township. The Comprehensive Plan includes, but is not limited to, the following basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship of the municipality and its proposed development to adjacent municipalities and areas.

Conditional Use: Any uses in certain zones or districts where the conditions described for permitting each type of use have been enumerated in the Zoning Ordinance and where approval for permitting such use can only be given by the Board of Supervisors after review and recommendation by the Township Planning Commission and a public hearing after proper legal notice.

County Planning Commission: The Planning Commission of Northumberland County.

Section 302 (cont'd)

Coverage: That portion or percentage of the plot or lot area covered by the building area of all buildings.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of Northumberland County.

Deck: A platform with railings but without a roof, projecting out from the main wall of a dwelling and intended to be used as an area for seating, dining, or recreation outdoors.

Density: A measure of the number of dwelling units which occupy, or may occupy, an area of land.

Density, Gross: The maximum density that shall be permitted in any zoning district. It is calculated by dividing the total number of dwelling units by the total site area. This density is illustrative only; net density is controlling.

Density, Net: The maximum density permitted on the buildable portion of the site. Net density is calculated by dividing the total number of dwelling units by the Net Buildable Site Area. This density controls actual site capacity. (See Net Buildable Site Area.)

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. (See also Subdivider and Land Development.)

Development: (See Land Development.)

District or Zone: A portion of the area of Mount Carmel Township, as shown on the Zoning Map, containing a uniform class of uses of structures or land, and to which regulations described in the Zoning Ordinance text apply.

Determination: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. the governing body;
2. the zoning hearing board; or
3. the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Dwelling: A building designed or used as the living quarters for one or more households, but not intended to include tourist homes, motel, or hotel.

Section 302 (cont'd)

Dwelling Types

1. Dwelling, One-Family: A dwelling unit accommodating a single family and having two (2) side yards. This definition is intended to include Mobile Home On Permanent Foundation. (See also Mobile Home.)
2. Dwelling, Mobile Home (See Mobile Home.)
3. Dwelling, Two-Family (Duplexes and Flats): Two dwelling units accommodating two households which are attached side-by-side through the use of a party wall and having one side yard adjacent to each dwelling unit (duplex), or which are attached one over the other and having two (2) side yards for the lower dwelling (flat).
4. Dwelling, Multiple-Family

Apartment House: Three or more dwelling units accommodating three or more households which are located one over the other and which, when more than three units are utilized, are attached side-by-side through the use of common party walls, and which have side yards adjacent to each first-story end unit. Each dwelling unit is accessible by a common stairwell.

Townhouse (Row House): Three or more dwelling units accommodating three or more households which are attached side-by-side through the use of common party walls and which have side yards adjacent to each end unit. Each dwelling unit is two (2) to two and one-half (2 1/2) stories in height. Each dwelling unit is accessible by its own separate entrance.
5. Dwelling, Residential Conversion Unit (See Residential Conversion Unit.)

Dwelling Unit (Housing Unit): A building or portion thereof providing complete housekeeping facilities for one family or household.

Easement: A limited right of use granted in private land for public or semi-public purposes.

Essential Services for Public Utilities: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Excavation: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

Section 302 (cont'd)

Family or Household: One (1) or more persons who live together in one (1) dwelling unit and maintain a common household. A family may consist of a single person or two (2) or more persons, whether or not related by blood, marriage or adoption. Family may also include domestic servants and gratuitous guests.

Floor Area: For the purpose of applying the requirements for off-street parking and loading, "floor area", in the case of offices, merchandising and service types of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients as measured by the outside dimensions of the building or portion thereof.

Forestry Production: The production of forest products through the cultivating, maintaining, and developing of forests.

Garages, Private: Any accessory building or part of a principal building used for the storage of motor vehicles owned or used by the owner or tenant of the premises and having no public shop or service in connection therewith.

Group Home: (See Community Living Facility.)

Hazardous Material: A solid material or waste, or a combination of these which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. This definition is intended to include radioactive material.

Hearing: An administrative proceeding conducted by a board pursuant to Section 1002.

Home Gardening: The cultivation of herbs, fruits, flowers, or vegetables on a piece of ground adjoining the dwelling, excluding the keeping of livestock.

Home Nurseries and Greenhouses: The cultivating of plants either outdoors or in glass-enclosed structures on the same lot as a dwelling and not for sale commercially. (See also Nursery [Plants].)

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, or a structure accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

Hotel (See Motel or Hotel.)

Impervious Surface: Those surfaces which do not absorb water are impervious. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt.

Junk: Junk shall include all scrap metals and alloys and bones, rags, cloth, rubber, rope, tinfoil, bottles, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, vehicles, tires and all other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, and therefore subject to being dismantled. This definition is to be construed as including two (2) or more abandoned or unlicensed vehicles.

Section 302 (cont'd)

Junk Yard: A place for conducting any business or activity, whether or not for profit, which involves the collection, storage, dumping, disassembling, salvaging, sorting, or otherwise handling or arranging discarded junk or salvaged materials. Junk yards include automobile wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment. Junk yards do not include such uses when conducted entirely within a completely enclosed building, nor pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, or the processing of used, discarded or salvaged materials as part of manufacturing operations.

Land Development - any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) a group of two or more residential or nonresidential buildings whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. Development excluding the following:
 - (a) the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (b) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - (c) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

Land Use Ordinance: Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as amended.

Section 302 (cont'd)

Loading Space or Loading Area: A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading people, merchandise or materials. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

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

Lot Area: The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street line shall be deemed a portion of any lot area. The area of any lot abutting a street shall be measured to the street right-of-way line only. The area of any lot shall include the area of any easement.

Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, Depth: The mean horizontal distance between the front and rear lot line. Measurement shall be from the street or highway right-of-way line to the opposite rear line.

Lot, Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Lot, Interior: A lot other than a corner or through lot.

Lot Line: Any boundary line of a lot.

Lot of Record: Any lot which individually, or as part of a subdivision, has been recorded in the Office of the County Recorder of Deeds.

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

Lot Width: The distance between the straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the 80% requirement shall not apply.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Mine Subsidence: The sinking or settling of the surface of the ground to a lower level than normal due to the collapsing of a mining void under the ground.

Mining: The process or business of extracting coal, sand, gravel, rock, stone, or other minerals from an excavation in the earth, whether that excavation be a deep mine, surface mine, or borrow pit. This definition is intended to include the excavation, site, surface buildings, shafts, and equipment.

Section 302 (cont'd)

Mobilehome: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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 constructed so that it may be used without a permanent foundation.

Mobilehome Lot: A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

Mobilehome Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

Model Home or Apartment: A dwelling unit used initially for display purposes which typifies the type of unit that will be constructed in a subdivision or in a multiple-family dwelling structure.

Motel or Hotel: A building or group of buildings used, or intended to be used, for the lodging of more than ten (10) persons for compensation.

Municipality: Mount Carmel Township, Northumberland County, Pennsylvania.

Net Buildable Site Area: The area of a site remaining after area used for streets, easements, flood plains, swamps, steep slopes, recreation land or required open space are deducted from the total area.

Nightclub: An establishment that stays open late at night and provides food, drink, and entertainment.

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

Non-Conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.

Non-Conforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, to its location by reason of annexation.

Non-Profit: Something owned, operated, and supported by private individuals or a corporation, without seeking profit, for the use or benefit of the general public or for some part of the general public.

Nursery (Plants): An enterprise which conducts the retail and wholesale of plants grown on the site, as well as accessory items such as clay pots, potting soil, fertilizers, etc., directly related to their care and maintenance.

Section 302 (cont'd)

Nurseries and Day Care Centers for Children: Places where children are kept and cared for away from home and their parents. The children are generally of pre-school age.

Nursing or Convalescent Home: Any commercial premises providing sleeping rooms where patients are lodged and furnished with meals and long-term care.

Outdoor Advertisement: An advertisement used outdoors, including painted walls or rock faces, of a product or service unrelated to the use of the land or structure on which it is located, but not including official notices or directional road signs of a governmental body.

Parcel (See Lot.)

Parking, Off-Street: A reasonably level space, available for parking one (1) motor vehicle, and having dimensions of ten (10) feet in width and twenty (20) feet in depth, or two hundred (200) square feet, exclusive of passageways, driveways, or other means of circulation or access.

Patios: A courtyard with or without railings and without a roof, adjacent to or near a dwelling but not a part of the dwelling structure, and intended to be used as an area for seating, dining, or recreation outdoors.

Pavilion: A tent or tent-like covering or an open-sided structure with a roof, located in a yard, but not attached to a dwelling, and intended to be used as an area for seating, dining, or recreation outdoors.

Permanent Foundation: A support for a building or structure consisting of either poured concrete, concrete blocks, cinder blocks, brick, pressurized wood, or stone to form a horizontal pad or vertical wall on which the building or structure is placed and is intended to remain indefinitely. In the case of mobile homes, permanent placement on such a foundation is intended to first require the removal of the wheels and chassis from the mobile home.

Place of Religious Worship: A building used for religious services, including churches, synagogues, mosques, and similar edifices.

Planning Commission: The Planning Commission of Mount Carmel Township.

Porch: A platform in excess of four (4) feet by five (5) feet or twenty (20) square feet with or without railings, but with a roof, projecting out from the main wall of the dwelling and intended to be used as an entrance to the dwelling or as an area for seating, dining, or recreation outdoors.

Principal Building (See Building, Principal.)

Principal Use (See Use, Principal.)

Private: Something owned, operated, and supported by private individuals or a corporation, rather than by government, and not available for public use.

Public: Something owned, operated, and supported by the community or the people for the use or benefit of the general public.

Section 302 (cont'd)

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting: A forum held pursuant to notice under the act of July 3, 1986 (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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public Utilities (See Essential Services for Public Utilities.)

Report: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Residential Conversion Unit: The conversion or alteration of an interior space of an existing building without extending its sides or increasing its height in order to create a new residential dwelling unit.

Retaining Wall: A wall for sustaining a bank of earth liable to a landslide or erosion.

Rooming or Boarding House: Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire with or without meals in the home of the resident owner. A rooming house or a furnished-room house shall be deemed a boarding house.

Sanitary Sewage Disposal System, Community: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, the total system being publicly or privately owned.

Sanitary Sewage Disposal System, On-Lot: A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth or by means of conveyance to another site for final disposal.

Semi-Public: Something owned, operated, and supported by private individuals or a corporation, on a non-profit basis, for the use or benefit of the general public or for some part of the general public.

Setback Line: The line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front yard setback shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

Section 302 (cont'd)

Shopping Center: A retail commercial area under single ownership, designed as a unit, with adequate off-street, free parking area, and usually consisting of several one-story or two-story buildings.

Sign: An advertisement displayed outside a building, pertaining to a product, service or name, related directly to the permitted activity carried on and use of the lot on which it is placed, including painted walls and structures. This definition does not include flags or pennants. (See also Outdoor Advertisement.)

Social Hall: A room or building used for friendly or convivial gatherings.

Special Exception: Any uses considered to have special requirements in certain zones or districts where the conditions described for permitting each such use have been enumerated in the Zoning Ordinance and where approval for permitting such use can only be given by the Zoning Hearing Board.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

Street: Includes street, avenue, boulevard, road, highway, expressway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The strip of land including the entire right-of-way, not just the cartway, and classified as follows:

1. Arterial Road: A road whose function is to provide for the movement of high volumes of through traffic and both limited access and direct access to abutting properties, subject to necessary control of entrances, exits, and curb use. The right-of-way is in excess of sixty (60) feet wide.
2. Collector Street: A road or street which provides for the movement of large volumes of traffic between arterials and local streets and direct access to abutting property. The right-of-way is between fifty (50) and sixty (60) feet wide.
3. Local Access Street: A street or road whose function is to provide for local traffic movement and direct access to abutting properties. The right-of-way is fifty (50) feet or less in width.

Street Right-of-Way Line: The line dividing a lot from the full street right-of-way, not just the cartway. The word street shall be defined as above.

Structural Alteration (See Alteration, Structural.)

Structure: Structure means any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land and includes, among other things, buildings, stadiums, platforms, radio towers, sheds, carports, storage bins, fences, and display signs.

Section 302 (cont'd)

Structure, Accessory (See Accessory Structure or Use.)

Subdivider (See Developer.)

Subdivision: The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. (See also Land Development.)

Surface Mining: The extraction of minerals from the earth or waste or stock piles, or from pits or banks by removing the strata or material which overlies, is above or between, deposits of minerals, including but not limited to strip, drift, auger and open pit mining, dredging, quarrying and leaching, mountaintop removal, box cutting, and activities related thereto. The following activities shall not be considered as "surface mining" within the meaning of this definition:

1. Mining operations carried out beneath the surface of the earth by means of shafts, tunnels or other mine openings which do not expose the subsurface of the earth to wind, rain, sun or other exposure to the elements; or
2. The extraction of minerals by a landowner for that owner's personal, non-commercial use from land owned or leased by that owner; or
3. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes, so long as the work is carried out under a bond, contract and specifications which meet the requirements of the Pennsylvania Surface Mining Conservation and Reclamation Act, as heretofore or hereinafter amended and supplemented.

Swimming Pool

1. Private: Any private swimming pool permanently attached to or temporarily erected on or in the ground, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 1/2) feet. Farm ponds, lakes and streams are not included, provided that swimming is not the primary purpose for their construction or use. (See also Private.)
2. Community or Club (Public or Semi-Public): Any public or semi-public swimming pool shall be construed to mean any outdoor pool constructed by a unit of government for use by residents of the Township or region and their guests or by an association of property owners or by a private club solely for the use and enjoyment of members of the association or club and their families and guests. (See also Public and Semi-Public)

Temporary Use (See Use, Temporary.)

Terrace: A raised level or platform of earth, supported on one or more faces by a wall, a bank of turf, or the like, or a series of such raised levels or platforms arranged one above the other on a slope.

Section 302 (cont'd)

Tourist Home: A private house operated by the resident owner for the commercial purpose of providing bedrooms and breakfast to paying guests who are short-term (no longer than one week) visitors in the community.

Trailer

1. Pick-Up Coach: A structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation, and vacation use.
2. Motor Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
3. Trailer or Mobile Home (See Mobile Home.)
4. Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation use, permanently identified "travel trailer" by the manufacturer on the trailer and, when factory-equipped for the road, having a body width not exceeding eight (8) feet, or being of any weight, provided its body length does not exceed thirty-four (34) feet.
5. Utility Trailer: Any smaller trailer usually drawn by a passenger automobile and used for the occasional transport of personal effects.

Use: The specific purpose for which land or a structure or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Use, Accessory (See Accessory Structure or Use.)

Use, Principal: The main use of a lot.

Use, Temporary: The use of land or the structure or building located on a lot for a limited time as regulated by this Ordinance.

Variance: The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the provisions of this Ordinance for an adjustment to the application to a specific piece of property of some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

Ventilating Shaft: Any structure designed to furnish air and/or power (including transformation and conversion of said power) to underground coal mines.

Water Supply and Distribution System, Community: A system for supplying and distributing water from a common source to two or more dwellings and other buildings within a subdivision, neighborhood, or whole community, the total system being publicly or privately owned.

Water Supply and Distribution System, On-Lot: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Section 302 (cont'd)

Yard: An unoccupied space open to the sky, on the same lot with a building or structure, but not intended to mean "court", which is completely enclosed by walls.

Yard, Front: An open, unoccupied space on the same lot with a main building, extending the full width of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, Rear: An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.

Yard, Side: An open, unoccupied space on the same lot with the building, situated between the building and the side of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Zoning: The designation of specified districts or zones within the municipality, reserving them for certain classes of uses, together with limitations on lot area and size, heights of structures, and other stipulated requirements.

Zoning Hearing Board: The Zoning Hearing Board of Mount Carmel Township.

Zoning Map: The officially adopted Zoning Map of Mount Carmel Township, Northumberland County, Pennsylvania, containing zoning districts, together with all amendments subsequently adopted.

Zoning Officer: The Zoning Officer or his authorized representative appointed by the Mount Carmel Township Board of Supervisors to enforce this Ordinance.

Zoning Ordinance: The Zoning Ordinance of Mount Carmel Township as amended.

Zoning Permit: The written authorization issued by the Zoning Officer for the use of land or buildings or other structures.

Article 4

ESTABLISHMENT OF DISTRICTS

401	General Districts
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Article 4

ESTABLISHMENT OF DISTRICTS

401 General Districts

For the purpose of this Ordinance Mount Carmel Township is hereby divided into the following ten (10) districts designated as follows:

S-1 Special - Watershed
S-2 Special - Coal Land Reclamation
R-1 Residential - Low-Density
R-2 Residential - Medium and High-Density
R-3 Residential - Multiple-Family
C-1 Commercial - Neighborhood
C-2 Commercial - General
C-3 Commercial- Heavy
I-1 Industrial - Light
I-2 Industrial - Heavy

402 Zoning Map

The location and boundaries of these districts are established as shown on the attached Zoning Map of Mount Carmel Township. The Zoning Map is hereby made a part of this Ordinance, together with all future notations, references, and amendments.

The original of said Zoning Map, properly attested, shall be and remain on file in the offices of the Secretary of Mount Carmel Township.

403 District Boundaries

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

1. District boundary lines are intended to follow or be parallel to the center line of streets, streams, and railroads; and lot or property lines as they exist on a recorded deed or plan of record in the Northumberland County Recorder of Deed's Office at the time of the adoption of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.
2. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, and where it does not scale more than ten (10) feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
3. In unsubdivided land or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the Map or by survey of a registered surveyor hired and paid for by the property owner requesting or contesting the boundary location.

404 Interpretation of Boundaries

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Zoning Hearing Board shall determine the location of such boundary.

405 Federally-Owned Property

Wherever Federally-owned property is included in one or more districts, it shall be subject to the provisions of the Ordinance only insofar as permitted by the Constitution and laws of the United States Government.

406 State-Owned Property

Wherever State-owned property is included in one or more districts, it shall be subject to the provisions of the Ordinance only insofar as permitted by the Constitution and laws of the Commonwealth of Pennsylvania.

407 Exemptions

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

408 Uses Not Provided For

Whenever, in any district established under this Ordinance, a use is neither specifically permitted nor denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purposes and intent of this Ordinance.

ZONING MAP

Article 5

DISTRICT REGULATIONS

- | | |
|-----|--|
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Article 5

DISTRICT REGULATIONS

501 S-1 Special - Watershed District

1. Purpose: The purpose of this district is to protect and preserve the wooded hillsides, streams, and reservoirs constituting the watershed for the public utility providing a public water supply.
2. Principal Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:
 - (a) single-family dwellings for water company employees working at the site (including mobile homes on permanent foundations)
 - (b) buildings and structures necessary for the treatment and transport of water
 - (c) bird sanctuaries
 - (d) fish hatcheries
 - (e) forestry and forest preserves
 - (f) game and wildlife preserves
 - (g) plant nurseries and greenhouses
3. Accessory Uses: Any uses accessory to the above may be allowed, including but not limited to the following:
 - (a) home gardening, but not the keeping of livestock or poultry
 - (b) off-street parking and loading areas
 - (c) private garages and carports
 - (d) signs, except outdoor advertising
 - (e) storage and garden sheds
 - (f) machinery and equipment storage buildings
 - (g) shelters and pens for pets
 - (h) swimming pools (private)
 - (i) travel trailers (unoccupied), recreation vehicles, and boats
 - (j) essential services for public utilities, including buildings
4. Special Exception Uses (See Article 6.)
 - (a) home occupations
 - (b) radio and television transmission or receiving towers
 - (c) temporary structures and buildings including trailers
5. Dimensional Regulations
 - (a) Minimum Lot Area: Ten (10) acres
 - (b) Minimum Lot Width: Four hundred (400) feet at the front setback line
 - (c) Minimum Front Yard: Fifty (50) feet
 - (d) Minimum Rear Yard: Fifty (50) feet
 - (e) Minimum Side Yard: Fifty (50) feet each side
 - (f) Maximum Building Height: Thirty-five (35) feet and two and one-half (2 1/2) stories, but no building used as a dwelling shall be less than one (1) story in height
 - (g) Maximum Building Coverage: Not applicable

Section 501 (cont'd)

6. Supplementary Regulations (See Article 8.)
7. Subdividing: Any area divided into parcels or developed with buildings according to the definitions of subdivision and land development as found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.

502 S-2 Special - Coal Land Reclamation District

1. Purpose: The purpose of this district is to limit certain lands to uses which either are compatible with or can modify or correct their particular use constraints. These lands include active coal mining land, unreclaimed strip-mined land, reclaimed strip-mined land, land containing coal waste banks and overburden, and land consumed in mine fires formerly or presently.
2. Principal Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:
 - (a) processing of materials mined or excavated
 - (b) storage of materials mined or excavated
 - (c) deep mining
 - (d) surface mining (strip mining)
 - (e) mining-related trucking yards
 - (f) tree and plant nurseries
3. Accessory Uses: Any uses accessory to the above may be allowed, including but not limited to the following:
 - (a) off-street parking and loading areas
 - (b) signs, except outdoor advertising
 - (c) machinery and equipment storage buildings
 - (d) essential services for public utilities, but not including buildings
4. Special Exception Uses (See Article 6.)
 - (a) backfilling, grading, and reforestation for reclamation
 - (b) coal waste clearing and hauling
 - (c) junk yards
 - (d) public utility buildings and structures, including water tanks, pumping stations, electrical stations and substations, and maintenance garages and storage yards
 - (e) radio and television transmission or receiving towers
 - (f) temporary structures and buildings including trailers
5. Conditional Uses (See Article 7.)
 - (a) storage of explosives and other hazardous or potentially hazardous materials

Section 502 (cont'd)

6. Dimensional Regulations
 - (a) Minimum Lot Area: Ten (10) acres
 - (b) Minimum Lot Width: Four hundred (400) feet at the front setback line
 - (c) Minimum Front Yard: Fifty (50) feet
 - (d) Minimum Rear Yard: Fifty (50) feet
 - (e) Minimum Side Yard: Fifty (50) feet each side
 - (f) Maximum Building Height: One hundred fifty (150) feet
 - (g) Maximum Building Coverage: Not applicable
7. Supplementary Regulations (See Article 8.)
8. Subdividing: Any area divided into parcels or developed with buildings according to the definitions of subdivision and land development as found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.
9. Development Regulations: All activities permitted in this district shall be subject to the following additional regulations:
 - (a) Performance Standards: All activities and uses shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial wastes, fire hazards, and any other side effects of industrial operations deemed injurious to the public health, safety, and welfare by such agencies as the U.S. Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Resources (DER), and the Pennsylvania Department of Labor and Industry (DL&I).
 - (b) Buffer Area: No permitted activities shall be conducted within one hundred (100) feet of any district boundary. All buffer areas shall be landscaped with trees and shrubbery, except for roadways crossing such buffer areas, and be maintained in good condition with no littering allowed. No parking of vehicles or storage of equipment and supplies shall be allowed in the buffer area.
 - (c) Fencing: For the protection and safety of the public, all surface mining operations shall erect a chain link fence of woven wire six (6) feet in height enclosing completely the perimeter of any excavation. The fence shall be equipped with a gate six (6) feet high and constructed of the same materials and in the same manner as the fence, which gate shall be closed and locked at all times when mining activities are not in operation. There shall exist no gaps under the fence or gate more than three (3) inches high. The fence and gate shall be maintained to comply with these standards at all times.
 - (d) Time of Operations: No mining or processing operations of any sort shall be allowed earlier than 7:00 a.m. or later than 11:00 p.m. during each day of the week except Sunday, when no mining activities shall be permitted.
 - (e) Bonding and Insurance: Verification of bonding and insurance required by the Pennsylvania Department of Environmental Resources shall be supplied to the Board of Supervisors upon request.

503 R-1 Residential - Low-Density District

1. Purpose: The purpose of this district is to provide for low-density residential development in single-family and two-family dwellings both in areas already developed in this manner and in areas where similar development is desirable.
2. Principal Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:
 - (a) single-family dwellings (including mobile homes on permanent foundations)
 - (b) two-family dwellings (duplexes and flats)
 - (c) churches and similar places of religious worship and cemeteries
 - (d) public and semi-public buildings and uses, not including maintenance buildings and storage yards
 - (e) public and semi-public parks, playgrounds and open space
3. Accessory Uses: Any uses accessory to the above may be allowed, including but not limited to the following:
 - (a) home gardening, but not the keeping of livestock or poultry
 - (b) off-street parking and loading areas
 - (c) private garages and carports
 - (d) signs, except outdoor advertising
 - (e) storage and garden sheds
 - (f) shelters and pens for pets
 - (g) swimming pools (private)
 - (h) travel trailers (unoccupied), recreation vehicles, and boats
 - (i) essential services for public utilities, including buildings but not including storage yards
4. Special Exception Uses (See Article 6.)
 - (a) home occupations
 - (b) model homes
 - (c) nursing and convalescent homes
 - (d) temporary structures and buildings including trailers
5. Conditional Uses (See Article 7.)
 - (a) community living facilities
 - (b) cluster housing developments
 - (c) mobile home parks
6. Dimensional Regulations
 - (a) Minimum Lot Area
 - Lots with public or central water and sewer systems: 6,000 sq. ft.
 - Lots with public or central sewer system only: 10,000 square feet
 - Lots with public or central water system only: 20,000 square feet
 - Lots with on-lot water and sewer facilities: 40,000 square feet

Section 503 (cont'd)

- (b) Minimum Lot Width
 Lots with public or central water and sewer systems: 60 feet
 Lots with public or central sewer system only: 80 feet
 Lots with public or central water system only: 100 feet
 Lots with on-lot water and sewer facilities: 125 feet
 - (c) Minimum Front Yard: Thirty-five (35) feet
 - (d) Minimum Rear Yard: Twenty (20) feet
 - (e) Minimum Side Yard: Ten (10) feet each side
 - (f) Maximum Building Height: Thirty-five (35) feet and two and one-half (2 1/2) stories, but no building used as a dwelling shall be less than one (1) story in height.
 - (g) Maximum Building Coverage: Twenty-five percent (25%)
7. Supplementary Regulations (See Article 8.)
 8. Subdividing: Any area divided into parcels or developed with buildings according to the definitions of subdividing and land development as found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.

504 R-2 Residential - Medium and High-Density District

1. Purpose: The purpose of this district is to provide for medium to high-density residential development in single-family and two-family dwellings both in areas already developed in this manner and in areas where similar development is desirable.
2. Principal Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:
 - (a) single-family dwellings, both attached and detached, and including mobile homes on permanent foundations
 - (b) two-family dwellings (duplexes and flats)
 - (c) multiple-family dwellings, limited to townhouses (row houses)
 - (d) churches and similar places of religious worship and cemeteries
 - (e) public and semi-public buildings and uses, not including maintenance buildings and storage yards
 - (f) public and semi-public parks, playgrounds and open space
3. Accessory Uses: Any uses accessory to the above may be allowed, including but not limited to the following:
 - (a) home gardening but not the keeping of livestock and poultry
 - (b) off-street parking and loading areas
 - (c) private garages and carports
 - (d) signs, except outdoor advertising
 - (e) storage and garden sheds
 - (f) shelters and pens for pets
 - (g) swimming pools (private)
 - (h) travel trailers (unoccupied), recreation vehicles, and boats

Section 504 (cont'd)

- (i) essential services for public utilities, including buildings but not including storage yards
4. Special Exception Uses (See Article 6.)
 - (a) home occupations
 - (b) model homes and apartments
 - (c) nurseries and day care centers for children
 - (d) nursing and convalescent homes
 - (e) residential conversion dwellings
 - (f) rooming and boarding houses
 - (g) temporary structures and buildings including trailers
 5. Conditional Uses (See Article 7.)
 - (a) community living facilities
 - (b) multiple-family dwellings: mid-rise apartment houses
 6. Dimensional Regulations
 - (a) Minimum Lot Area (Public or central sewer and water required.)
 - single-family detached and two-family dwellings: 3,000 sq. ft.
 - single-family attached and multiple-family (townhouses): 1,500 sq. ft./DU (dwelling unit)
 - (b) Minimum Lot Width
 - single-family detached and two-family dwellings: 24 feet
 - single-family attached and multiple-family (townhouses): 12 feet
 - (c) Minimum Front Yard: None required.
 - (d) Minimum Rear Yard: Twenty (20) feet
 - (e) Minimum Side Yard:

single-family detached and two-family dwellings:	3 feet on side
	10 feet on both sides
single-family attached and multiple-family townhouse:	None required
 - (f) Maximum Building Height: Thirty-five (35) feet and two and one-half (2 1/2) stories, but no building used as a dwelling shall be less than one (1) story in height.
 - (g) Maximum Building Coverage: Thirty percent (30%)
 7. Supplementary Regulations (See Article 8.)
 8. Subdividing: Any area divided into parcels or developed with buildings according to the definitions of subdividing and land development as found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.

505 R-3 Residential - Multiple-Family District

1. Purpose: The purpose of this district is to provide for multiple-family structures for young married, single, and elderly residents in various parts of the Township supplying a greater variety of housing types.
2. Principal Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:
 - (a) multiple-family dwellings, except mid-rise apartment houses
 - (b) churches and similar places of religious worship, but not cemeteries
 - (c) public and semi-public buildings and uses, not including maintenance buildings and storage yards
 - (d) public and semi-public parks, playgrounds and open space
3. Accessory Uses: Any uses accessory to the above may be allowed, including but not limited to the following:
 - (a) home gardening, but not the keeping of livestock or poultry
 - (b) off-street parking and loading areas
 - (c) private garages and carports
 - (d) signs, except outdoor advertising
 - (e) storage and garden sheds
 - (f) swimming pools (private)
 - (g) essential services for public utilities, including buildings but not including storage yards
4. Special Exception Uses (See Article 6.)
 - (a) home occupations
 - (b) model apartments
 - (c) nurseries and day care centers for children
 - (d) nursing and convalescent homes
 - (e) residential conversion dwellings
 - (f) temporary structures and buildings including trailers
5. Conditional Uses (See Article 7.)
 - (a) cluster housing developments (multiple-family dwellings only)
 - (b) multiple-family dwellings: mid-rise apartment houses
6. Dimensional Regulations
 - (a) Minimum Lot Area (Public or central water and sewer required.)
multiple-family dwellings: 1,500 sq. ft./DU (dwelling unit)
 - (b) Minimum Lot Width
townhouses: Twenty-five (25) feet for end units;
Fifteen (15) feet for interior units
Minimum total of sixty-five (65) feet
apartment houses: Forty-five (45) feet

Section 505 (cont'd)

- (c) Minimum Front Yard: Twenty (20) feet
- (d) Minimum Rear Yard: Twenty (20) feet
- (e) Minimum Side Yard: Ten (10) feet for each end dwelling unit
- (f) Maximum Building Height: Thirty-five (35) feet and three (3) stories, but no building used as a dwelling shall be less than (1) story in height.
- (g) Maximum Building Coverage: Thirty percent (30%)
- 7. Supplementary Regulations (See Article 8.)
- 8. Subdividing: Any area divided into parcels or developed with buildings according to the definitions of subdividing and land development as found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.

506 C-1 Commercial - Neighborhood District

- 1. Purpose: The purpose of this district is to provide for the type of commercial facilities which supply convenience goods and services to neighborhood residents of the Township.
- 2. Principal Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:
 - (a) retail business establishments similar to the following:
 - drugs and specialty and gift items
 - grocery, bakery, and confectionary stores
 - (b) customer service establishments similar to the following:
 - barber and beauty shops
 - business and professional offices similar to:
 - doctors, dentists, lawyers, engineers, architects,
 - surveyors, insurance salesmen, and realtors
 - eating and drinking establishments
 - shoe repair shops
 - tailoring and dressmaking shops
 - (c) churches and similar places of worship, but not cemeteries
 - (d) public and semi-public buildings and uses, but not including maintenance buildings and storage yards
 - (e) public and semi-public parks, playgrounds and open space
- 3. Accessory Uses: Any uses accessory to the above may be allowed, including but not limited to the following:
 - (a) off-street parking and loading areas
 - (b) signs, except outdoor advertising
 - (c) storage buildings

Section 506 (cont'd)

- (d) essential services for public utilities, including buildings but not including storage yards
- 4. Special Exception Uses (See Article 6.)
 - (a) dwellings directly related to certain businesses
 - (b) dwellings over or attached to business establishments
 - (c) temporary structures and buildings including trailers
- 5. Conditional Uses (See Article 7.)
 - (a) neighborhood shopping center
- 6. Dimensional Regulations
 - (a) Minimum Lot Area
 - Lots with public or central water and sewer systems: 6,000 sq. ft.
 - Lots with public or central sewer system only: 10,000 square feet
 - Lots with public or central water system only: 20,000 square feet
 - Lots with on-lot water and sewer facilities: 40,000 square feet
 - (b) Minimum Lot Width
 - Lots with public or central water and sewer systems: 60 feet
 - Lots with public or central sewer system only: 80 feet
 - Lots with public or central water system only: 100 feet
 - Lots with on-lot water and sewer facilities: 125 feet
 - (c) Minimum Front Yard: Twenty-five (25) feet
 - (d) Minimum Rear Yard: Twenty (20) feet
 - (e) Minimum Side Yard: Ten (10) feet each side
 - (f) Maximum Building Height: Thirty-five (35) feet and two and one-half (2 1/2) stories
 - (g) Maximum Building Coverage: Thirty percent (30%)
- 7. Supplementary Regulations (See Article 8.)
- 8. Subdividing: Any area divided into parcels or developed with buildings according to the definitions of subdividing and land development as found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.
- 9. Buffer Area: Buffer areas shall be required where the district boundary abuts a residential district. No commercial activities, including areas for parking of vehicles and storage of equipment and supplies, shall be allowed in an area measured five (5) feet at right angles to the district boundary within the commercial district. All buffer areas shall be fenced or landscaped, except for roadways crossing these buffer areas, with a fence or trees, shrubbery, or hedges at least six (6) feet high within three (3) years of planting and maintained in good condition.

507 C-2 Commercial - General District

1. Purpose: The purpose of this district is to provide for the type of commercial facilities which supply goods and services to the whole Township as well as to its environs and to highway travelers.
2. Principal Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:
 - (a) retail business establishments similar to the following:
 - automotive (and other vehicular) sales, rentals and supplies
 - clothing, drugs, and notions
 - greenhouses, flowers, and garden supplies
 - grocery, bakery, and beer, beverages, liquor
 - hardware and paint
 - household goods, appliances, and furniture
 - office supplies
 - sporting goods
 - (b) customer service establishments similar to the following:
 - appliance repair with inside storage
 - automotive service garages and both major and minor repair garages (not including body shops), gasoline stations, and car washes
 - barber and beauty shops
 - business offices, such as real estate, insurance, banking (including drive-through), and finance
 - dry cleaning pick-up stations and self-service dry cleaning and laundromats
 - eating and drinking establishments, including drive throughs
 - funeral homes and crematories
 - motels and hotels
 - photographic studios
 - professional offices, including medical clinics, doctors' offices, law offices, architects' offices, and engineers' offices
 - radio and television studios
 - shoe repair shops
 - tailoring and dressmaking shops
 - (c) commercial recreation and entertainment establishments similar to the following:
 - bowling alleys, skating rinks, and billiard parlors
 - nightclubs
 - social halls, clubs and lodges
 - swimming pools
 - gymnasiums and health spas
 - theatres
 - (d) commercial education establishments similar to the following:
 - art, music and dancing schools
 - business schools
 - photography schools
 - technical trade schools
 - (e) churches and similar places of worship, but not cemeteries
 - (f) public and semi-public buildings and uses, but not including maintenance buildings and storage yards
 - (g) public and semi-public parks, playgrounds and open space

Section 507 (cont'd)

3. Accessory Uses: Any uses accessory to the above may be allowed, including but not limited to the following:
 - (a) off-street parking and loading areas
 - (b) signs, except outdoor advertising
 - (c) storage buildings
 - (d) essential services for public utilities, including buildings but not including storage yards
4. Special Exception Uses (See Article 6.)
 - (a) animal hospitals and kennels
 - (b) dwellings directly related to certain businesses
 - (c) dwellings over or attached to business establishments
 - (d) temporary structures and buildings including trailers
5. Conditional Uses (See Article 7.)
 - (a) adult entertainment establishments
 - (b) community shopping center
6. Dimensional Regulations
 - (a) Minimum Lot Area
 Lots with public or central water and sewer systems: 6,000 sq. ft.
 Lots with public or central sewer system only: 10,000 square feet
 Lots with public or central water system only: 20,000 square feet
 Lots with on-lot water and sewer facilities: 40,000 square feet
 - (b) Minimum Lot Width
 Lots with public or central water and sewer systems: 6,000 feet
 Lots with public or central sewer system only: 80 feet
 Lots with public or central water system only: 100 feet
 Lots with on-lot water and sewer facilities: 125 feet
 - (c) Minimum Front Yard: Twenty-five (25) feet
 - (d) Minimum Rear Yard: Twenty (20) feet
 - (e) Minimum Side Yard: Ten (10) feet each side
 - (f) Maximum Building Height: Thirty-five (35) feet and two and one-half (2 1/2) stories
 - (g) Maximum Building Coverage: Thirty percent (30%)
7. Supplementary Regulations (See Article 8.)
8. Subdividing: Any area divided into parcels or developed with buildings according to the definitions of subdividing and land development as found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.

Section 507 (cont'd)

9. Buffer Area: Buffer areas shall be required where the district boundary abuts a residential district. No commercial activities, including areas for parking of vehicles and storage of equipment and supplies, shall be allowed in an area measured five (5) feet at right angles to the district boundary within the commercial district. All buffer areas shall be fenced or landscaped, except for roadways crossing these buffer areas, with a fence or trees, shrubbery, or hedges at least six (6) feet high within three (3) years of planting and maintained in good condition.

508 C-3 Commercial - Heavy - District

1. Purpose: The purpose of this district is to provide for certain types of commercial activities which are most appropriately located near industrial areas and which can create problems of land use compatibility when mixed with other commercial activities.
2. Principal Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:
 - (a) automotive-related activities such as:
 - automotive (and other vehicular) sales, rentals and supplies
 - body repair and service garages
 - car wash
 - gasoline service stations
 - tire retreading and recapping
 - (b) contractor yards and shops such as:
 - building
 - cement
 - electrical
 - heating
 - masonry
 - painting
 - roofing
 - plumbing
 - (c) heavy equipment sales and repair
 - (d) laundry and dry cleaning plants
 - (e) monument sales
 - (f) public and public utility maintenance garages and storage yards
 - (g) truck terminals
 - (h) warehouse facilities
 - (i) wholesale businesses
 - (j) welding shops
3. Accessory Uses: Any uses accessory to the above may be allowed, including but not limited to the following:
 - (a) off-street parking and loading areas
 - (b) signs, except outdoor advertising
 - (c) storage buildings
 - (d) essential services for public utilities

Section 508 (cont'd)

4. Special Exception Uses (See Article 6.)
 - (a) outdoor advertising signs
 - (b) temporary structures and buildings including trailers
5. Dimensional Regulations
 - (a) Minimum Lot Area:
 - Lots with public or central water and sewer systems: 6,000 sq. ft.
 - Lots with public or central sewer system only: 10,000 square feet
 - Lots with public or central water system only: 20,000 square feet
 - Lots with on-lot water and sewer facilities: 40,000 square feet
 - (b) Minimum Lot Width:
 - Lots with public or central water and sewer systems: 60 feet
 - Lots with public or central sewer systems only: 80 feet
 - Lots with public or central water system only: 100 feet
 - Lots with on-lot water and sewer facilities: 125 feet
 - (c) Minimum Front Yard: Twenty-five (25) feet
 - (d) Minimum Rear Yard: Twenty (20) feet
 - (e) Maximum Side Yard: Ten (10) feet each side
 - (f) Maximum Building Height: Thirty-five (35) feet and two and one-half (2 1/2) stories
 - (g) Maximum Building Coverage: Thirty percent (30%)
6. Supplementary Regulations (See Article 8.)
7. Subdividing: Any area divided into parcels or developed with buildings according to the definitions of subdividing and land development as found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.
8. Buffer Area: Buffer areas shall be required where the district boundary abuts a residential district. No commercial activities, including areas for parking of vehicles and storage of equipment and supplies, shall be allowed in an area measured five (5) feet at right angles to the district boundary within the commercial district. All buffer areas shall be fenced or landscaped, except for roadways crossing these buffer areas, with a fence or tress, shrubbery, or hedges at least six (6) feet high within three (3) years of planting and maintained in good condition.

509 I-1 Industrial - Light - District

1. Purpose: The purpose of this district is to provide for light industrial activities and related service activities which, with sufficient buffering, can be located near residential neighborhoods.

Section 509 (cont'd)

2. Principal Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:
 - (a) automotive-related activities, such as:
 - body repair and service garages
 - car wash
 - automotive service stations
 - tire retreading and recapping
 - (b) contractor yards and shops such as:
 - building
 - cement
 - electrical
 - heating
 - masonry
 - painting
 - roofing
 - plumbing
 - (c) laboratories for researching, testing, and experimenting
 - (d) laundry, dry cleaning, and dyeing plants
 - (e) light manufacturing, including the production, processing, assembly, cleaning, testing, and distribution of non-durable goods
 - (f) printing, publishing and binding plants
 - (g) public and public utility maintenance garages and storage yards
 - (h) truck terminals
 - (i) warehouse facilities
 - (j) wholesale businesses
3. Accessory Uses: Any uses accessory to the above may be allowed, including but not limited to the following:
 - (a) off-street parking and loading areas
 - (b) signs, except outdoor advertising
 - (c) storage buildings
 - (d) essential services and public utilities
4. Special Exception Uses (See Article 6.)
 - (a) outdoor advertising signs
 - (b) temporary structures and buildings including trailers
5. Conditional Uses (See Article 7.)
 - (a) industrial parks limited to the types of uses listed above

Section 509 (cont'd)

6. Dimensional Regulations(a) Minimum Lot Area:

- Lots with public or central water and sewer systems: 6,000 square feet
- Lots with public or central sewer system only: 10,000 square feet
- Lots with public or central water system only: 20,000 square feet
- Lots with on-lot water and sewer facilities: 40,000 square feet

(b) Minimum Lot Width:

- Lots with public or central water and sewer systems: 60 feet
- Lots with public or central sewer systems only: 80 feet
- Lots with public or central water systems only: 100 feet
- Lots with on-lot water and sewer facilities: 125 feet

(c) Minimum Front Yard: Twenty-five (25) feet(d) Minimum Rear Yard: Twenty (20) feet(e) Minimum Side Yard: Ten (10) feet each side(f) Maximum Building Heights: Forty (40) feet and four (4) stories(g) Maximum Building Coverage: Thirty percent (30%)7. Supplementary Regulations (See Article 8.)8. Subdividing: Any area divided into parcels or developed with buildings according to the definitions of subdividing and land development as found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.9. Buffer Area: Buffer areas shall be required where the district boundary abuts a residential district. No industrial activities, including areas for parking of vehicles and storage of equipment and supplies, shall be allowed in an area measured five (5) feet at right angles to the district boundary within the industrial district. All buffer areas shall be fenced or landscaped, except for roadways crossing these buffer areas, with a fence or trees, shrubbery, or hedges at least six (6) feet high within three (3) years of planting and maintained in good condition.10. Performance Standards: All activities and uses allowed in this district shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial wastes, fire hazards, and any other activity and use's side effects deemed injurious to the public health, safety, and welfare by the U.S. Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Resources (DER), and the Pennsylvania Department of Labor and Industry (DL & I).510 I-2 Industrial - Heavy - District1. Purpose: The purpose of this district is to provide for heavier, more intense types of industrial uses which need a location somewhat isolated from developed uses in order to minimize their incompatibility with other uses and to provide for mutual protection among uses.

Section 510 (cont'd)

2. Principal Uses: A lot or parcel may be used and a building or structure may be erected and used for any of the following purposes:
 - (a) contractor offices and shops, such as:
 - building
 - cement
 - electrical
 - heating
 - masonry
 - painting
 - roofing
 - plumbing
 - (b) construction and heavy equipment sales and repair
 - (c) heavy manufacturing, including the production, processing, assembly, cleaning, testing and distribution of durable goods
 - (d) public and public utility power generation plants, maintenance garages and storage yards
3. Accessory Uses: Any uses accessory to the above may be allowed, including but not limited to the following:
 - (a) off-street parking and loading areas
 - (b) signs, except outdoor advertising
 - (c) storage buildings
 - (d) essential services and public utilities
4. Special Exception Uses (See Article 6.)
 - (a) bulk fuel storage
 - (b) junk yards
 - (c) natural resource production
 - (d) outdoor advertising sign
 - (e) temporary structures and buildings including trailers
 - (f) welding shops
5. Conditional Uses (See Article 7.)
 - (a) sanitary landfills
 - (b) storage of explosives and other hazardous or potentially hazardous materials
6. Dimensional Regulations
 - (a) Minimum Lot Area: 40,000 square feet
 - (b) Minimum Lot Width: One hundred twenty-five (125) feet at the front setback line
 - (c) Minimum Front Yard: Fifty (50) feet
 - (d) Minimum Rear Yard: Fifty (50) feet
 - (e) Minimum Side Yard: Fifty (50) feet each side
 - (f) Maximum Building Height: Fifty (50) feet with minimum yard requirements; additional height requires proportionate yard increases for all yard areas.
 - (g) Maximum Building Coverage: Ten percent (10%)

Section 510 (cont'd)

7. Supplementary Regulations (See Article 8.)
8. Subdividing: Any area divided into parcels or developed with buildings according to the definitions of subdividing and land development as found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.
9. Buffer Area: Buffer areas shall be required wherever a lot or tract abuts a district boundary. No industrial activities, including areas for parking of vehicles and storage of equipment and supplies, shall be allowed in an area measured fifty (50) feet at right angles to the district boundary within the industrial district. This buffer may include the required yard setback. All buffer areas shall be fenced or landscaped, except for roadways crossing these buffer areas, with a fence or trees, shrubbery, or hedges at least six (6) feet high within three (3) years of planting and maintained in good condition.
10. Performance Standards: All activities and uses allowed in this district shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial wastes, fire hazards, and any other activity and use's side effects deemed injurious to the public health, safety, and welfare by the U.S. Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Resources (DER), and the Pennsylvania Department of Labor and Industry (DL & I).

Article 6

SPECIAL EXCEPTION USES

- | | |
|-----|---------------------|
| 601 | Purpose |
| 602 | General Provisions |
| 603 | Specific Provisions |
1. Animal Hospitals and Kennels
 2. Backfilling, Grading, and Reforestation for Reclamation
 3. Coal Waste Clearing and Hauling
 4. Dwellings Directly Related to Certain Businesses
 5. Dwellings Over or Attached to Business Establishments
 6. Home Occupations
 7. Junk Yards
 8. Model Homes and Apartments
 9. Nurseries and Day Care Centers for Children
 10. Nursing and Convalescent Homes
 11. Outdoor Advertising Signs (Billboards)
 12. Public Utility Buildings and Structures, Except Telephone Offices and Booths
 13. Radio and Television Transmission or Receiving Towers
 14. Residential Conversion Dwellings
 15. Rooming and Boarding Houses
 16. Temporary Structures and Buildings Including Trailers

Article 6

SPECIAL EXCEPTION USES

601 Purpose: The purpose of special exception use regulations is to provide additional standards for controlling the unique or special characteristics of certain uses which otherwise conform to uses permitted in their respective districts.

602 General Provisions: Decisions for granting or denying special exception use permits shall be made by the Zoning Hearing Board as provided for in Article 10.

1. Decisions: Decisions of the Board shall be made pursuant to standards and criteria expressed in this Article, to regulations for the respective districts in which the uses are located, and to all other requirements of this Ordinance.

The Board shall grant an approval for a special exception use only if it finds adequate evidence that the proposed use meets both the general and specific requirements for such use.

2. Effect of Ordinance Changes on Application: When an application for a special exception has been filed with the Zoning Hearing Board and the subject matter of such application would ultimately constitute either a land development or a subdivision as defined in Article 3, no change or amendment of the Zoning, Subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed.

Provided, further, should such an application be approved by the Zoning Hearing Board, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer or as may be approved by the Zoning Hearing Board following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Zoning Hearing Board.

If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended), Section 508 (1) through (4), and specifically to the time limitations of Section 508 (4) which shall commence as of the date of filing such land development or subdivision plan.

3. Site Plan: A plan for the proposed development of a site for a special exception use shall be submitted with the application for a special exception permit. Such plan shall show the location of all buildings, open space, parking areas, traffic access and circulation, landscaping and any other information required for determining the conformance of the special exception use with the regulations for that use.

Section 602 (cont'd)

4. General Standards: Decisions for granting all special exception uses shall be guided by the following general standards:
- (a) The proposed use shall not jeopardize the objectives of the Comprehensive Plan.
 - (b) Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use.
 - (c) Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion, and for providing for the safety and convenience of pedestrian and vehicular traffic.
 - (d) The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the location and size of the site relative to the proposed operation, and the nature and intensity of the operation involved.
 - (e) The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that the property is not impaired.
 - (f) The proposed use shall not be more objectionable in its operations in terms of noise, fumes, vibrations, smoke, fly ash, or flashing lights than would be the operations of any permitted use in the district.
 - (g) Any other reasonable conditions and safeguards, in addition to those expressed in this Ordinance, may be implemented by the Board if the Board deems it necessary for implementing the purposes of the Pennsylvania Municipalities Planning Code (Act 247, as amended) and this Ordinance.

603 Specific Provisions: Uses permitted by Special Exception in this Ordinance include the following for which additional regulations are prescribed:

1. Animal Hospitals and Kennels (C-2 District)

Animal kennels in which animals are kept, boarded, or trained may be either enclosed buildings or a combination of buildings and open runways. If all activities are maintained within a completely enclosed, sound-proof building and no objectionable odors are produced outside the building, district yard regulations for the district shall apply. If open runways are used, the building and runways shall be located at least fifty (50) feet from such property lines. The property shall be at least one (1) acre in area.

Hospitals for pets shall be located in either a sound-proof building with no objectionable odors produced outside the building or a combination of buildings and open runways. If located in a totally enclosed building, district yard regulations for the district shall apply. If open runways are used, the buildings and runways shall be located at least fifty (50) feet from such property lines. The property shall be at least one (1) acre in area.

Section 603 (cont'd)

2. Backfilling, Grading, and Reforestation for Reclamation (S-2 District)

All backfilling, grading, and reforestation done in the process of reclaiming former surface or strip mined land shall be done in accordance with a reclamation plan approved by the Pennsylvania Department of Environmental Resources. The plan shall indicate the proposed reuse of the land consistent with the Township's Comprehensive Plan and Zoning Ordinance.

3. Coal Waste Clearing and Hauling (S-2 District)

A time schedule for the initiation and completion of the operation, roadways to be used for hauling, measures to be taken to reduce dust and noise, and a plan for the proposed reuse of the land consistent with the Township's Comprehensive Plan and Zoning Ordinance shall be required of the applicant for a special exception use zoning permit.

4. Dwellings Directly Related to Certain Businesses (C-1 District)

Single-family detached dwellings shall be permitted on the same lot as the following business establishments: medical and dental clinics, mortuary and undertaking establishments, nursing and convalescent homes, and motels provided that such dwellings are occupied by the owner or manager of such business establishment. Such dwellings shall be designed as living quarters, having adequate natural light and kitchen and bathroom facilities. Such dwellings shall also have private access and the required residence parking spaces in addition to commercial spaces.

5. Dwellings Over or Attached to Business Establishments (C-1 and C-2 Districts)

Where dwellings are permitted over or attached to business establishments, such dwellings shall be designed as living quarters having at least five hundred (500) square feet of floor area per dwelling unit and having adequate natural light and kitchen and bathroom facilities. Such dwellings shall also have private access and the required residence parking spaces in addition to commercial parking spaces.

6. Home Occupations (S-1, R-1, R-2, and R-3 Districts)

A home occupation shall be the incidental use of a dwelling unit or of a building or other structure accessory to a dwelling unit and shall be conducted by a person or persons residing in the dwelling unit and not more than one (1) non-resident employee working on the premises. Not more than thirty percent (30%) of the habitable floor area of the house shall be used for calculating the area to be used for the home occupation, although the home occupation may be located in either the house or an accessory structure.

The exterior appearance of the structure or premises shall be maintained in its residential character with the home occupation conducted entirely within the enclosed structure and with no goods publicly displayed on the premises other than a permitted sign as provided for in Article 8. The home occupation shall not involve display windows, the storage or sale of articles, except those incidental to the service, frequent truck deliveries, or the production of offensive noise, smoke, vibration, dust, odors, heat, or glare. Outdoor storage of materials or products is also prohibited. Off-street parking requirements for both the dwelling and home occupation uses shall be met in accordance with Article 8.

Section 603 (cont'd)

Home occupations may include an office or studio of a physician, dentist, artist, photographer, architect, engineer, accountant, surveyor, lawyer, realtor, insurance salesperson, or member of some similar recognized profession. This list is not all-inclusive, but is intended to serve as a guideline.

Home occupations may also include beauty and barber shops, dressmaking and tailoring shops, appliance repair and lawn mower repair, and tutoring and music instruction but shall not include animal hospitals, commercial kennels, funeral homes, clothing stores, restaurants, dance studios, business schools or automotive repair service. This list is not all-inclusive but is intended to serve as a guideline.

7. Junk Yards (S-2 District)

All junk yards existing at the effective date of this Ordinance shall comply within one (1) year after adoption thereof, and all new junk yards shall comply with the following:

- (a) Such premises shall at all times be maintained so as not to constitute a nuisance or a menace or a place for the breeding of rodents and vermin;
- (b) Burning of any materials shall be prohibited;
- (c) No garbage or other organic waste and rubbish, including tires, shall be stored on such premises;
- (d) Whenever any motor vehicle shall be received on such premises as junk, all gasoline and oil shall be drained and removed therefrom;
- (e) The storage of any combustible materials such as gasoline or related items shall be placed in fireproof containers or fire-proof sheds only;
- (f) The manner of storage and arrangement of junk and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises and to facilitate access for fire-fighting purposes;
- (g) There shall be no "stock piling" of motor vehicles higher than ten (10) feet nor shall there be any junk piled higher than ten (10) feet;
- (h) There shall be a roadway fourteen (14) feet wide provided for in every forty (40) linear feet of junk, which roadway shall be kept passable for fire-fighting equipment;
- (i) Junk shall not be stored within twenty (20) feet of any adjoining property line or nearer than twenty (20) feet to any adjoining street;
- (j) All junk shall be completely screened from view on all sides by evergreen hedges on the outer side of the fence, which hedges shall be at least five (5) feet in height at the time of planting. Hedges and fences shall be located no closer than two (2) feet to the property line; and

Section 603 (cont'd)

- (k) Such premises may be open for business or any work in connection with the storage, processing and transportation or removal of junk only on Monday through Saturday from 7:00 a.m. to 5:00 p.m. local time.

8. Model Homes and Apartments (Model Homes in R-1 District; Model Apartments in R-2 and R-3 Districts)

The exterior appearance of a model home or apartment and its premises shall be maintained and operated consistent with the residential character of the neighborhood. Landscaping shall be provided consistent with that of the neighborhood within six (6) months of the use of the structure as a model home or apartment. The home or apartment shall be used only as a model display of homes or apartments available for sale or rent and not as a realtor's office or for the storage of construction equipment and materials. Off-street parking for eventual residents temporarily allowed for patron use and one (1) space for each employee shall be provided in accordance with Article 8. No construction or delivery trucks shall be allowed on the premises. Only signs allowed by provisions of Article 8 shall be permitted.

This special exception use shall be temporary, being valid for thirty (30) months after the excepted use is approved by the Zoning Hearing Board. At the expiration of the permit, the premises shall either revert to use as a dwelling or continue as a special exception upon application to and approval by the Board. In making its decision the Board shall consider the effects of the previous permit on the neighborhood, the construction activity remaining in the development, and adherence to the terms of the previous permit.

9. Nurseries and Day Care Centers for Children (R-2 and R-3 Districts)

Day nurseries, nursery schools, private kindergartens, and day-care centers shall provide outdoor play space complying with the standards of the Pennsylvania Department of Public Welfare for "Child Day Care Centers under Social Service Auspices". The outdoor play area shall adjoin the indoor space, be easily accessible, and be fenced with a chain-link fence and gate at least three (3) feet in height which shall be maintained in good condition.

10. Nursing and Convalescent Homes (R-1 and R-3 Districts)

The minimum size of the tract shall be one (1) acre. The tract shall front on an arterial or collector street. Where the tract abuts residences on the side or rear property lines, a substantial, attractive, tight fence five (5) feet in height shall be placed no farther than one (1) foot from the property line, and a landscaped buffer area having a depth of not less than ten (10) feet shall be provided within the property line. The fence, shrubs, and buffer shall be maintained in good condition. A parking area accommodating all spaces required by Article 8 shall be located beyond the buffer area. Access drives shall be no more than twenty-five (25) feet wide at the street line, and, in the case of a corner lot, access driveways shall be at least sixty (60) feet from the intersection of the two streets, as measured from the right-of-way line.

Section 603 (cont'd)

11. Outdoor Advertising Signs (Billboards) (C-3, I-1, and I-2 Districts.)

Outdoor advertising signs shall be permitted by Special Exception. No such sign, including its structure or standards, shall be permitted within one hundred (100) feet of any residence nor within one thousand (1,000) feet of another such sign. The advertising surface area of any panel shall not exceed two hundred forty (240) square feet, and not more than two (2) panels (or [1] double-faced panel) shall be permitted on the same structure or standard. The yard setback requirements of the district in which the sign is to be located shall apply. All other provisions for signs as found in Article 8 shall apply.

12. Public Utility Buildings and Structures, Except Telephone Offices and Booths (S-2 District)

Such buildings and structures are intended to include telephone exchanges, electric stations and substations, and gas, water, and sewerage pumping stations, water tanks and reservoirs, and sewage treatment plants. The property on which any such activity is located shall conform to the following regulations: (a) Access and parking shall be provided only for maintenance and servicing of such activities. (b) A chain-link fence and locked gate at least six (6) feet high and maintained in good condition shall surround the building or structure, except for the telephone exchange, which may be controlled by a locked door. (c) A buffer area at least twenty (20) feet deep and containing trees and shrubs to conceal the chain-link fence and building or structure shall be provided along all boundaries of the property. (d) The premises shall be kept in good condition and free of litter and junk. (e) Outside lighting shall be directed away from adjacent activities. (f) The location, design, and operation of such facility shall not adversely affect the character of any adjacent residential property.

13. Radio and Television Transmission or Receiving Towers (S-1 and S-2 Districts)

Any radio and television transmission or receiving tower shall be set back from all tract boundary lines a distance equal to its height, and the base of such tower shall be surrounded by a chain-link fence and locked gate at least six (6) feet high and located at least six (6) feet from the outer edge of the base. The fence and gate shall be maintained in good condition.

14. Residential Conversion Dwellings (R-2 and R-3 Districts)

The conversion of any existing building into more than one (1) dwelling unit shall conform to the following:

- (a) The minimum habitable floor area shall be as required by Article 8 for each dwelling.
- (b) The building, when converted, shall conform to the height, yard, and coverage regulations set forth in the District Regulations.
- (c) Fire escapes, where required, shall be located at the rear of the building.

Section 603 (cont'd)

15. Rooming and Boarding Houses (R-2 District)

The rooming or boarding house shall have no more than four (4) rooms of the residence used for rooming or boarding with not more than two (2) people per room. The property shall maintain all yard areas for the district in which it is located and shall provide parking spaces as required by Article 8. In outward appearance the boarding or rooming house shall be consistent with the character of other residences in the immediate area.

16. Temporary Structures and Buildings Including Trailers (S-1, S-2, R-1, R-2, R-3, C-1, C-2, C-3, I-1, and I-2 Districts)

The proposed temporary use and the reasons for requesting the use of a temporary structure or building shall be supplied by the applicant for such use. The Zoning Hearing Board shall make a determination as to the acceptability of this information and shall set a date for the termination of the temporary use one (1) year from the date the special exception was granted. An extension of not more than one (1) additional year shall be considered at any one time, provided the applicant can show a need for the extension to the satisfaction of the Board.

Article 7

CONDITIONAL USES

701 Purpose

702 General Provisions

703 Specific Provisions

1. Adult Entertainment Establishments
2. Cluster Housing Developments
3. Community Living Facility
4. Community Shopping Center
5. Industrial Parks
6. Mobile Home Parks
7. Multiple-Family Mid-Rise Apartment Houses
8. Neighborhood Shopping Center
9. Sanitary Landfills
10. Storage of Explosives and Other Hazardous Materials

Article 7

CONDITIONAL USES

701 Purpose: The purpose of conditional use regulations is to permit certain uses in particular zones or districts when the conditions described for each use have been fulfilled, as determined by the Board of Supervisors upon recommendation of the Mount Carmel Township Planning Commission.

702 General Provisions: Decisions for granting or denying conditional use zoning permits shall be made by the Board of Supervisors according to the following procedures.

1. Decisions: Decisions for granting or denying conditional use permits shall be made by the Board of Supervisors after its receipt and review of the Planning Commission's recommendation and after it has held the required public hearing in order to hear evidence from involved parties for the purpose of better gauging the potential implications of the proposed use.

Hearings shall be conducted pursuant to the procedures outlined in Article 10, Zoning Hearing Board and other Administrative Proceedings.

The Board of Supervisors shall submit the application for the proposed conditional use to Mount Carmel Township Planning Commission at least thirty (30) days prior to the public hearing on the proposed use to provide the Planning Commission with an opportunity to submit a non-binding recommendation.

The Board of Supervisors shall render a final decision on the application within forty-five (45) days after the last public hearing. Where the Board of Supervisors fails to make its decision within the period required, the decision shall be deemed in favor of the applicant.

Decisions of the Board shall be made pursuant to the standards and criteria expressed in this Article, to the regulations for the respective districts in which the uses are located, and to all other requirements of this Ordinance.

The Board of Supervisors shall grant an approval for a conditional use only if it finds adequate evidence that the proposed use meets both the general and specific requirements for such use.

2. Effect of Ordinance Changes on Application: When an application for a conditional use has been filed with the Board of Supervisors and the subject matter of such application would ultimately constitute either a land development or a subdivision as defined in Article 3, no change or amendment of the Zoning, Subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed.

Provided, further, should such an application be approved by the Board of Supervisors, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer or as may be approved by the Board of Supervisors following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before the Board of Supervisors.

Section 702 (cont'd)

If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of the Pennsylvania Municipalities Planning Code (Act 247 as amended), Section 508 (1) through (4), and specifically to the time limitations of Section 508 (4) which shall commence as of the date of filing such land development or subdivision plan.

3. Site Plan: A plan for the proposed development of a site for a conditional use shall be submitted with the application for a conditional use permit to the Zoning Officer. Such plan shall show the location of all buildings, open space, parking areas, traffic access and circulation, landscaping and any other information required for determining the conformance of the conditional use with the regulations for that use.
4. General Standards: Decisions for granting all conditional uses shall be guided by the following general standards:
 - (a) The proposed use shall not jeopardize the objectives of the Comprehensive Plan.
 - (b) Public services and facilities such as streets, sewers, water, police, and fire protection shall be adequate for the proposed use.
 - (c) Existing and future streets and access to the site shall be adequate for emergency services, for avoiding undue congestion and for providing for the safety and convenience of pedestrian and vehicular traffic.
 - (d) The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the location and size of the site relative to the proposed operation, and the nature and intensity of the operation involved.
 - (e) The relationship of the proposed use to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that property is not impaired.
 - (f) The proposed use shall not be more objectionable in its operations in terms of noise, fumes, vibrations, smoke, fly ash, or lights (such as flashing, neon, flood, spot, etc.) than would be the operations of any permitted use in the district.
 - (g) Any other reasonable conditions and safeguards, in addition to those expressed in this Ordinance, may be implemented by the Board of Supervisors if it deems it necessary for implementing the purposes of the Pennsylvania Municipalities Planning Code (Act 247 as amended) and this Ordinance.

703 Specific Provisions: Uses permitted by Conditional Use include the following for which additional regulations are prescribed:

1. Adult Entertainment Establishments (C-2 District)

- (a) Purpose: The purpose of this conditional use is to provide for establishments which have a sex-related nature or purpose in an appropriate environment which prevents the deleterious blighting or downgrading effects which a concentration of such uses or the inappropriate placement of such uses may have upon surrounding neighborhoods.
- (b) Use Regulations: The conditional uses shall be adult entertainment establishments as designated herein under subsection (g) "Uses Designated and Regulated".
- (c) Dimensional Regulations: The dimensional regulations shall be the same as those applicable to the C-2 Commercial - General District.
- (d) Development Regulations: Adult entertainment establishments (as defined herein) shall be subject to the following development regulations:
 - (1) Comprehensive Plan: Proposed adult entertainment establishments shall be consistent with the Comprehensive Plan of Mount Carmel Township.
 - (2) Site Location: Adult entertainment establishments shall be located only in the C-2 Commercial - General District, and the proposed location of such an establishment within such district shall be at least five hundred (500) feet distant from another such adult entertainment, residential district, property lines of churches and related religious institutions, and property lines of schools, playgrounds, and parks.
- (e) Supplementary Regulations (See Article 8.)
- (f) Definitions: Definitions used in this subsection include (See Article 3):
 - (1) Adult book store
 - (2) Adult cabaret
 - (3) Adult drive-in theatre
 - (4) Adult massage business
 - (5) Adult mini-motion picture theatre
 - (6) Adult motion picture theatre
 - (7) Adult video cassette rentals and sales
- (g) Uses Designated and Regulated: Uses designated and regulated as adult entertainment establishments include: adult book stores, adult cabarets, adult drive-in theatres, adult massage businesses, adult mini-motion picture theatres, adult motion picture theatres, and adult video cassette rentals and sales.

Section 703 (cont'd)

2. Cluster Housing Developments (R-1 and R-3 Districts)

- (a) Purpose: The purpose of this conditional use is to provide for housing that can be clustered together to achieve greater economies in the construction of roads and utilities, to maximize the preservation of open space on a tract, and to allow for greater flexibility of layout design.
- (b) Use Regulations: The types of housing permitted in cluster developments shall be the same as those otherwise permitted in the district in which the tract is located.
- (c) Dimensional Regulations: The total area of the site shall not be less than the total area that would be required if the dwellings were placed on individual lots in their respective districts. Height and coverage regulations of the district in which such developments are located shall apply.
- (d) Development Regulations: A proposed cluster housing development shall be subject to the following development regulations:
 - (1) Arrangement of Buildings: Although flexibility of design is encouraged, no buildings shall be closer to any other building, including its projections, than twenty (20) feet.
 - (2) Buffer Area: A buffer area shall be required along all boundary lines of the tract and within the tract. Such buffer area shall be used for no other purpose than landscaping and access roads which cross the buffer. The buffer shall be an area of not less than twenty (20) feet in width and shall be planted and maintained in a screen planting of materials prescribed in Article 8.
 - (3) Subdivision and Land Development Ordinance: A cluster housing development shall be subject to the regulations of the Subdivision and Land Development Ordinance of Mount Carmel Township.

3. Community Living Facility (R-1 and R-2 Districts)

- (a) Purpose: The purpose of this conditional use is to provide for as nearly normal living arrangements as possible for individuals diagnosed as having mental health or mental retardation problems by integrating such housing facilities in Mount Carmel Township's residential neighborhoods.
- (b) Use Regulations: The conditional use shall be a single-family dwelling operated as a community living facility as defined in Article 3 and shall not include its use for offices or meetings of the organization operating the facility.
- (c) Dimensional Regulations: The dimensional regulations shall be the same as those applicable to other lots used for single-family dwellings in the district in which the facility is located.
- (d) Development Regulations: A proposed community living facility shall be subject to the following additional regulations:

Section 703 (cont'd)

- (1) Operation: Such a facility may be operated by any incorporated public or private, profit or not-for-profit organization, society or association including any agency of a county, county institution district, or municipality and person as defined in Articles IX and X of the Public Welfare Code, for which standards have been developed. Such a facility shall hold a current license under that Code.
 - (2) Number of Residents: Community living facilities shall be limited to twelve (12) unrelated individuals, not including supervisors.
 - (3) Inspection Report: The facility shall have on file an inspection report indicating compliance with state and local requirements of the agencies responsible for enforcing health, sanitation, and fire and panic regulations.
 - (4) Location: A community living facility shall not be closer to any other such facility than five hundred (500) feet in any direction.
 - (5) Other Development Regulations: If in any respect a community living facility complies with the definitions of subdivision and land development as found in Article 3, it shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.
- (e) Supplementary Regulations (See Article 8.)
4. Community Shopping Center (C-2 District)
- (a) Purpose: The purpose of this conditional use is to provide for new or expanded community shopping and office centers, designed as single entities, with building space for lease or sale, to meet the community needs for goods and services as well as those of a social, cultural, and civic nature, and to exclude uses not compatible with such activities.
 - (b) Use Regulations: The uses permitted in community shopping centers shall be the same as those permitted in the C-2 Commercial - General District and subject to the same limitations, except as otherwise enumerated below.
 - (c) Dimensional Regulations
 - (1) Minimum Tract Area: A community shopping center shall have a minimum area of ten (10) acres.
 - (2) Minimum Tract Width: A community shopping center shall have a minimum width of three hundred (300) feet.
 - (3) Minimum Front Yard: The minimum front yard setback shall be one hundred (100) feet for the tract.
 - (4) Minimum Rear Yard: The minimum rear yard setback shall be fifty (50) feet for the tract.

Section 703 (cont'd)

- (5) Minimum Side Yards: The minimum side yard setbacks shall be fifty (50) feet for each side of the tract.
 - (6) Height: The maximum height for a principal building shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet.
 - (7) Coverage: The maximum tract area covered by buildings shall be twenty-five percent (25%).
- (d) Development Regulations: A proposed community shopping center shall be subject to the following development regulations:
- (1) Comprehensive Plan: A proposed community shopping center shall be consistent with the Comprehensive Plan of Mount Carmel Township.
 - (2) Arrangement of Buildings: The community shopping center shall be designed as a unit with harmonious arrangement of building groups, open space, pedestrian and vehicular circulation and parking areas so as to make a safe, convenient, aesthetically pleasing, and functionally efficient shopping area.
 - (3) Buffer Area: A buffer area shall be required along all boundary lines of the tract and within the tract. The buffer may include a part of the required tract setbacks and shall be used for no other purpose than landscaping and access roads which cross the buffer. The buffer shall be an area of not less than twenty (20) feet in width and shall be planted and maintained in a screen planting of materials prescribed in Article 8.
 - (4) Pedestrian and Vehicular Circulation: Adequate provision shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the shopping center.
 - (5) Ingress and Egress: Road access to public streets from a community shopping center shall not be located closer than two hundred fifty (250) feet from any public street intersection. Points of ingress and egress shall be designed so that undue congestion to or interference with normal traffic flow within Mount Carmel Township shall be avoided. Not more than two (2) points of ingress and egress shall be allowed on any abutting street or road.
 - (6) Off-Street Parking and Loading: The requirements for off-street parking and loading, as provided for in Article 8, shall be met. In addition, off-street parking and loading spaces shall be provided as an integral part of the shopping center site; be physically separated from public streets; be paved with a bituminous or concrete material; and be physically separated into sections by traffic islands or other approved means to provide for a safe, convenient, and functionally efficient shopping area. Off-street parking and loading areas shall be lighted so that no part of such areas is in total darkness during nighttime use.

Section 703 (cont'd)

- (7) Drainage: Storm drainage from roofs and paved areas shall be channeled to natural drainage courses or to storm sewers and away from adjoining properties. All areas not containing buildings or paved areas for necessary parking and circulation shall be maintained in trees, shrubbery, and grass for absorption of water run-off and hence for flood protection.
- (8) Utilities: The development shall be served by a centralized water supply system (public or private) and a centralized sewage disposal system (public or private). All utility lines serving the community shopping center shall be placed under ground.
- (9) Fire and Panic Safety: All applicable standards of the Pennsylvania Department of Labor and Industry for fire and panic shall be met. It shall be ascertained that the local fire companies can provide the necessary fire protection.
- (10) Other Development Regulations: Since a community shopping center involves land development as defined in this Ordinance, it shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.

(e) Supplementary Regulations (See Article 8.)

5. Industrial Parks (I-1 District)

- (a) Purpose: The purpose of this conditional use is to provide for park-like development of light industrial uses that are compatible with other activities in Mount Carmel Township in both operation and aesthetics.
- (b) Use Regulations: The uses shall be the same as those permitted in the I-1 Industrial - Light District and subject to the same limitations, except as enumerated below.
- (c) Dimensional Regulations
 - (1) Minimum Tract Area: An industrial park shall have a minimum area of ten (10) acres.
 - (2) Minimum Tract Width: An industrial park shall have a minimum width of three hundred (300) feet.
 - (3) Minimum Front Yard: The minimum front yard setback shall be one hundred (100) feet for the tract.
 - (4) Minimum Rear Yard: The minimum rear yard setback shall be fifty (50) feet for the tract.
 - (5) Minimum Side Yards: The minimum side yard setbacks shall be fifty (50) feet for each side of the tract.

Section 703 (cont'd)

- (6) Height: The maximum height for a principal building shall be three (3) stories and forty (40) feet.
- (7) Coverage: The maximum tract area covered by buildings shall be twenty-five percent (25%).
- (d) Development Regulations: An industrial park shall be subject to the following development regulations:
 - (1) Comprehensive Plan: A proposed industrial park shall be consistent with the Comprehensive Plan of Mount Carmel Township.
 - (2) Arrangement of Buildings: The industrial park shall be designed as a unit with a harmonious arrangement of building groups, open space, vehicular circulation, loading and unloading areas, and parking areas so as to make a safe, convenient, aesthetically pleasing, and functionally efficient industrial area.
 - (3) Buffer Area: A buffer area shall be required along all boundary lines of the tract and be located within the tract. The buffer area shall consist of all required tract set-backs, as identified in (c) above, and shall be used for no other purpose than landscaping and access roads which cross the buffer. The buffer shall be planted and maintained in a screen planting of materials prescribed in Article 8.
 - (4) Vehicular Circulation: Adequate provision shall be made for safe and efficient truck and automobile vehicular circulation within the boundaries of the industrial park.
 - (5) Ingress and Egress: Road access to public streets from an industrial park shall not be located closer than two hundred fifty (250) feet from any public street intersection. Points of ingress and egress shall be designed so that undue congestion to or interference with normal traffic flow within Mount Carmel Township shall be avoided. Not more than two (2) points of ingress and egress shall be allowed on any abutting street or road.
 - (6) Off-Street Parking and Loading: The requirements for off-street parking and loading, as provided for in Article 8, shall be met. In addition, off-street parking and loading shall be provided as an integral part of each industrial site; be physically separated from industrial park roadways; be paved with a bituminous or concrete material; and be physically separated into sections by traffic islands or other approved means to provide for safe, convenient, and functionally efficient industrial sites in the park.
 - (7) Drainage: Storm drainage from roofs and paved areas shall be channeled to natural drainage courses or to storm sewers and away from adjoining properties of the tract. All areas of each site not containing buildings or paved areas for necessary parking and circulation shall be maintained in trees, shrubbery, and grass for absorption of water run-off and hence for flood protection.

Section 703 (cont'd)

- (8) Individual Sites: Individual sites within the industrial park shall conform to all dimensional regulations for industrial lots permitted outside industrial parks and as provided for in the I-1 Industrial - Light - District.
- (9) Utilities: The park shall be served by a centralized water system (public or private) and a centralized sewage disposal system (public or private). All utility lines serving the industrial park shall be placed under ground.
- (10) Environmental Performance Standards: All activities and uses allowed in industrial parks shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, industrial wastes, fire hazards, and any other of the activity and use's side effects deemed injurious to the public health, safety, and welfare by the U. S. Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Resources (DER), and the Pennsylvania Department of Labor and Industry (DL & I).
- (11) Fire and Panic Safety: All applicable standards of the Pennsylvania Department of Labor and Industry for fire and panic shall be met. It shall be ascertained that the local fire companies can provide the necessary fire protection.
- (12) Other Development Regulations: Since an industrial park involves subdivision and land development as defined in this Ordinance, it shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.

(e) Supplementary Regulations (See Article 8.)

6. Mobile Home Parks (R-1 District)

- (a) Purpose: The purpose of this conditional use is to provide for mobile home parks in such a way that their development is safe and sanitary and fit for human habitation and that their development is acceptable and compatible with other development in the district in which they are located.
- (b) Use Regulations: The uses shall be mobile homes and those accessory uses usually associated with such a facility.
- (c) Dimensional Regulations
 - (1) Minimum Park Area: A mobile home park shall have an area of at least ten (10) acres.
 - (2) Minimum Park Width: A mobile home park shall have a minimum width of three hundred (300) feet.
 - (3) Minimum Front Yard: The minimum front yard setback shall be fifty (50) feet for the park.
 - (4) Minimum Rear Yard: The minimum rear yard setback shall be fifty (50) feet for the park.

Section 703 (cont'd)

- (5) Minimum Side Yards: The minimum side yard setbacks shall be fifty (50) feet for each side of the park.
- (6) Height: The maximum height for any building, principal or accessory, shall be one (1) story and fifteen (15) feet.
- (7) Coverage: The maximum park area covered by buildings shall be twenty-five percent (25%).
- (d) Development Regulations: A mobile home park shall be subject to the following development regulations:
 - (1) Comprehensive Plan: A proposed mobile home park shall be consistent with the Comprehensive Plan of Mount Carmel Township.
 - (2) Site Location: A mobile home park shall be located on land having a reasonably flat terrain (having an average slope of 8% or less). The land area shall be free from swamps, marshes, garbage, excessive noise, smoke, or other elements generally considered detrimental to residential development. The location shall be free from flooding by a one hundred (100) year flood and shall have access to public roads.
 - (3) Placement of Mobile Homes: Each mobile home site shall be provided with a stand or pad consisting of two (2) concrete strips to accommodate the wheel base of the mobile home. The poured concrete base shall measure one (1) foot deep, two (2) feet wide, and forty (40) feet long for each of the two strips. Each mobile home site shall also be provided with a poured concrete outdoor patio six (6) inches deep and at least one hundred eighty (180) square feet in area at the main entrance to the mobile home. The mobile home shall be required to be provided with anchors and tie-downs which are able to sustain a total tensile load equal to four times the weight of the particular mobile home.
 - (4) Mobile Home Lots: Only one mobile home, including its extensions and additions, may be placed on each mobile home lot, which shall have access to a street in the mobile home park. Each lot shall have a minimum area of four thousand (4,000) square feet and a minimum width of forty (40) feet. The minimum front yard shall be ten (10) feet; the rear yard, five (5) feet; and each side yard, five (5) feet. The minimum distance between buildings shall be twenty (20) feet. No more than thirty percent (30%) of each lot shall be covered by buildings.
 - (5) Subdivision and Land Development Ordinance: A mobile home park shall be subject to the regulations of the Subdivision and Land Development Ordinance of Mount Carmel Township.
- (e) Supplementary Regulations (See Article 8.)

Section 703 (cont'd)

7. Multiple-Family Mid-Rise Apartment Houses (R-2 and R-3 Districts)

(a) Purpose: The purpose of this conditional use is to provide for multiple-family structures for residents in various parts of Mount Carmel Township supplying a greater variety of housing types.

(b) Use Regulations: The conditional use is multiple-family mid-rise structures and accessory uses.

(c) Dimensional Regulations

(1) Area: The minimum lot area shall be forty thousand (40,000) square feet.

(2) Width: The minimum lot width shall be one hundred fifty (150) feet.

(3) Minimum Yards: All yard setbacks, front, side and rear, shall be equal to the height of the building.

(4) Height: The maximum height for a principal building shall be four (4) stories and forty (40) feet.

(5) Coverage: The maximum land area covered by buildings shall be fifteen percent (15%).

(d) Development Regulations

(1) Utilities: The mid-rise building shall be served by a centralized water supply system (public or private) and a centralized sewage disposal system (public or private). All utilities shall be placed under ground.

(2) Fire and Panic Safety: All applicable standards of the Pennsylvania Department of Labor and Industry for fire and panic shall be met. It shall be ascertained that the local fire companies can provide fire protection when necessary.

(3) Buffer Area: A buffer area shall be required along all boundary lines of the tract and within the tract boundaries. The buffer may include a part of the required tract setbacks and shall be used for no other purpose than landscaping and access roads which cross the buffer. The buffer shall be an area of not less than twenty (20) feet in width and shall be planted and maintained in a screen planting of materials prescribed in Article 8.

(4) Building Clusters: More than one (1) building may be placed on a tract provided that the lot area is doubled for every additional building, that all other dimensional regulations are met, and that the minimum distance between one building and any other building is at least thirty (30) feet.

(5) Dwelling Units Per Building: No building shall contain more than twenty-eight (28) dwelling units with no dwelling unit having a floor area of less than five hundred (500) square feet.

Section 703 (cont'd)

- (6) Other Development Regulations: Any area divided into parcels or developed according to the definitions of subdivision and land development is found in Article 3 shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.

- (e) Supplementary Regulations (See Article 8.)

8. Neighborhood Shopping Center (C-1 District)

- (a) Purpose: The purpose of this conditional use is to provide for new or expanded neighborhood shopping centers, designed as single entities, with building space for lease or sale, to meet neighborhood needs for convenience goods and services and to exclude uses not compatible with such activities.
- (b) Use Regulations: The uses allowed shall be the same as those permitted in the C-1 Commercial - Neighborhood District and subject to the same limitations, except as otherwise enumerated below.
- (c) Dimensional Regulations
 - (1) Minimum Tract Area: A neighborhood shopping center shall have an area of at least three (3) acres.
 - (2) Minimum Tract Width: A neighborhood shopping center shall have a minimum tract width of three hundred (300) feet.
 - (3) Minimum Front Yard: The minimum front yard setback shall be one hundred (100) feet for the tract.
 - (4) Minimum Rear Yard: The minimum rear yard setback shall be fifty (50) feet for the tract.
 - (5) Minimum Side Yards: The minimum side yard setbacks shall be fifty (50) feet for each side of the tract.
 - (6) Height: The maximum height for a principal building shall be two (2) stories and twenty-five (25) feet.
 - (7) Coverage: The maximum tract area covered by buildings shall be twenty-five percent (25%).
- (d) Development Regulations: A proposed neighborhood shopping center shall be subject to the following development regulations:
 - (1) Comprehensive Plan: A proposed neighborhood shopping center shall be consistent with the Comprehensive Plan of Mount Carmel Township.

Section 703 (cont'd)

- (2) Arrangement of Buildings: The neighborhood shopping center shall be designed as a unit with a harmonious arrangement of building groups, open space, pedestrian and vehicular circulation and parking areas so as to make a safe, convenient, aesthetically pleasing, and functionally efficient shopping area.
- (3) Buffer Area: A buffer area shall be required along all boundary lines of the tract and within the tract. The buffer may include a part of the required tract setbacks and shall be used for no other purpose than landscaping and access roads which cross the buffer. The buffer shall be an area of not less than twenty (20) feet in width and shall be planted and maintained in a screen planting of materials prescribed in Article 8.
- (4) Pedestrian and Vehicular Circulation: Adequate provision shall be made for safe and efficient pedestrian and vehicular traffic circulation within the boundaries of the neighborhood shopping center.
- (5) Ingress and Egress: Road access to public streets from a neighborhood shopping center shall not be located closer than two hundred fifty (250) feet from any public street intersection. Points of ingress and egress shall be designed so that undue congestion to or interference with normal traffic flow within Mount Carmel Township shall be avoided. Not more than two (2) points of ingress and egress shall be allowed on any abutting street or road.
- (6) Off-Street Parking and Loading: The requirements for off-street parking and loading, as provided for in Article 8, shall be met. In addition, off-street parking and loading spaces shall be provided as an integral part of the shopping center site; be physically separated from public streets; and be paved with a bituminous or concrete material. Off-street parking and loading areas shall be lighted so that no part of such areas is in total darkness during nighttime use.
- (7) Drainage: Storm drainage from roofs and paved areas shall be channeled to natural drainage courses or to storm sewers and away from adjoining properties. All areas not containing buildings or paved areas for necessary parking and circulation shall be maintained in trees, shrubbery, and grass for absorption of water run-off and hence for flood protection.
- (8) Utilities: The development shall be served by a centralized water supply system (public or private) and a centralized sewage disposal system (public or private). All utility lines serving the neighborhood shopping center shall be placed under ground.
- (9) Fire and Panic Safety: All applicable standards of the Pennsylvania Department of Labor and Industry for fire and panic shall be met. It shall be ascertained that local fire companies can provide fire protection when necessary.
- (10) Other Development Regulations: Since a neighborhood shopping center involves land development as defined in this Ordinance, it shall also be subject to the regulations found in the Subdivision and Land Development Ordinance of Mount Carmel Township.

Section 703 (cont'd)

(e) Supplementary Regulations (See Article 8.)9. Sanitary Landfills (I-2 District)

(a) Purpose: The purpose of this use is to provide for the appropriate disposal of solid wastes in accordance with the requirements of the Pennsylvania Department of Environmental Resources.

(b) Use Regulations: The use allowed shall be a sanitary land-fill and accessory uses needed to conduct such an operation.

(c) Dimensional Regulations

(1) Minimum Tract Area: The minimum tract area shall be ten (10) acres.

(2) Minimum Tract Width: The minimum tract width shall be three hundred (300) feet.

(3) Minimum Yards: All yard setbacks, front, side, and rear, shall be one hundred (100) feet in depth as measured from the street line or from the side or rear district lines or from a property line in different ownership but in the same use.

(4) Height: The maximum height of any building shall be as required for the district in which the landfill is located.

(5) Coverage: The maximum land area covered by buildings shall be ten percent (10%) of the tract area.

(d) Development Regulations

(1) Performance Standards: All activities of the sanitary landfill operation shall comply with all regulations governing odors, fumes, dust, smoke, vibration, noise, sewage, rodents, hazards, soil erosion and sedimentation, leachate runoff, and any other side effects of the operation deemed injurious to the public health, safety, and welfare by such agencies as the U.S. Environmental Protection Agency (EPA), the U.S. Soil Conservation Service (SCS), and the Pennsylvania Department of Environmental Resources (DER).

(2) Buffer Area: A buffer area shall be required along all boundary lines of the tract and within the tract. The buffer may include the required tract setbacks and shall be used for no other purpose than landscaping and access roads which cross the buffer. The buffer shall be an area of not less than fifty (50) feet in width and shall be planted and maintained in a screen planting of materials prescribed in Article 8.

(3) Design and Operation: No sanitary landfill shall be allowed until approved as to design by the Pennsylvania Department of Environmental Resources, and no operation shall be allowed to continue except in conformance with the operational regulations for landfills of the Pennsylvania Department of Environmental Resources.

Section 703 (cont'd)

(e) Supplementary Regulations (See Article 8.)10. Storage of Explosives and Other Hazardous or Potentially Hazardous Materials (S-2 and I-2 Districts)

- (a) Purpose: The purpose of this use is to provide for industrial needs while securing the safety of workers and residents from potential hazards.
- (b) Use Regulations: The use allowed shall be the storage of explosives and other hazardous or potentially hazardous materials and accessory uses.
- (c) Dimensional Regulations: Dimensional regulations of the districts in which these uses are allowed shall apply except as otherwise required by State or Federal regulations for explosives and other hazardous or potentially hazardous materials.
- (d) Development Regulations: The applicant shall supply to the Planning Commission the relevant regulations of the Federal Bureau of Alcohol, Tobacco and Firearms, the Environmental Protection Agency, the Pennsylvania Department of Environmental Resources or any other Federal or State agency regulating the material proposed to be stored. The Planning Commission, after reviewing the relevant requirements of such agency and this Ordinance, shall make a determination as to the applicability of the following conditions:
 - (1) Whether the Federal or State regulations allow the location of the material in Mount Carmel Township,
 - (2) Whether storage of the material should be above ground or below ground or in specially constructed buildings or containers,
 - (3) Whether special lighting, signs, or patrolling are needed, and
 - (4) Whether special requirements under Federal or State law are being met.

The Planning Commission shall then make a recommendation to the Board of Supervisors as to whether a permit should be issued and what conditions should be attached to the granting of such a permit.

- (e) Action of Board of Supervisors: The Board of supervisors shall take into consideration the recommendation of the Planning Commission in approving or denying the permit. However, if the permit is approved, verification of approvals from all other pertinent governmental agencies shall be provided by the applicant before a certificate of zoning compliance is issued.
- (f) Definition: The definition of the following term used in this subsection is found in Article 3:
 - (1) Hazardous Material

Section 703 (cont'd)

(g) Supplementary Regulations (See Article 8.)

Article 8

SUPPLEMENTARY REGULATIONS

- 801 **Supplementary Use Regulations**
 - 1. Excavation and Removal of Topsoil
 - 2. Flood Plains
 - 3. Home Gardening Nurseries and Greenhouses
 - 4. Non-Conforming Structures and Uses
 - 5. Off-Street Parking and Loading
 - 6. Principal Buildings and Uses
 - 7. Screen Planting
 - 8. Signs
 - 9. Swimming Pools
- 802 **Supplementary Area Regulations**
 - 1. Non-Conforming Lots of Record
 - 2. Reduced Lot Area
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- 803 **Supplementary Yard Regulations**
 - 1. Fences and Walls
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 - 3. Front Yards and "Through" Lots
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 - 5. Porches and Decks
 - 6. Projecting Architectural Features
 - 7. Structures, Attached Accessory
 - 8. Structures, Unattached Accessory
 - 9. Visibility at Intersections
- 804 **Supplementary Height Regulations**
 - 1. Height Exceptions
 - 2. Ornamental Features

Article 8

SUPPLEMENTARY REGULATIONS

801 Supplementary Use Regulations

1. Excavation and Removal of Top Soil: Excavation of top soil for the purpose of grading a site or preparing for the construction of a building shall be allowed. Excavation and removal activities shall comply with the following:
 - (a) Drainage: Any excavations for the removal of top soil or other earth products must be adequately drained to prevent the formation of pools of water and shall not create drainage problems for adjacent properties or public streets.
 - (b) Storage Piles: Unless specifically permitted, open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a permit has been issued.
 - (c) Dust: Dust problems shall be minimized during the excavation, storage, removal, and hauling of excavated materials.
2. Flood Plains: (See the Township Flood Plain Ordinance.)
3. Home Gardening Nurseries and Greenhouses: Home gardening and accessory structures used for nurseries or greenhouses are permitted in residential areas provided that they shall not be located in any front yard and shall not include the outdoor storage of equipment and supplies.
4. Non-Conforming Structures and Uses
 - (a) Continuation of Use: Any lawful use of any dwelling, building, structure or lot existing at the effective date of this Ordinance may be continued even though such use does not conform to the provisions of this Ordinance, except as otherwise provided.

A "certificate of non-conformance" shall be issued by the Zoning Officer for all structures, lots and uses which do not conform to the provisions of this Ordinance and shall provide the reasons why they are identified as nonconformities. The Zoning Officer shall maintain a map and register showing the registration, identity, and location of non-conforming structures, lots, and uses periodically to determine that they do not expand beyond the limitations prescribed in this Ordinance.
 - (b) Change of Use: The Zoning Hearing Board may grant a special exception for a change from one non-conforming use to another non-conforming use if it finds that all of the following standards are met: i) no structural alterations are made; ii) the proposed change will be less objectionable in external effects than the previous non-conforming use and will be more consistent physically with its surroundings; iii) no increases in traffic generation or congestion, including both vehicular and pedestrian traffic, will result from the change; iv) no increase in noise, smoke, dust, fumes, vapor, gases, heat, odor, glare, vibration, or electrical disturbances will result from the change; and v) no increased threat to health by reason of rodent infestation or otherwise will result from the change.

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- (c) Extension of Use: The Zoning Hearing Board may grant a special exception for an extension of a non-conforming use if it finds that all of the following standards are met: i) the yard and coverage requirements for the district in which it is located are not violated; ii) all off-street parking and loading requirements applicable to the use are retained; iii) no more than one enlargement of a non-conforming use or structure is made; and iv) the extension is not more than thirty-three percent (33%) of the floor or land area as it existed at the time the structure or use first became non-conforming.
- (d) Abandonment of Use: If a non-conforming structure or use is abandoned for a continuous period of one (1) year, it shall not again be used except in conformity with the regulations of the district in which it is located.
- (e) Structures Condemned: A non-conforming structure which has been legally condemned shall not be rebuilt or used except in accordance with the provisions of this Ordinance.
- (f) Restoration of Structure or Use: A non-conforming building or other structure which has been damaged or destroyed by fire, explosion, windstorm, flood or other similar active cause to the extent of more than sixty percent (60%) of its reproduction value at the time of the damage shall not be restored except in conformity with the regulations of the district in which it is located.

When damage is less than sixty percent (60%) of its reproduction value, a non-conforming building or other structure may be repaired or reconstructed and used as before the time of the damage, provided such repairs or reconstruction are completed within (1) year of the date of such damage.

For residential structures non-conforming only as to yard spaces, in districts where residences are permitted and where most of the residential structures nearby are similarly non-conforming, the structures may be rebuilt similar to the yard spaces of the adjoining lots or of the majority of the lots in the particular area.

The determination of the extent of damage in terms of percent replacement value due to damage or destruction shall be made by averaging three (3) estimates made by two (2) certified appraisers appointed by the Township and one (1) insurance adjuster. The cost of such appraisals shall be borne by the property owner of the affected property.

- (g) Non-Conforming Use of Open Land: All non-conforming signs, billboards, junk storage areas, storage areas, and similar non-conforming use of open land, when discontinued for a period of ninety (90) days or damaged to an extent of sixty percent (60%) or more of replacement costs, shall not be continued, repaired, or reconstructed.

Section 801 (cont'd)

5. Off-Street Parking and Loading

- (a) Size of Off-Street Parking Space: Each off-street parking space shall have an area of not less than two hundred (200) square feet and have dimensions of ten (10) feet in width and twenty (20) feet in depth, exclusive of access drives or aisles. All such spaces shall be kept in usable shape and condition. Except in the case of dwellings, no parking area shall contain fewer than three (3) spaces. Open parking areas shall be calculated as yard area except as otherwise provided.
- (b) Garages and Carports: A garage or carport may be located wholly or partly inside the walls of the principal building, attached to the outer walls of the principal building, or completely separated from the principal building. If connected to the principal buildings, it shall be considered part of the principal building in calculating yard requirements. If separated from the principal building, it shall be considered an accessory building. The garage may be constructed under a yard or court, in which case the space above the underground garage shall be deemed to be part of the open space of the lot on which it is located.
- (c) Location of Parking Spaces: Required parking spaces shall be located either:
- on the same lot as the use to which they are accessory or
 - on another lot zoned the same, under the same ownership, and within four hundred (400) feet of the boundary of the property of the principal use.

If the spaces are on another lot, such spaces shall be subject to deed restrictions filed with the County Recorder of Deeds binding the owner of such lot and his heirs or assigns to maintain the required number of spaces throughout the life of such use.

- (d) Size of Off-Street Loading Space: Each off-street loading space shall be a minimum of eighty (80) feet in length, twelve (12) feet in width, and have an overhead clearance of at least fourteen (14) feet.
- (e) Access to Off-Street Parking and Loading Areas: There shall be adequate ingress and egress to all parking and loading areas. There shall be provided a driveway leading to the parking or storage areas or loading spaces. Such driveway shall be not less than ten (10) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases. Access to off-street parking areas shall be limited to several well-defined, separate or common access points which shall comply with the following:
- (1) Driveways shall not open upon any public right-of-way within forty (40) feet of the nearest right-of-way line of any intersecting public street or highway.
 - (2) Driveways shall not open upon any public right-of-way where the sight distance in either direction along the public thoroughfare would be less than five hundred (500) feet when the posted speed limit is 35 miles per hour or more; however, when the posted speed limit is less than 35 miles per hour, the sight distance requirement may be reduced to two hundred fifty (250) feet.

Section 801 (cont'd)

- (3) Driveways opening onto state highways shall require a highway occupancy permit from the Pennsylvania Department of Transportation.
- (4) In no case shall there be unrestricted access along the length of a street or alley.
- (f) Parking Lot Screening and Landscaping: The purposes for providing such landscaping are: to protect the public safety, to allow precipitation to return to the underground aquifers, to provide for natural drainage and hence, for flood protection, to reduce the level of carbon dioxide and to return oxygen to the air, to provide shade and reduce the blighting effects of parking lots, to preserve property values of adjacent properties, and to improve the appearance of the community.
 - (1) Off-street parking areas for more than five (5) vehicles and all off-street loading areas shall be effectively screened by a planting strip at least five (5) feet in depth along all abutting property lines. The planting strip shall include a solid wall or substantial, attractive, tight fence, and evergreen hedges a minimum of five (5) feet in height, and other shrubbery, vines, flowers, grass, and other foliage. The evergreens shall be of such height at the time of planting that they will attain a height of five (5) feet within five (5) years.
 - (2) A planting strip at least ten (10) feet in depth shall be located between the parking lot and abutting right-of-way except for accessways crossing the strip. Such a strip shall contain one (1) shade tree for each forty (40) linear feet of the strip, and no tree shall be less than eight (8) feet in height at the time of planting. The planting strip shall also contain shrubbery, vines, flowers, grass and other foliage.
 - (3) The interior area of a parking lot, in addition to all border planting strips, shall contain planting areas dispersed throughout with not less than five percent (5%) of such interior area in landscaping. Such planting areas shall contain shade trees, with no tree less than eight (8) feet in height at the time of planting, shrubbery, vines, flowers, grass, and other foliage. No interior area of a parking lot shall be without at least one shade tree.
 - (4) All screening and landscaping areas shall be maintained in good condition, free of paper and rubbish, and free from all advertising signs. All trees, shrubbery, and other landscaping materials shall be maintained in a healthy and growing condition, with dead materials replaced as necessary.
 - (5) Any parking lot or loading area which qualifies as a non-conforming lot or use upon enactment of this Ordinance shall comply with the requirements for screening and landscaping upon any enlargement, extension, reconstruction or structural alteration.
- (g) Parking Lot Surfacing: Surfacing shall consist of any asphaltic or Portland cement binder pavement graded and drained to dispose of all surface water and designed to provide for orderly and safe loading and parking. Improved gravel surfaces may also be used for parking and loading areas, except for commercial and industrial establishments.

Section 801 (cont'd)

- (h) Parking Lot Lighting: Any lighting used to illuminate off-street parking and loading areas shall be arranged so as to reflect the light away from adjoining premises and public rights-of-way.
- (i) Parking Spaces Required: Any structure or building hereafter erected or converted enlarged for any of the following uses, or any open area hereafter used for commercial or industrial purposes, shall be provided with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

Parking for Residential Uses

- (1) Single-family houses and mobile homes shall be provided with two (2) parking spaces per dwelling unit. An attached or unattached garage or carport on the premises, or that portion of the driveway not included in the public right-of-way, may be considered as parking space.
- (2) Two-family houses (duplexes and flats) shall be provided with a minimum of two (2) parking spaces per dwelling unit.
- (3) Townhouses and multi-family low-rise apartments shall be provided with a minimum of two (2) parking spaces per dwelling unit.
- (4) Multi-family mid-rise apartments shall be provided with a minimum of one and one-half (1 1/2) parking spaces per dwelling unit.
- (5) Residential conversion units shall be provided with a minimum of two (2) spaces per dwelling unit. The required parking spaces shall not be located between the street right-of-way line and the front setback line.
- (6) Dwellings above or in combination with commercial establishments shall be provided with a minimum of one (1) parking space per dwelling unit in addition to all spaces required for the business.
- (7) Rooming or boarding houses shall be provided with a minimum of one (1) parking space for each guest room and two (2) for the resident manager.

Parking for Public and Semi-Public Uses

- (1) Places of worship and cemetery chapels, school auditoriums, other public auditoriums, stadiums, assembly or meeting rooms, or other similar places of public or private assembly shall be provided with one (1) parking space for every three (3) seats provided for assembly.
- (2) Elementary and secondary public or parochial schools shall be provided with one (1) parking space for each fifteen (15) classroom seats. Where a school also has an auditorium, the total number of parking spaces required shall be provided according to the highest requirements.

Section 801 (cont'd)

- (3) Nursing and convalescent homes shall be provided with one (1) parking space for every three (3) beds plus one (1) space for each employee on the largest shift.
- (4) Clinic and medical, osteopathic, chiropractic, or dental offices shall be provided with five (5) patient spaces per doctor and one (1) space for each staff member.
- (5) Commercial schools such as art, music, dancing, photography, business, and technical trade schools shall be provided with one (1) parking space for every two (2) classroom seats.
- (6) Nursery and day care centers for children shall be provided with one (1) space for each employee and an off-street loading and unloading area to accommodate one (1) space for each six (6) children cared for in the center.
- (7) Community centers, municipal administration buildings, libraries, and similar places shall be provided with one (1) space for every three hundred (300) square feet of gross floor area.
- (8) Public utility buildings and structures, such as telephone exchanges, electric stations and substations, and gas, water and sewage pumping stations, water tanks and reservoirs, sewage treatment plants, and radio and television transmission or receiving towers, shall be provided with at least two (2) parking spaces per facility.
- (9) Public and public utility maintenance garages and storage yards shall be provided with one (1) parking space per employee assigned to work at such facility.
- (10) Parks and playgrounds which include spectator seating for baseball fields, tennis courts and similar facilities shall be provided with parking spaces relative to spectator seating accommodations for stadiums, as described above. Where no spectator seating accommodations are involved, the facility shall be provided with two (2) parking spaces per swimming lane when a pool is present, two (2) parking spaces per playing court when such facilities are provided, and one (1) parking space for each two thousand (2,000) square feet of area or fraction thereof in the recreation site.

Parking for Commercial Uses

- (1) Retail stores or shops shall be provided with one (1) parking space for every two hundred (200) square feet of floor space used for sales purposes and one (1) space for each employee.
- (2) Supermarkets, grocery stores, and dairy stores shall be provided with one (1) parking space for every two hundred (200) square feet of floor space used for sales purposes and one (1) space for each employee.

Section 801 (cont'd)

- (3) Eating and drinking establishments, social halls, clubs, including country clubs, lodges and other places serving food and beverages shall be provided with one (1) parking space for every two and one-half (2 1/2) seats for patron use and one (1) space for each employee.
- (4) Drive-in and fast-food restaurants shall be provided with one (1) space for every fifty (50) square feet of floor area and one (1) space for each employee.
- (5) Bowling alleys shall be provided with five (5) parking spaces for each pair of lanes and one (1) space for each employee on the largest shift.
- (6) Skating rinks shall be provided with one (1) space for every one hundred (100) square feet of skating area and one (1) space for each employee.
- (7) Billiard and pool rooms shall be provided with two (2) spaces per billiard or pool table and one (1) space for each employee.
- (8) Golf driving ranges shall be provided with one (1) parking space per tee and one (1) space for each employee.
- (9) Miniature golf ranges shall be provided with one (1) space per hole and one (1) space for each employee.
- (10) Golf courses shall be provided with six (6) spaces per hole and one (1) space for each employee.
- (11) Other open space areas used for commercial purposes shall be provided with one (1) parking space for each two thousand (2,000) square feet of area or fraction thereof.
- (12) Animal kennels shall be provided with one (1) parking space for every three (3) kennel runs and one (1) space for each employee.
- (13) Animal hospitals shall be provided with five (5) client/patron spaces per veterinarian and one (1) space for each employee.
- (14) Office buildings shall be provided with one (1) parking space for each two hundred (200) square feet of floor area or fraction thereof.
- (15) Professional offices and banks shall be provided with one (1) space for each two hundred (200) square feet of floor area or fraction thereof.
- (16) Funeral homes and crematories shall be provided with a minimum of one (1) space for each three (3) seats for public use. Such spaces shall be in addition to one (1) space for each employee and service areas for mobile equipment such as hearses and ambulances.

Section 801 (cont'd)

- (17) Motels, hotels and tourist homes shall be provided with one (1) parking space for each unit for overnight accommodations and one (1) space for each employee on the largest shift plus all spaces required for restaurants or other uses accommodated.
- (18) Barber and beauty shops and hair styling shops shall be provided with two (2) parking spaces per shop plus one and one-half (1 1/2) per chair and one (1) for each employee.
- (19) Personal service and repair establishments shall be provided with one (1) space for each two hundred (200) square feet of floor area or fraction thereof. Establishments with less than two hundred (200) square feet shall provide at least one (1) parking space per establishment.
- (20) Self-service dry cleaning establishments and laundromats shall be provided with one (1) parking space for each two (2) washing, drying, and cleaning machines.
- (21) Shopping centers shall be provided with at least one (1) parking space for each three hundred fifty (350) square feet of gross floor area or fraction thereof.
- (22) Home occupations shall be provided with two (2) parking spaces for each dwelling unit, one (1) space for each non-resident employee, and one (1) space per patron.
- (23) Vehicular sales and body repair and service garages shall be provided with one (1) exterior parking space for each two hundred (200) square feet of interior floor space plus one (1) space for each employee on the largest shift.
- (24) Home center sales and building sales establishments and contractors' yards shall be provided with one (1) client parking space for each one thousand five hundred (1,500) square feet of sales area, whether indoor or outdoor, and one (1) space for each employee.
- (25) Gasoline service stations and car washes shall be provided with one (1) parking space for each employee on the largest shift.
- (26) Other commercial buildings shall be provided with one (1) space for every three hundred (300) square feet of floor area or fraction thereof.

Parking for Industrial Uses

- (1) Industrial, wholesale and warehouse establishments, truck terminals, manufacturing plants, and research and testing laboratories, etc., shall be provided with one (1) parking space for each one and a half (1 1/2) employees on the largest shift. Space shall also be provided for company vehicles and for visitors and sales representatives in addition to the above parking requirements according to specific needs.

Section 801 (cont'd)

- (j) Parking Prohibitions: Required parking spaces shall not be met by spaces on any street right-of-way.
 - (k) Loading Facilities Required: Any structure used for public and semi-public uses and for commercial and industrial uses shall be provided with loading and unloading space for the transfer of goods and products and with commercial vehicle storage space adequate for their needs. In no case shall public rights-of-way be used for these purposes, and such loading areas shall be in addition to required off-street parking areas for employees and patrons.
6. Principal Buildings and Uses: In any district in which dwellings are a principal permitted use, no lot intended for a residential purpose shall contain more than one principal building or use except as otherwise permitted.
7. Screen Planting: Yard screening shall be provided along the boundaries of any industrial or commercial lot where the lot abuts a residential use and along the boundaries of any lot containing a use permitted by special exception where such screening is required. Such screening shall consist of a visual screen or obstruction of suitable shrubs, hedges, fences, or walls at least six (6) feet high and maintained in good condition.
- Fences, walls, shrubs, or hedges under six (6) feet high may be located in any yard or court and shall be maintained in good condition. Trees and other plant material designed to enhance the livability and attractiveness of any lot may also be located in any yard or court. (See also: Section 803.9 Visibility at Intersections.)
8. Signs: Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices. Signs shall comply with both the regulations for the district in which they are located and the regulations generally pertaining to signs.
- (a) General Regulations
 - (1) Signs must be constructed of durable material, maintained in good condition, and not be allowed to become dilapidated.
 - (2) No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the sight distance or by causing confusion with traffic signs or signals.
 - (3) No sign, other than an official traffic sign, shall be erected within the right-of-way lines of any street, unless authorized by municipal officials for a special purpose.
 - (4) Mail boxes and newspaper pigeon holes shall be exempt from all sign regulations.
 - (5) No sign at its highest point shall exceed the height of the primary structure on the property on which it is located except for outdoor advertising signs.

Section 801 (cont'd)

- (6) No permit shall be required for the erection, alteration, or maintenance of any signs permitted in residential districts.
- (7) A permit shall be required for the erection or alteration of outdoor advertising or billboard signs and for commercial and industrial identification signs in commercial, and industrial districts.
- (8) Advertising painted upon or displayed upon a building, structure, wall or rock surface shall be regarded as an outdoor advertising sign, and the regulations pertaining thereto shall apply unless the sign applies to services or products sold on the premises.
- (9) Each sign shall be removed when the circumstances leading to its erection no longer apply.
- (10) In all districts, only those residential signs and commercial, and industrial identification signs referring directly to services provided or materials or products made, sold, or displayed on the premises shall be permitted, except as otherwise noted. Such signs shall comply with all other requirements, as stated herein, for the district in which they are erected.
- (11) No animated, sequential, flashing, or oscillating signs shall be permitted in any district. Any sign by reason of its intensity, color, location, or movement that may interfere with traffic lights, signals or other controls, or abrogate public safety shall not be permitted in any district.
- (12) Signs for which illumination is permitted shall have the light confined to the surface of the sign and directed so as to avoid glare or reflection which could endanger highway or street traffic and which could create a nuisance for adjacent residences.
- (13) Signs which emit objectionable or excessive noise created by electric current or air movement shall not be permitted.
- (14) Sign surfaces shall include the entire face or faces and, if composed of individual letters, figures, or designs, the space between and around such letters, figures, or designs, but shall not include the supports.
- (15) A temporary sign made of paper, cardboard or similar material and intended to attract public attention shall not be attached to any lamp post, utility pole, shade tree, or public structure or building except as authorized by permit from the Zoning Officer. Such signs shall include political posters and notices of bazaars, picnics, and other such functions conducted by charitable and non-profit groups. When such signs are permitted, they shall not be posted sooner than forty-five (45) days before the date of the event advertised and they shall not remain posted for more than thirty (30) days after the date of the event advertised. The permit fee of thirty dollars (\$30) shall be required, which fee shall be returned if and when the signs are taken down in the time period allowed.

Section 801 (cont'd)

(b) Signs in Residential Districts

- (1) Signs advertising the sale or rental of the premises upon which they are erected, when erected by the owner or broker or any other person interested in the sale or rental of such premises, may be erected and maintained, provided: i) the size of any such sign is not in excess of six (6) square feet; and ii) not more than one (1) such sign is placed upon any property in single and separate ownership, unless such property fronts upon more than one street, in which case one (1) such sign may be erected on each frontage. The signs shall be set back at least ten (10) feet from any public right-of-way line. The signs shall be removed from the premises within thirty (30) days after the sale or rental of the property.
- (2) Signs indicating the location and direction of land available for or in the process of development and of model homes available for inspection, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided: i) the size of any such sign shall not be in excess of six (6) square feet, and not in excess of four (4) feet in length; and ii) not more than one (1) such sign shall be erected on each five hundred (500) feet of street frontage. The signs shall be set back at least ten (10) feet from any public right-of-way line. The signs shall be removed from the premises within thirty (30) days after the last lot or home is sold.
- (3) Signs advertising the sale of lots in a subdivision in which the sign is to be located may be erected and maintained, provided: i) the size of the sign shall not be in excess of sixty (60) square feet in area; and ii) not more than one (1) such sign shall be erected in any subdivision. The signs shall be set back at least thirty-five (35) feet from any public right-of-way line. The signs shall be removed from the premises within thirty (30) days after the last lot is sold.
- (4) Signs bearing the word "sold" or the word "rented" with the name of the persons effecting the sale or rental may be erected and maintained provided the conditions in paragraph (1) above are complied with.
- (5) Signs of contractors, mechanics, painters, and artisans may be erected and maintained on the premises where the work is being performed during the period in which such work is being performed, provided: i) the size thereof shall not be in excess of twelve (12) square feet; and ii) not more than one (1) such sign per trade shall be allowed on any property. Such a sign shall be removed upon completion of the work.
- (6) Trespassing signs and signs indicating private ownership of a driveway or property may be erected on the premises to which they refer, provided: i) the size of any sign shall not exceed two (2) square feet; and ii) signs shall be spaced at intervals of not less than one hundred (100) feet of street frontage.

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- (7) Signs of schools, places of worship, clinics, day-care centers, or other institutions of a similar nature may be erected and maintained provided: (1) the size of any such sign shall not be in excess of forty (40) square feet; and ii) not more than one (1) such sign shall be placed on a property in single and separate ownership, unless such property fronts upon more than one street, in which case one (1) such sign may be erected on each frontage. Such sign shall be set back at least three (3) feet from any public right-of-way line.
 - (8) Signs indicating professional offices or home occupations of the occupants of dwellings shall not exceed four (4) square feet and shall be limited to one (1) sign per dwelling. Such sign may include the name, occupation, address, logo-type and trade mark.
 - (9) Official traffic or street name signs may be erected only by or with the written approval of municipal officials.
 - (10) Signs necessary for the identification, operation or protection of public utility facilities and municipal uses shall be permitted provided: i) the size of the sign shall not be in excess of eight (8) square feet; and ii) the sign shall be located on the same premises as the use to which it refers. Such sign shall be set back at least three (3) feet from any public right-of-way line.
 - (11) Signs indicating the name of the owner or number of the premises, or the name of the premises itself, shall be permitted provided: i) such sign shall not exceed two (2) square feet; and ii) not more than one (1) such sign shall be erected on any premises. Such sign shall be set back at least three (3) feet from any public right-of-way line.
 - (12) Temporary signs shall be permitted as provided in (a) (15) above.
- (c) Signs in Commercial, Special, and Industrial Districts
- (1) Any sign permitted in any Residential District shall also be permitted in any Commercial and Industrial District.
 - (2) Signs in Commercial, Special, and Industrial Districts may be erected and maintained provided: i) the sign shall be on the same premises to which it refers; ii) such sign shall not exceed sixty (60) square feet for each lot, but may contain identification signs of all the businesses or industries on that lot; and iii) not more than one (1) such sign shall be erected on any one street frontage with a set back of at least twenty (20) feet from any public right-of-way line. In addition, each business located on one lot or in one building may have its own identification sign, provided such sign is attached to the building in which the activity is located and is no larger than eight (8) square feet.
 - (3) In shopping centers or office complexes or parks one (1) sign shall be permitted in each such center indicating the name of the shopping center or office complex or park and establishments located therein. Such sign shall not exceed two hundred (200) square feet and shall not be located within one hundred (100) feet of any existing principal building on an adjoining residential premises. The

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sign shall be set back at least twenty (20) feet from any public right-of-way line. In addition, each establishment located in the shopping center or office complex or park may have its own identification sign, provided such sign is attached to the building in which the activity is located and is no larger than thirty-five (35) square feet.

- (4) Signs within display windows shall not be considered a part of the permitted sign area unless such signs are self-illuminating, in which case the area shall be considered part of the permitted sign area.
- (5) Outdoor advertising signs or billboards may be erected and maintained only in the C-3, I-1, and I-3 Districts even though not referring to the activity produced or conducted on the premises. Such signs shall be permitted only as special exception uses approved by the Zoning Hearing Board. (See Article 6.)
- (6) Temporary signs shall be permitted as provided in (a) (15) above.

9. Swimming Pools (Private): Private swimming pools in districts where permitted shall comply with the following conditions and requirements;

- (a) The pool shall be intended and shall be used solely for the enjoyment of the occupants and their guests of the principal use of the property on which it is located.
- (b) The pool shall be located in either the rear or side yard of the property on which it is an accessory use.
- (c) The pool, including any walks or paved areas or accessory structures adjacent thereto, shall not be located closer to the rear and side property lines than the minimum distance required for unattached accessory structures as provided for in section 803.8.
- (d) For all pools, the pool area or entire property on which the pool is located shall be so called or fenced or otherwise projected so as to prevent uncontrolled access by children from the street or from adjacent properties. Said barrier shall not be less than five (5) feet in height, and it shall be maintained in good condition. Said barrier shall be so constructed as not to have openings, holes, or gaps larger than two (2) inches in any dimension. All gates or doors opening through the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

802 Supplementary Area Regulations

- 1. Non-Conforming Lots of Record: In any district in which single-family residences are permitted, a single-family house and customary accessory buildings and uses may be erected on any lot of record in existence at the effective date of this Ordinance even though the lot area and width are less than the minimum requirements set forth herein. However, the front, side, and rear yards shall conform as nearly as possible to the requirements of the district in which the lot is located, as determined by the Zoning Hearing Board in granting a variance.

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Where two or more adjacent lots with less than the required area and width are held by one owner, the request for a zoning permit shall be referred to the Zoning Hearing Board, which may require the owner of said lots to resubdivide or realign the existing lots or lot lines of said non-conforming lots in such a manner so as to create a lot or lots that conform, or conform as nearly as possible (where total conformance is impossible), with the minimum applicable requirements for lot dimensions and area as set forth in this Ordinance; provided, however, that the Zoning Hearing Board shall not require any such action on the part of the owner until the Board has reviewed and considered the advisability and feasibility of compelling such action by the owner.

2. Reduced Lot Area: No lot shall be so reduced in area so that any yard or area requirements will be smaller than that prescribed in the regulations for the district in which the lot is located.
3. Residential Habitable Floor Area: All dwelling units hereafter created shall have the following minimum floor areas:

efficiency unit	500 square feet
one-bedroom unit	655 square feet
two-bedroom unit	900 square feet
three-bedroom unit	1,125 square feet
four-bedroom unit	1,330 square feet
five- or more-bedroom unit	1,330 sq. ft. plus 200 sq. ft. for every additional bedroom

803 Supplementary Yard Regulations

1. Fences and Walls: A fence or wall a maximum of six (6) feet in height--or higher if a retaining wall--may be erected within the limits of any yard not extending beyond the front setback line. Within the front yard a fence or wall a maximum of thirty-six (36) inches in height shall be permitted, except as provided in Section 803.9 below. The height shall be measured from the average grade level. A fence intended to mark a boundary shall be located either on the boundary line or within six (6) inches thereof.
2. Fire Escapes: Open fire escapes shall not extend into any required yard more than four and one-half (4 1/2) feet.
3. Front Yards and "Through" Lots: In any district a lot which runs through a block from street to street shall have the required front yard for the district in which it is located for the frontage on both streets.
4. Front Yards and "Corner" Lots: In any district a lot which abuts on and is at the intersection of two or more streets or upon two parts of the same street shall have the required front yard for the district in which it is located for the frontage on both streets.
5. Porches and Decks: Any porch or deck of more than four and one-half (4 1/2) feet in depth shall be considered a part of the building in the determination of the size of yards or lot coverage.

Section 803 (cont'd)

6. Projecting Architectural Features: Chimneys, cornices, eaves, gutters, and bay windows and similar architectural features may extend not more than two (2) feet into any required yard.
7. Structures, Attached Accessory: Accessory structures, such as garages or carports, which are attached to the principal building shall be considered a part of the building in the determination of the size of the yards or lot coverage.
8. Structures, Unattached Accessory: Unattached accessory structures on residential lots in any district may be erected within the rear or side yards provided that the maximum height of such structure be limited to one and one-half (1 1/2) stories or fifteen (15) feet, and that the minimum distance of such structure from the rear and side property lines shall be ten (10) feet, except as otherwise indicated.
9. Visibility at Intersections: On any corner lot in any district no fence, wall, hedge, or other structure or planting more than thirty-six (36) inches higher than the road surface shall be erected or maintained within fifty (50) feet of the "corner" so as not to interfere with traffic visibility across the corner.

804 Supplementary Height Regulations

1. Height Exceptions: The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, fire towers, bulk heads, and similar features; nor to silos, barns and other farm buildings and structures; nor to any accessory mechanical appurtenances usually carried above the roof level.
2. Ornamental Features: The provisions of this Ordinance shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than five (5) feet.

Article 9

ADMINISTRATION AND ENFORCEMENT

- 901 The Zoning Officer
- 902 Permits
- 903 Certificate of Zoning Compliance
- 904 Enforcement, Causes of Action and Remedy
- 905 Payment of Fees

ARTICLE 9

ADMINISTRATION AND ENFORCEMENT

901 The Zoning Officer

1. The Zoning Officer: The provisions of the Zoning Ordinance shall be enforced by an agent to be appointed by the Board of Supervisors who shall be known as the Zoning Officer. The Zoning Officer shall not hold any elective office in the Township.

The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township Board of Supervisors a working knowledge of municipal zoning. At a minimum he/she shall possess a certificate of completion from the Pennsylvania Department of Community Affairs for attending a workshop for zoning officers within six months of appointment as Zoning Officer. Beyond that, the Zoning Officer shall be required to attend one such workshop per year during the time he/she is Zoning Officer.

2. Compensation: The compensation for the Zoning Officer shall be determined by the Board of Supervisors.
3. Duties and Responsibilities: The Zoning Officer shall have all the duties and powers conferred by the Zoning Ordinance in addition to those reasonably implied for that purpose. He/she shall not issue a permit in connection with any contemplated erection, construction, alteration, repair, extension, replacement and/or use of any building, structure, sign, and/or land unless it first conforms to the literal requirements of this Zoning Ordinance, all other ordinances of the Township, and with the laws of the Commonwealth of Pennsylvania. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.

He/she shall:

- (a) Receive and check all applications for zoning permits and certificates of zoning compliance and make notations as to special conditions attached thereto.
- (b) Issue zoning permits and certificates of Zoning compliance only for construction and uses which are in accordance with the regulations of the Zoning Ordinance and subsequent amendments; or through the Board of Supervisors for conditional uses; or through the Zoning Hearing Board; or through Court approval. Zoning permits and certificates of zoning compliance shall not be issued where the request concerns a lot, parcel or tract in a subdivision required to be approved under applicable Subdivision and Land Development regulations, which subdivision or development has not had the required approval.
- (c) Record and file all applications for zoning permits and certificates of zoning compliance together with accompanying plans and documents. All records shall be open to public inspection.
- (d) Be responsible for maintaining the Zoning Map showing the current zoning classifications of all land and the Zoning Text including all amendments thereto.

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- (e) Maintain a register showing the registration, identity, and location of non-conforming uses, structures, and lots together with the reasons why they have been identified as non-conformities, and issue certificates of non-conformance for all such non-conformities. The Zoning Officer shall also examine such non-conforming uses, structures, and lots periodically to determine whether their status has changed.
- (f) Participate in all proceedings before the Zoning Hearing Board and the Planning Commission and at their request furnish such facts, records, and similar information which will assist such bodies in reaching their decisions.
- (g) When the Zoning Hearing Board, or the Board of Supervisors in the case of a conditional use, schedules a public hearing on any application over which it has jurisdiction, the Zoning Officer shall conspicuously post a notice of said hearing on the affected property.
- (h) When a proposed amendment to the zoning map is to be considered by the Board of Supervisors, the Zoning Officer shall conspicuously post notice of said public hearing along the perimeter of the tract not less than 100 feet apart and at least one (1) week prior to the date of the hearing to notify potentially interested citizens.
- (i) Issue an enforcement notice in writing to the owner of record of the parcel on which the violation of the Ordinance has occurred, to any person who has filed written request to receive enforcement notices regarding the parcel, and to any other person requesting in writing by the owner of record. Such written notification may be served personally or by certified mail and shall contain all information required by this Article.
- (j) Institute legal proceedings before the District justice for the enforcement of the provisions of this Ordinance.
- (k) Submit a monthly report to the Board of Supervisors of all permits and certificates of zoning compliance issued and violations and stop work orders recommended or promulgated.

902

Permits

1. Requirements: It shall be unlawful to commence the excavation for or the construction or erection of any building, including an accessory building, or to commence the moving or alteration of any building, including an accessory building, until the Zoning Officer has issued a zoning permit for such work. No permit shall be required for the repair, maintenance, or interior remodeling of any building, structure, or grounds provided such repairs, maintenance, or remodeling do not change the use or otherwise violate the provisions of this Ordinance.
2. Form of Application: The application for a permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as hereinafter prescribed. Application shall be made by the Owner or Lessee of any land, building or structure, or the agent of either; provided, however, that if the application is made by a person other than the Owner or Lessee, it shall be accompanied by a written authorization of the Owner or the qualified person making an application, that the

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proposed work is authorized by this Owner. The full names and addresses of the Owner, Lessee, Applicant, and of the responsible officers, if the Owner or Lessee is a corporate body, shall be stated in the application.

3. Description of Work: The application shall contain a general description of the proposed work, use, and occupancy of all parts of the building, structure, land, or sign and such additional information as may be required by the Zoning Officer. The application for the permit shall be accompanied by a plot plan of the proposed building, structure, use or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space, if required, the location of new and existing construction, and the distances of the same from the existing lot lines.
4. Issuance of Zoning Permit: Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent local laws, he shall reject such application in writing, stating the reasons therefor. He shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work and/or use conforms to the provisions of the Zoning Ordinance and all laws and ordinances applicable thereto, he shall issue a permit therefor as soon as practical.
5. Notice of Starting Work: The Zoning Officer shall be given at least twenty-four (24) hours notice by owner or applicant prior to commencement of work at the site, which will have a zoning permit properly posted.
6. Expiration of Permit: The permit shall expire after one (1) year from the date of issuance unless work at the site has commenced within such period, but in any case, all work must be completed within two (2) years. If the work for which the permit has been granted has not been started within one (1) year from the granting of such permit or if the work has not been completed within two (2) years, the Zoning Officer shall cancel the permit and shall give written notice thereof to the applicant stating that further work shall not proceed unless and until a new zoning permit has been obtained.
7. Completion of Work: Upon completion of the construction, erection, or alteration of any building, structure or portion thereof authorized by any zoning permit obtained in compliance with this Ordinance, and prior to use or occupancy, the holder of such permit shall notify the Zoning Officer of such completion. Use and occupancy shall not be authorized until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with this and other applicable ordinances, and has issued a certificate of zoning compliance as provided below.
8. Revocation of Permits: The Zoning Officer may revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based or for any other cause set forth in the Zoning Ordinance.
9. Posting of Permit: A true copy of the permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work or use and until the completion of the same as defined on the application.

903 Certificate of Zoning Compliance

1. Requirements: It shall be unlawful to use and/or occupy any structure, building, sign, and/or land or portion thereof for which a permit is required herein until a certificate of zoning compliance for such structure, building, sign, and/or land or portion thereof has been issued by the Zoning Officer.
2. Time of Application: When the use of premises involves a new building or structure or additions to an existing building or structure, the application for zoning compliance shall be made at the same time application is made for a zoning permit. When no construction or alteration is involved, application to occupy and use land may be made at any time.
3. Form of Application: The application for a certificate of zoning compliance shall be in such form as the Zoning Officer may prescribe. The application shall contain the intended use and/or occupancy of any structure, building, sign, and/or land or portion thereof for which a permit is required herein.
4. Issuance of Certificate of Zoning Compliance: The Zoning Officer shall inspect any structure, building, sign and/or use of land within ten (10) days upon notification that the proposed work that was listed under the permit has been completed and if satisfied that the work is in conformity and compliance with the work listed in the issued permit and all other pertinent laws, he shall issue a certificate of zoning compliance for the intended use listed in the original application. The certificate of zoning compliance or a true copy thereof shall be kept available for official inspection at all times.

904 Enforcement, Causes of Action, and Remedy

1. Enforcement: The construction, erection, replacement, alteration, repair, extension, and/or use of any structure, building, sign, and/or land or the change of use, area of use, percentage of use or extension or displacement of the use of any structure, building, sign, and/or land without first obtaining a permit; or the use of any building, structure, sign, and/or land without receipt of a certificate of zoning compliance; or the failure to comply with any other provisions of this Ordinance are hereby declared to be violations of this Zoning Ordinance.
2. Enforcement Notice
 - (a) If it appears to the Township that a violation of the zoning has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
 - (b) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
 - (c) An enforcement notice shall state at least the following:
 - (1) The name of the owner of record and any other person against whom the Township intends to take action.
 - (2) The location of the property in violation.

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- (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the Zoning Ordinance, Article 10, Section 1004.
- (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

3. Cause 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 the Zoning Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the Township or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structures, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors of the Township.

No such action may be maintained until such notice has been given.

4. Jurisdiction: District Justices shall have initial jurisdiction over proceedings brought under subsection (5) below.

5. Enforcement Remedies

- (a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the 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 payable until the date of the determination of a violation by the District Justice.

If the defendant neither pays nor timely appeals the judgement, the 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

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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 the Zoning Ordinance shall be paid over to the Township.

- (b) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgement.
- (c) Nothing in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

905 Payment of Fees

1. Permit Fees: No permit to begin work for the erection, construction, alteration, repair, extension, replacement, and/or use of any building, structure, sign, and/or land for construction or use purposes shall be issued until the fees prescribed below shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said permit from payment of other fees that may be required by this Ordinance, or any other Ordinance or law.

(a) Zoning Permits

(1) New Residential Buildings and Uses	\$10.00
(2) New Commercial, Industrial, and Other Buildings and Uses	\$10.00
(3) Residential Additions, Structural Changes and Building Size and Accessory Uses	\$5.00
(4) Commercial, Industrial, and Other Additions Structural Changes and Accessory Uses	\$5.00

(b) Certificates of Zoning Compliance

(1) Residential	\$10.00
2) Commercial, Industrial and Other	\$10.00

(c) Signs

(1) All Signs Except Temporary	\$5.00
(2) Temporary Signs	\$30.00 refundable

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(d) Application for Appeal to Zoning Hearing Board	\$125.00
(e) Application for Appeal to Board of Supervisors for Conditional Use	\$125.00
(f) Application for Amendment to Zoning Text or Map	\$125.00
(g) Application for Curative Amendment	\$500.00