

HIGHLAND TOWNSHIP ZONING ORDINANCE

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ARTICLE 1:
TITLE, AUTHORITY, PURPOSE, COMMUNITY DEVELOPMENT GOALS AND
OBJECTIVES

Section 101. Short Title

This Ordinance shall be known and be cited as the "Highland Township Zoning Ordinance" of 2025.

Section 102. Authority

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code," Act 247 of 1968, as amended.

Section 103. Purposes and Community Development Objectives

A. This Ordinance is hereby adopted to implement the goals and objectives of the Highland Township Comprehensive Plan. Said goals and objectives are hereby included by reference.

B. In addition, this Ordinance is hereby adopted to carry out the following major objectives:

1. Ensure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land.
2. Minimize disturbance of creek valleys.
3. Avoid overextending groundwater supplies, and to encourage groundwater recharge, and to protect the quality of groundwater and surface waters.
4. Preserve agricultural land and the agricultural economy,
5. Promote traditional styles of development.
6. Promote compatibility between land uses.
7. Seek coordinated development and roads across municipal borders.
8. Provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types.

9. Promote development that retains the rural character of the Township.
10. Direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services.
11. Coordinate development with future central water and sewage service areas.
12. Direct industrial development to locations that will minimize conflicts with homes.
13. Direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes.
14. Promote new business development in appropriate areas that will provide additional tax revenue and job opportunities.
15. Promote public health, safety and general welfare.

ARTICLE 2: DEFINITIONS

Section 201. General

For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
- F. If a word or term is not defined by this Ordinance but is defined in the Subdivision and Land Development Ordinance (SLDO), then the definition in the SLDO shall also apply to this Ordinance. If a word or term is not defined in this Ordinance or the SLDO, then the word or term shall have its plain and ordinary meaning within the context of the Section. In such case, in case of a dispute, a standard reference dictionary shall be consulted.
- G. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

Section 202: Definitions

When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise.

Abut or Abutting: Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway.

Accessory Apartment: One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

Accessory Dwelling Unit: A dwelling unit that is especially created for and limited to occupancy by a close relative of the permanent residents of the principal dwelling unit, and is necessary to provide needed care and supervision to such relative.

Accessory Solar Energy System: An area of land or other area used for a solar energy system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use.

Accessory Structure: A structure, including a building, serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use.

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

Adjacent: Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Store: A use that has over ten percent (10%) of the total floor area occupied by items for sale or rent that are books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or specified sexual activities.

Adult Live Entertainment Facility: A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual specified sexual activities to three (3) or more persons and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater: A use involving the on-site presentation to three (3) or more persons at one time of moving images distinguished by an emphasis on depiction of specified sexual activities and that is related to monetary compensation paid by the persons viewing such matter.

Adult Use: This term shall mean Adult Store, Adult Movie Theater, Adult Live Entertainment Facility/Use or Massage Parlor.

After Hours Club: A use that permits the consumption of alcoholic beverages by five (5) or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Agribusiness: Intensive agricultural uses that include but are not necessarily limited to the following.

- A. Slaughter areas.
- B. Areas for the storage and processing of manure, garbage, or spent mushroom compost.
- C. A poultry operation in excess of one (1) animal unit per acre.
- D. A swine operation in excess of one and seventy-five hundredths (1.75) animal units per acre.
- E. Other livestock in excess of two (2) animal units per acre.

Agricultural Tourism: Recreation, entertainment, education, and tourism events and activities that are associated with and provide support for the on-going conduct of agricultural operations on a farm or farm property.

Agricultural Use: The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including, but not limited to, the following.

- A. Field crops, including but not limited to barley, corn, hay, oats, potatoes, rye, sorghum, soybeans, and sunflowers.
- B. Livestock, including but not limited to dairy and beef cattle, game birds, goats, hogs, horses, poultry, sheep, and other animals, excluding dogs.
- C. Livestock products, including but not limited to butter, cheese, eggs, fur, honey, meat, and milk.
- D. Horticultural and silvicultural products.

Airport: An area and related support facilities used for the landing and take-off of motorized aircraft.

Amusement Arcade: A use, which does not include an adult use, involving fifteen (15) or more token or coin operated entertainment machines, and where the machines are the principal use of the property.

Animal Cemetery: A place used for the burial of the remains of five (5) or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Animal Equivalent Unit (AEU): One thousand (1,000) pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit and calculated on an annualized basis.

Antenna: An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas.

Antenna Height: The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof.

Antenna, Standard: A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals.

Apartment: See "dwelling types."

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development. Including his heirs, successors, and assigns.

Assisted Living Facility: Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle.

Auto, Boat and/or Mobile/Manufactured Home Sales: Any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more motor vehicles, recreation vehicles, boat trailers, pieces of farm machinery, motorcycles, trucks, utility trailers, construction vehicles, and boats in operable condition, or transportable mobile/manufactured homes in a livable condition.

Auto Repair Garage: An area where repairs, improvements, and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than basic maintenance work performed at an auto service station.

Auto Service Station: An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to

the sale and installation of oil, lubricants, batteries, belts, and similar accessories, as well as safety and emission inspections and the sale of pre-packaged propane.

Basement: An enclosed level of a building that is not a story and that is partly underground.

Bed and Breakfast, Inn: An owner-occupied and operated dwelling originally designed as a residential structure and where limited overnight lodging and a breakfast is provided for compensation to tourist or recreational guests.

Betting Use: A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices.

Billboard: Any sign that communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Boarding House / Rooming House: A residential use involving a room(s) that do not meet the definition of a lawful dwelling unit that are rented for habitation or comprising a dwelling unit that includes greater than the permitted maximum number of unrelated persons.

Buffer Yard: A strip of land that separates one use from another use or feature, and that is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways.

Building: Any structure, or part thereof, having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than fifty (50) cubic feet.

Building Coverage: The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot.

Building Height: The vertical distance from the average of the finished ground level adjoining a building at all exterior walls to the average height of the highest roof surface.

Building, Principal: A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width: The horizontal measurement between two (2) vertical structural walls that are generally parallel to the building, measured in one direction that is most closely parallel to the front property line. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center: A use involving the bulk commercial collection, separation, and/or processing of types of waste materials found in the typical household or office for some productive reuse.

Camp: An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area.

Campground: A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include associated recreational facilities.

Campground, Recreational Vehicle: A type of campground that involves persons temporarily living within recreational vehicles.

Cemetery: A place used for the burial of two (2) or more non-cremated humans.

Christmas Tree Farm or Tree Farm: A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes.

Clear Cutting: A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

Commercial Communications Tower or Antenna: A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications.

Commercial District: The V Zoning District and portions of the C/MDR District that are not in residential uses.

Commercial Use: A use that includes, but is not limited to, retail sales, offices, personal services, auto sales, auto repair garages, or other uses of a similar profit-making non-industrial nature.

Community Center: A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment.

Comprehensive Plan: The Highland Township Comprehensive Plan, as may be amended.

Conditional Use: A use permitted in a particular zoning district pursuant to the provisions of Sections 1813 and 1814 of this Ordinance.

Condominium: A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement: A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Contiguous Lots: Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store: A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant.

Conventional Development: Development that is not approved under the Lot Averaging Development option, as may be authorized in this Ordinance.

Crafts or Artisan's Studio: A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts.

Crop Farming: The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use.

Curative Amendment. A process provided in the Municipalities Planning Code that authorizes the Township or a landowner to propose changes Zoning Ordinance to cure legal or constitutional defects of the Ordinance.

Day Care, Adult: A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities.

Day Care, Child: A use involving the supervised care of children under age sixteen (16) outside of the children's own home(s) primarily for periods of less than eighteen (18) hours per child during the average day.

Density: The total number of dwelling units proposed on a lot divided by the lot area, unless otherwise stated.

DEP: The Pennsylvania Department of Environmental Protection and its relevant bureaus.

District / Zoning District: A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory: A building used as living quarters for the exclusive use of bona-fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university, or school.

Drive-Through Service: An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling: A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory.

Dwelling Types:

- A. Conversion Apartment: A dwelling unit located within a building that has been renovated to provide individual and independent dwelling units for three (3) or more families without substantially altering the exterior of the building.
- B. Duplex: A building that includes two dwelling units with a dwelling unit being wholly or primarily above the other.

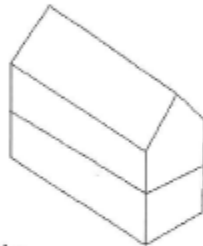
DWELLING TYPES



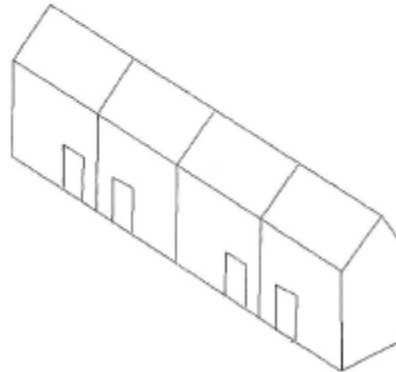
Single Family Detached Dwelling



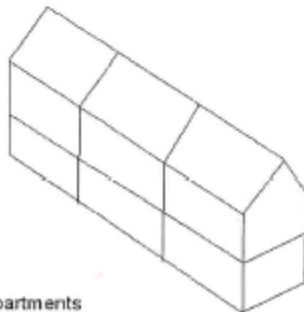
Two Twin Dwelling Units



Duplex



Townhouses or Rowhouses



Apartments

C. Apartments or Multi-Family Dwellings: Three (3) or more dwelling units within a building that do not meet the definition of a single family detached dwelling, twin dwelling or townhouse/row house.

D. Sectional or Modular Home: A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or low-rise apartment that is substantially but not wholly produced in two (2) or more major sections off the site, and is then assembled and completed on the site, and that does not meet the definition of a mobile / manufactured home, and that is supported structurally by its exterior walls and that rests on a permanent foundation.

E. Single Family Detached Dwelling. One (1) dwelling unit in one (1) building accommodating only one (1) family and having open yard areas on all sides.

F. Mobile / Manufactured Home: A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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 operation, and constructed so that it may be used without a permanent foundation.

G. Twin Dwelling Unit: One dwelling unit accommodating one (1) family that is attached to and completely separated by a vertical unpierced fire-resistant wall to only one (1) additional dwelling unit.

H. Townhouse or Rowhouse: One (1) dwelling unit that is attached to two (2) or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire-resistant walls.

Dwelling Unit: A single habitable living unit occupied by only one (1) family.

Emergency Services Station: A building for the housing of fire, emergency medical or police equipment, housing for emergency personnel while on-call, and for related activities.

Employees: The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services / Essential Public Utility Services: Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Includes sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable

television lines, natural gas distribution lines, fire hydrants, streetlights, traffic signals, and closely similar functions. Does not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment, or bulk storage of materials.

Family: One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to four (4) unrelated individuals who maintain a common household and live within a dwelling unit. Includes numbers of unrelated persons residing within a licensed group home.

Farm: A lot used for the raising of agricultural or dairy products and/or the raising of livestock or poultry for commercial purposes, and which may include a dwelling unit, buildings used for the agricultural activities, and the storage of equipment used for the agricultural activities.

Farm Market: An establishment located on a Farm or other property where agricultural operations are conducted and providing for the sale of horticultural and agricultural products or agriculturally related products that are either produced on the farm or are directly related to agricultural products produced within Adams County or surrounding counties.

Farm-Related Occupations: A business accessory to and operated on a farm.

Farm Stand: A booth or stall under one thousand (1,000) square feet in size on private property from which agricultural products produced on said property are sold to the general public.

Fence: A man-made barrier, other than a wall, placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts.

Financial Institution: An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Floor Area, Total: The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Includes, but is not limited to, fully enclosed porches, and basement or cellar or attic spaces that are potentially habitable and have a minimum head clearance of at least six and five tenths (6.5) feet. Does not include unenclosed structures.

Forestry: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development.

Garage Sale: The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character.

Glare: A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

Government Facility, Other than Township-Owned: A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Highland Township or an authority created solely by Highland Township.

Group Day Care Center: A facility providing an interactive, supervised environment for older adults and/or adults with organic brain syndromes or similar ailment for a portion of a twenty-four (24) hour day.

Group Home: A dwelling unit operated by a responsible individual, family, or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. Includes facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended.

Hazardous Substances: A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to, materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely: Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height: For any structure other than buildings and signs, the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure.

Heavy Industry: A use engaged in the basic processing and manufacturing of material or products from extracted or raw materials. Includes uses that involve the industrial processing of

raw or bulk materials or products into other value-added materials or products for further use in other manufacturing or related uses.

Heliport: An area used for the take-off and landing of helicopters, and related support facilities.

Home Occupation: A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building.

Hospital: A use, not including a medical office, involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight.

Hotel or Motel: A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters.

Hunting and Fishing Club: Land owned by an organized group of persons formed as a club that is used for hunting, fishing and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

Impervious Coverage: The percentage that results from dividing the land area on a lot covered by all impervious surfaces by the total land area of the lot.

Impervious Surface: Areas covered by buildings, paving or concrete, stone, or other man-made surfaces that have a runoff coefficient of 0.85 or greater.

Industrial District: The I Zoning District and portions of the IO District that are approved for industrial uses.

Junk: Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building and which covers over two hundred (200) square feet of land area. Includes scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers and scrap building materials. Does not include solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, toxic substances, yard waste or tree trunks, items clearly awaiting imminent recycling at an appropriate location, building materials awaiting imminent use at an on-going building, or clean fill as defined by State environmental regulations.

Junk Vehicle: Includes any vehicle or trailer that meets any of the following conditions.

- A. Cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs.

- B. Cannot be towed, in regards to a trailer designed to be towed.
- C. Has been demolished beyond repair.
- D. Has been separated from its axles, engine, body or chassis.
- E. Includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

Junkyard:

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one (1) or more of the following types.
 - 1. Junk covering more than five percent (5%) of the lot area.
 - 2. Two (2) or more junk vehicles that are partly or fully visible from an exterior lot line, dwelling and/or public street.
 - 3. One (1) or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
- C. Includes metal scrap yard or auto salvage yard.

Kennel: The keeping of a greater number of dogs and/or cats that can be considered to be permanent or temporary keeping of household pets. Includes any facility where more than ten (10) dogs aged six (6) months or older are kept.

Landowner: The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation.

Light Industry: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts. Includes processing, fabrication, assembly, treatment, packaging, incidental storage, and sales and distribution of such products, but excludes industrial processing of raw or bulk materials.

Lighting, Diffused: Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of: The raising and keeping of livestock, poultry, or insects beyond the number and type that is considered to be pets and beyond what is customarily incidental to a principal crop farming use.

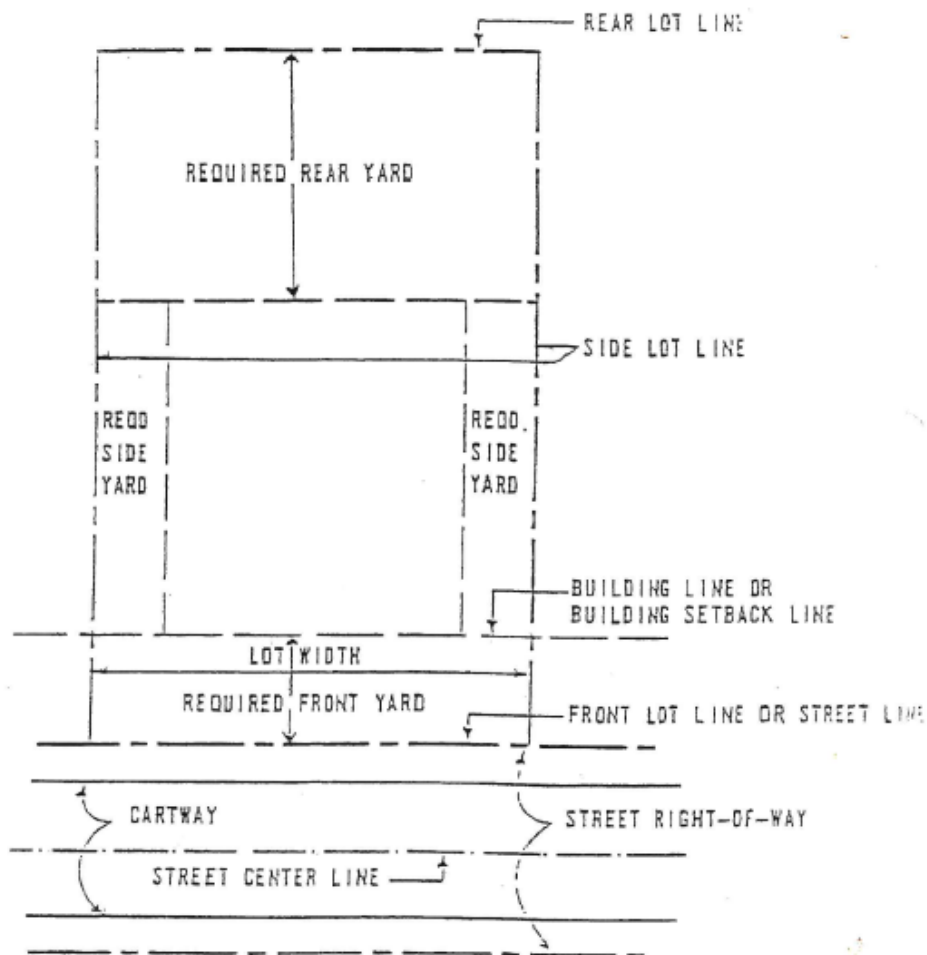
Livestock or Poultry, Intensive Raising of:

- A. A Livestock or Poultry use involving an average of two (2) or more animal equivalent units of live weight per acre of livestock or poultry, on an annualized basis.

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, Comer: A lot abutting on two (2) or more intersecting streets which has an interior angle of less than one-hundred thirty-five degrees (135°) at the intersection of right-of-way lines of two streets.

Lot Area: The horizontal land area contained within the lot lines of a lot (measured in acres or square feet) but excluding rights-of-way for public or private streets or alleys, current or proposed common or preserved open space, and any other features that this Ordinance excludes from lot area calculation.



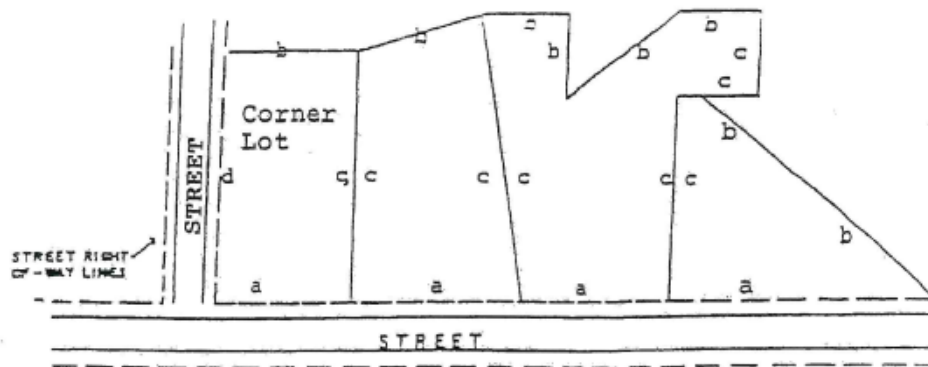
Lot Averaging Development: An optional type of residential development that places dwellings on the most suitable portions of a tract, on lots that are typically smaller than would otherwise be allowed with conventional development, in return for compliance with an average lot size.

Lot Lines: The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. **Front Lot Line (Street Line):** A lot line separating the lot from the existing or proposed street right-of-way.

B. Rear Lot Line: Any lot line which is parallel to or within forty-five degrees (45°) degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.

C. Side Lot Line: Any lot line other than a front or rear lot line.



Lot Width: The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated.

Massage Parlor: An adult use where non-medical or non-surgical manipulations or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor, osteopath, or licensed massage therapist.

Medical Marijuana: Marijuana for certified medical use as set forth in Pennsylvania Act 16 of 2016.

Medical Marijuana Transport Vehicle Service: Any facility used to house delivery vehicles for supplying marijuana plants or seeds to one or more marijuana grower/processors and/or dispensaries.

Medical Marijuana Dispensary: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana.

Medical Marijuana Dispensary Facility: An indoor, enclosed, permanent, and secure building from which a medical marijuana dispensary may dispense medical marijuana from.

Medical Marijuana Grower/Processor: A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana.

Membership Club: An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public, and which is not primarily operated as a for-profit business.

Mineral Extraction: The removal from the surface or beneath the surface of the land of bulk mineral resources including, but not limited to, sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore through the use of significant machinery. Includes accessory stockpiling and processing of mineral resources.

Mobile/Manufactured Home: See under "Dwelling Types."

Mobile/Manufactured Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

Motor Vehicle: An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Municipalities Planning Code: The Pennsylvania Municipalities Planning Code, as reenacted and amended.

Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises an in which dancing and musical and similar entertainment are permitted.

Nonconforming Lot: A lot, the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Nonconforming Structure. A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or amendment heretofore or hereafter enacted, which such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted,

where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

No-Impact Home-Based Business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

Nursing Home: A facility licensed by the State for the housing and intermediate or fully skilled nursing care of three (3) or more persons.

Office: A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. Does not include neither retail or industrial uses, but may include business offices, medical offices, laboratories, photographic studios, and/or television or radio broadcasting studios.

Open Space, Preserved or Common: Any parcel or area of land or water, or a combination of land and water, within a development site and that is substantially free of improvement and impervious surfaces, and which is designed, intended, and conserved for the use and enjoyment of and direct or visual access by the residents of the development.

Parking: Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT: The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permitted By Right Uses: Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance.

Personal Care Home or Center: Shall mean "Assisted Living Facility."

Personal Service: An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Includes barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, certified massage therapist, and other similar establishments, but does not include any adult uses.

Pets, Keeping of: The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. Includes dogs, cats, small birds, gerbils, rabbits, and other animals commonly sold in retail pet shops.

Picnic Grove, Private: An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship: Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship for more than ten (10) persons at a time and that are operated for nonprofit and noncommercial purposes.

Principal Building: A principal structure which is also a building.

Principal Structure: The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use: A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison: A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice: Notice published once a week for two successive weeks in a newspaper of general circulation in the Township. 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 be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Publicly Owned Recreation: Leisure facilities owned, operated or maintained by governmental entities for use by the general public.

Recreation: The offering of leisure-time activities, not including adult uses, to unrelated persons.

Indoor Recreation: A type of recreation use that does not meet the definition of outdoor recreation, and is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses.

Outdoor Recreation: A type of recreation use that has a total building coverage of less than fifteen percent (15%), and is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses.

Recycling Collection Center: A use for collection and temporary storage of more than five hundred (500) pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials.

Related or Relative: Persons who are related by blood, marriage, adoption, or formal foster relationship as a spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law, or first cousin.

Repair Service: Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use: A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse, Children's Play Equipment and uses that are very similar in nature.

Residential District(s): All land areas that are not within the AP zoning district, a commercial district or an industrial district.

Residential Lot Lines: The lot line of a lot that contains an existing primarily residential use on a lot of less than ten (10) acres, or is undeveloped and zoned as a Residential District.

Restaurant: An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.

Retail Store: A use in which merchandise is sold or rented to the general public. Does not include sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store, or any restaurant.

Right-of-Way: An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the street right-of-way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

A. Street Right-of-Way, Existing or Legal: The official established street right-of-way that either the Township or the State presently own or hold another interest in the land or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rural Events Venue: An establishment that is leased on a temporary basis for private functions, including but not limited to banquets, weddings, receptions, business and organizational meetings, and other similar functions.

School, Public or Private Primary or Secondary School: An educational institution primarily for persons between the ages of five (5) and nineteen (19) that primarily provides State-required or largely State-funded educational programs.

Screening: Year-round plant material of substantial height and density designed to provide a buffer.

Self-Storage Development: A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback Line: A line separating a yard from the area within which a building or use is allowed, measured from the future/ultimate right-of-way where such applies under the Subdivision and Land Development Ordinance.

Sewage Service, Central: Sanitary sewage service to a building by a Township-approved sewage collection and disposal system that serves five (5) or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Sewage Service, On-Lot: Sanitary sewage service to a building that does not meet the definition of Central Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public: Central sanitary sewage service by a system owned and/or operated by a municipality or a municipal authority.

Sight Triangle: An area required to be kept free of certain visual obstructions to traffic.

Sign: Any permanent or temporary structure, or part thereof, or any device attached, painted, or represented directly or indirectly on a structure or other surface that displays or includes any letter, word, insignia, flag, or representation used as, or which is used in the nature of an advertisement, announcement, visual communication, or direction, or is otherwise designed to attract the eye or bring the subject to the attention of the public.

A. Contractor Sign: A temporary, on-premise, freestanding sign placed on the property during periods of time when a contractor is participating in a construction project on the property.

B. Development Announcement Sign: A temporary on-premise sign, either freestanding or attached, erected at or near the primary entrance to a commercial, industrial, or residential development, or similar facility, and placed on the property during periods of time when a development is initially offered for sale, rent, or other occupation.

- C. Electronic Message Center: Any sign or portion of a sign that uses changing illumination to form a message wherein the message and the rate of change of such message is electronically programmed and can be modified by electronic processes. Illumination sources include, but are not limited to, light-emitting diodes (LEDs), fiber optics, light bulbs, liquid crystal display (LCD), or other similar forms of illumination.
- D. Feather Sign: A sign made of a flexible material, shaped like a feather, quill, sail, blade, or teardrop, and mounted on a solid or flexible pole or cord.
- E. Flag: A permanent, on-premise, freestanding or attached sign, made of a flexible material such as cloth, and mounted either on a solid pole or affixed to another structure. Does not include government flags or comparable official insignias.
- F. Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- G. Garage Sale Sign: A temporary on-premise sign, either freestanding or attached, placed on the property during periods of time when the short-term sale of personal goods by the occupant is being conducted. Garage sale signs include signs for yard sales.
- H. Government Sign: A sign placed by a governmental unit and designed to identify a governmental use, property, or purpose. Includes, but is not limited to, traffic signs, street signs, and signs identifying governmental offices and facilities.
- I. Home Occupation Sign: A sign placed at the location of a residential property containing a Home Occupation.
- J. Incidental Sign: A permanent on-premise sign, either freestanding or attached, that provides information regarding a property or use of a property, and that includes no commercial message or logo. Includes, but is not limited to, signs conveying message such as "enter," "open," "closed," "rest rooms," "no trespassing," "warning," hours of operation, accessible parking spaces, and similar messages.
- K. Off-Premise Directional Sign: A temporary, off-premise sign, either freestanding or attached, that is placed on a property or properties nearby to a property upon which a special event is scheduled to occur.
- L. Public/Semi-Public Use Sign: A permanent on-premise sign, either freestanding or attached, and placed on a property where public or semi-public uses or entities perform public or semi-public services in accordance with applicable governmental

regulations. Includes signs for schools, parks, fire stations, police stations, churches, service clubs, public utilities, and telephone companies.

M. Real Estate Sign: A temporary on-premise sign, either freestanding or attached, placed on a property during periods of time when the property is offered for sale, rent, or other occupation.

N. Roof Sign: A sign erected and constructed wholly on and over the eaves of the roof of a building and supported by the roof structure.

O. Wall Sign: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building and which displays only one sign surface.

Sign Area: The entire area within a single continuous perimeter enclosing all elements of a sign, which form an integral part of the display, including the perimeter border.

Sign Height: The vertical distance measured from the elevation of the nearest curb, sidewalk, or street grade to the top of the highest component of the sign, sign face, sign structure, or any other appurtenance of the sign.

Single and Separate Ownership: The ownership of a lot by one (1) or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Site Alterations: One or more of the following activities.

A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses.

B. Clearing and regrading of more than one-half acre, other than selective thinning of existing vegetation or trees.

Solar Easement: A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of ensuring adequate access to direct sunlight for solar energy systems.

Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Energy Facility: An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and

supply electrical or thermal power primarily for off-site use or for use on-site if the output size is greater than 20kw.

Solar Facility Connection: The electric conveyance lines which connect a solar energy facility to the high-voltage electric interconnection grid.

Solar Panel: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Solar Related Equipment: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy. Does not include battery storage for solar energy.

- A. Solar Array: A grouping of multiple solar modules with the purpose of harvesting solar energy.
- B. Solar Cell: The smallest basic solar electric device which generates electricity when exposed to light.
- C. Solar Module: A grouping of solar cells with the purpose of harvesting solar energy.

Solid Waste-to-Energy Facility: An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill: An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility: Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. May involve the separation of recyclables from solid waste. Does not include a junkyard, leaf composting, clean fill or septage or sludge application.

Special Exception: A use permitted in a particular zoning district pursuant to the provisions of Sections 1808 and 1811 of this Ordinance.

Specified Sexual Activities: One or more of the following.

- A. Human male genitals in a visible state of sexual stimulation.

B. Acts of human masturbation, sexual intercourse, oral sex, or sodomy.

C. Fondling or other erotic touching of human genitals.

State: The Commonwealth of Pennsylvania and its agencies.

Story: A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of six and five-tenths (6.5) feet or greater shall be considered a full story.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Structure: Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land.

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. The subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision Ordinance or Subdivision & Land Development Ordinance: The Highland Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private: A man-made area with walls of man-made materials intended to enclose water at least twenty-four (24) inches deep for bathing or swimming and that is intended to serve the residents of only one (1) dwelling unit and their occasional guests.

Swimming Pool, Non-Household: A man-made area with walls of man-made materials intended to enclose water at least twenty-four (24) inches deep for bathing or swimming and that intended to serve persons other than the residents of one (1) dwelling unit.

Tavern: A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an after-hours club or a nightclub. May include the sale of food.

Theater: A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage, Bulk: The storage of more than twenty (20) used tires on a lot, except that a tire retail store may include the temporary storage of used tires awaiting disposal.

Townhouse: See "Dwelling Types."

Township: Highland Township, Adams County, Pennsylvania.

Trade/Hobby School or Trade School: A facility that is primarily intended for education of a work-related skill or craft or a hobby, and does not primarily provide State-required education to persons under age sixteen (16). Includes a dancing school, martial arts school, cosmetology school, or ceramics school.

Tradesperson: A person involved with building trades, including but not limited to plumbing, electrical work, building construction, building remodeling, and roofing.

Treatment Center: A use (other than a prison or a hospital) providing housing for three (3) or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. Criminal rehabilitation, such as a criminal halfway house.
- B. Current addiction to a controlled substance that was used in an illegal manner or alcohol.
- C. A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

Unregistered Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker. Does not include vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker or motor vehicles displaying a license and inspection stickers that have each expired less than ninety (90) days previously.

Use: The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Includes but is not limited to activity within a structure, activity outside of a structure, any structure, recreational vehicle storage, or parking of commercial vehicles on a lot.

Variance: Relief granted pursuant to the provisions of Section 1808 and 1810 of this Ordinance.

Wall: Man-made barriers, other than fences, constructed principally of masonry, concrete, cinder block, or similar materials.

Warehouse: A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Watercourse: A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Service, Central: Water supply service to a building by a Township-approved water supply system that serves twenty (20) or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Water Service, On-Lot: Water supply service to a building that does not meet the definition of Central Water Service, including but not limited to an individual on-lot well.

Water Service, Public: Central water service by a system owned and/or operated by a municipality or a municipal authority.

Wetlands: Land areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Includes swamps, marshes, bogs, and similar areas.

Yard: An open area unobstructed from the ground to the sky, that is not permitted to be covered by buildings and principal structures, and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback.

Yard, Front or Front Setback: A yard extending the full width of the lot, and which is measured a distance from, and runs parallel to, the front lot line or street right-of-way line, whichever is most restrictive, and which establishes the minimum setback for the subject structure.

Yard, Rear or Rear Setback: A yard extending the full width of the lot, and which is measured a distance from, and runs parallel to, the rear line, and which establishes the minimum setback for the subject structure.

Yard, Side or Side Setback: A yard extending from the front setback line to the rear setback line, and which is measured from, and runs parallel to, the side lot line, and which establishes the minimum setback for the subject structure.

Yield Plan: A site plan that accurately depicts the maximum number of dwelling units that would be possible under current Township ordinances if certain optional development provisions are not used, and instead the provisions for conventional development under the current zoning district are used.

Zoning Map: The Official Zoning Map of Highland Township, Adams County, Pennsylvania.

Zoning Officer: The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance: The Highland Township Zoning Ordinance, as amended.

**ARTICLE 3:
NONCONFORMING USES, STRUCTURES, AND LOTS**

Section 301: Continuance

Unless otherwise specifically provided in this article, non-conforming uses and structures that were otherwise lawful on the effective date of this Ordinance may be continued.

Section 302: Nonconformance

A. Proof and Registration of Nonconformities: It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

B. A nonconforming use shall not be considered to be a permitted by right use, a special exception use, or a conditional use.

C. Continuation of Nonconformities.

1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.

2. Any expansion of, construction upon, or change in use of, a nonconformity shall only occur in conformance with this section.

3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

D. Expansion of or Construction Upon Nonconformities: The following shall apply, unless the structure is approved under Section 302.D.

1. Nonconforming Structure.

a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded in accordance with the following.

(1) Such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity.

(2) Any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, except as may be allowed under Section 303.C.3 below.

b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

2. Nonconforming Lots

a. Permitted Construction on a Nonconforming Lot. A single, permitted by right, principal use and its customary accessory uses may be constructed, reconstructed, or expanded on a nonconforming lot provided the following additional requirements are met.

- (1) The lot must be a lawful nonconforming lot of record.
- (2) Minimum setback requirements shall be met.
- (3) State and Federal wetland regulations shall be met.
- (4) If a septic or well is used, the requirements for such shall be met.

b. Lot Width: An existing lawful lot of record that does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.

3. Expansion of a Nonconforming Non-Residential Use: A non-conforming use, or a building used by a nonconforming use, shall not be expanded except in accordance with the following provisions.

a. An expansion of more than five percent (5%) percent in total building floor area shall require special exception approval from the Zoning Hearing Board.

b. Such expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.

c. The total building floor area used by a nonconforming use, or the total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than fifty percent (50%) percent beyond what existed in the nonconforming use at the time this Ordinance became effective or at a later time when the use first became nonconforming under this Ordinance or an amendment.

(1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.

(2) However, the maximum total land area covered by a nonconforming junkyard shall not be expanded by more than twenty-five percent (25%) over the lifetime of the use.

d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance.

4. Expansion of a Nonconforming Residential Use: An existing nonconforming residential use may be expanded as a permitted by right use in accordance with the following.

- a. The number of dwelling units or rooming house units are not increased.
- b. The expansion meets all applicable setbacks.
- c. No new nonconformities are created.
- d. A nonconformity is not made more severe.

5. Nonconforming Sign: The provisions of Section 302.C shall not provide a right to expand or extend a nonconforming sign. Expansions or extensions of a nonconforming sign shall only be permitted if the expansion or extension does not increase the degree of nonconformity of the sign.

E. Damaged or Destroyed Nonconformities: A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion in accordance with the following.

- 1. The application for a zoning permit is submitted within eighteen (18) months after the date of damage or destruction.
- 2. Work begins in earnest within twelve (12) months afterward the zoning permit is issued and continues until completion.
- 3. No nonconformity may be newly created or increased by any reconstruction.

F. Abandonment of a Nonconformity

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for twelve (12) or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except as provided for in the "Damaged or Destroyed Nonconformities" provisions of Section 302.D.

2. The applicant shall be responsible to provide clear evidence that the nonconformity was not abandoned.

3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered abandoned under this Ordinance.

G. Changes from One Nonconforming Use to Another

1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.

2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board.

3. Where Special Exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconfining use with regard to the following measures.

a. Traffic safety and generation (especially truck traffic).

b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards.

c. Amount and character of outdoor storage.

d. Hours of operation if the use would be close to dwellings.

e. Compatibility with the character of the surrounding area.

4. A nonconforming use shall not be changed to a nonconforming Adult Use.

H. District Changes: Any uses, structures, or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

ARTICLE 4: DESIGNATION OF DISTRICTS

Section 401: Zoning Districts

For the purpose of this Zoning Ordinance, Highland Township is divided into zoning districts which shall be designated as follows.

AP	Agricultural Preservation
LC	Land Conservation
RR	Rural Residential
SFR	Single Family Residential
C-MDR	Commercial-Mixed Dwelling Residential
V	Village
I	Industrial
IO	Industrial Overlay
FO	Floodplain Overlay

Section 402: Application of District Regulations

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered, or occupied, and no land shall hereafter be used, developed, or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Boundary Change: Any territory which may hereafter become part of the Township through annexation or a boundary adjustment shall be included in the AP District until or unless the Board of Supervisors approves a Zoning Map Amendment to include the territory in a different Zoning District.

Section 403: Zoning Map

- A. The boundaries of the AP, LC, RR, SFR, C-MDR, V, I, IO, and FO Districts shall be as shown on the attached Highland Township Zoning Map. The Highland Township Zoning Map and all the notations, references, and other data shown are incorporated by reference into this Ordinance as Appendix A.

C. Changes to the boundaries and districts of the Highland Township Zoning Map shall only be made in conformity with the amendment procedures specified in the Pennsylvania Municipalities Planning Code. All changes shall be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.

D. If the Highland Township Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, the Township Supervisors may, by resolution, adopt a new copy of the Highland Township Zoning Map which shall supersede the prior Highland Township Zoning Map. Unless the prior Highland Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

Section 404: District Boundaries

The following rules shall apply where uncertainty exists as to boundaries of any zoning district as shown on the Zoning Map.

A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds 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.

B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.

C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.

Section 405: Table of Uses: Uses in each zoning district are cross-referenced in a Highland Township Table of Uses attached to and made part of this Ordinance. The said table is hereby incorporated by reference into this Ordinance as if it were fully described herein. The Highland Township Table of Uses is provided as Appendix B. In the event of inconsistencies between the Highland Township Table of Uses and the permitted uses listed in the text of any zoning district, the text of the zoning district shall control.

ARTICLE 5:
AGRICULTURAL PRESERVATION DISTRICT (AP)

Section 501: Intended Purpose

It is hereby declared to be the intent of the AP District as follows.

- A. Promote the continuation and preservation of agricultural activities in those areas most suitable for such activities.
- B. Protect and stabilize the Township's viable agricultural economy by precluding uses that are incompatible with farming but permitting limited agricultural support businesses.
- C. Limit residential uses and ensure that future inhabitants in this district are willing to accept the impacts associated with normal farming practices, and related businesses.
- D. Preclude land consumptive, non-agricultural uses.

Section 502: Permitted Uses - By Right

The following uses are permitted as a matter of right in the AP District.

- A. Agricultural Uses.
 - 1. Agribusiness, in accordance with Section 1502.A.1.
 - 2. Crop Farming.
 - 3. Forestry, in accordance with Section 1502.A.2.
 - 4. Livestock / Poultry Farming.
 - 5. Plant Nursery.
 - 6. Sewage Sludge/Biosolids, Land Application of, in accordance with Section 1502.A.4.
 - 7. Stable, Non-Household, in accordance with Section 1502.A.5.
 - 8. Wholesale Greenhouses.
- B. Residential Uses.

1. Group Home, in accordance with Section 1502.B.5.
 2. Single Family Detached Dwelling.
- C. Commercial Uses.
1. Bed and Breakfast Inn, in accordance with Section 1502.C.6.
 2. Camp, in accordance with Section 1502.C.7.
- D. Infrastructure Uses.
1. Small Wireless Facility–Tower-Based–Inside Public Right-of-Way, in accordance with Section 1502.E.3.
- E. Institutional Uses
1. Cemetery, in accordance with Section 1502.F.3.
- F. Public / Semi-Public Uses.
1. Environmental Education Center.
 2. Hunting and Fishing Club.
 3. Nature Preserve.
 4. School, in accordance with Section 1502.G.5.

Section 503: Permitted Uses – Special Exceptions

The following uses are permitted by Special Exception in the AP District in accordance with the following standards and criteria, as well as any reasonable conditions that the Zoning Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Sections 1808 and 1811.

- A. Agricultural Uses.
1. Kennel, in accordance with Section 1502.A.3.
- B. Residential Uses.
1. Conversion Apartments, in accordance with Section 1502.B.3.

2. Conversion Apartments – Agricultural Barn, in accordance with Section 1502.B.4.

C. Industrial Uses.

1. Gas or Oil Wells, in accordance with Section 1502.D.1.

2. Principal Solar Energy System (PSES), in accordance with Section 1502.D.7.

3. Wind Turbines as Principal Use, in accordance with Section 1502.D.10.

D. Infrastructure Uses.

1. Public Utility Facility.

E. Institutional Uses.

1. Child Care Facility, in accordance with Section 1502.F.4.

2. Group Day Care Center, in accordance with Section 1502.F.5.

F. Public / Semi-Public Uses.

1. Cultural Center

2. Government Facility.

3. Museum.

4. Place of Worship, in accordance with Section 1502.G.4.

G. Accessory Uses.

1. Composting, in accordance with Section 1502.H.5.

2. Farm-Related Business, in accordance with Section 1502.H.9.

3. Groundwater or Spring Water Withdrawal, in accordance with Section 1502.H.10.

4. Home Occupation, in accordance with Section 1502.H.11.

5. Homestay, in accordance with Section 1502.H.12.

Section 504: Permitted Uses - Conditional Uses

The following uses are permitted by Conditional Use in the AP District in accordance with the following standards and criteria, as well as any reasonable conditions that the Township Supervisors may deem necessary to apply, and in accordance with the procedures set forth in Sections 1813 and 1814.

A. Infrastructure Uses.

1. Sewage Treatment Plant.

B. Accessory Uses.

1. Agricultural Tourism Operations, in accordance with Section 1502.H.3.

C. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 502, 503, and 504, in accordance with Sections 1502.I.

Section 505. Permitted Uses - Accessory Uses

The following uses are permitted as accessory uses to any permitted principal use in the AP District.

A. Accessory Dwelling Unit, in accordance with Section 1502.H.1.

B. Accessory Solar Energy System (ASES), in accordance with Section 1502.H.2.

C. Bee Keeping, in accordance with Section 1502.H.4.

D. Family Day Care, in accordance with Section 1502.H.7.

E. Group Day Care, in accordance with Section 1502.H.7.

F. No-Impact Home-Based Business, in accordance with Section 1502.H.13.

G. Retail Sales of Agricultural Products, in accordance with Section 1502.H.15.

H. Small Wireless Facility–Co-Location–Inside Public Right-of-Way, in accordance with Section 1502.H.17.

- I. Stable.
- J. Target Practice, in accordance with Section 1502.H.18.
- K. Wind Turbine – Accessory Use, in accordance with Section 1502.H.21.
- L. Wireless Communication Facility–Co-Location–Outside Public Right-of-Way, in accordance with Section 1502.H.22.

Section 506. Density and Dimensional Regulations

A. Number of Dwelling Units and Lots.

1. The total deeded acreage which is under a single deed and is within Highland Township (which shall be known as the deeded area) existing as of the effective date of this Ordinance shall be permitted to be subdivided for new lots, as follows:

Size of Parcel	Permitted Number of Dwellings/Lots
2-3.99 acres	2
4-9.99 acres	3
10-24.99 acres	4
25-49.99 acres	5
50-99.99 acres	6
100-149.99 acres	7
150-199.99 acres	8
Over 200 acres	8, plus 1 lot for every 50 acres over 200 acres

2. The condition of the deeded area as of the effective date of this Ordinance, or on any later date on which the deeded area was first included in the AP District, shall be the basis from which the maximum development set forth in Section 506.A.1 above shall be calculated.
3. No subdivision shall be permitted which shall increase the lot size of a lot used for residential purposes in excess of the maximum lot size, except as provided in Section 506.B.1, or unless such lot that would be expanded would be the largest lot within the deeded area.
4. A subdivision to create a lot which will be transferred to the Township, or a municipal authority created by the Township, or that is deed restricted or restricted by a conservation easement so that the lot can never be used for a principal building shall not be included when computing the permissible number of lots to be subdivided from a deeded area as set forth in Section 506.A.1.

5. All proposed subdivision or land development plans, and record plans, shall indicate the total number of allowed lots and shall specify which lot or lots shall carry with it a right of further subdivision, if any such right remains.

6. In the event that deeded area which was not classified as part of the AP District as of the effective date of this Ordinance, or was thereafter classified as part of the AP District, the size and ownership of the deeded area and the development existing on the deeded area on the effective date of the change in zoning classification shall determine the number of lots which may be subdivided from such deeded area.

7. The number of lots which may be created which may be established shall be fixed according to the size of the deeded area. This number of allowed lots shall not be increased by the subdivision of such deeded area. Any subsequent owner of part or all of the deeded area shall be bound by the actions of his/her predecessor.

8. In submitting an application for a subdivision/land development for a dwelling unit within the AP District, the applicant shall demonstrate that such subdivision achieves the following.

a. The loss of valuable farmland shall be minimized. The largest feasible amount of Class I, II and III agricultural soils shall remain with a principal agricultural lot.

b. Residential lots subdivided from the subject property shall be clustered and, where applicable, shall adjoin residential lots subdivided from adjoining farms.

c. The length of property lines shared by residential lots and adjoining farms shall be minimized.

d. Proposed residential lots shall be provided with adequate vehicular access from public roads.

e. The subdivision plan shall comply with the Township Subdivision and Land Development Ordinance.

B. Lot Regulations.

1. Minimum Lot Area: One (1) acre, except that twenty-five (25) acres shall be required for any lot beyond the number of lots allowed under Section 506.A.1.

2. Maximum Lot Area:

- a. Two (2) acres for a single-family detached dwelling that is not on a principal agricultural lot.
- b. Four (4) acres for all other uses other than agricultural uses.
- c. The maximum lot area shall not apply if the applicant can demonstrate by credible evidence that the area proposed for the lot meets the following standards.

- (1) The lot does not include more than two (2) acres of Class I, II and/or III soils, as identified in official Federal soils mapping or a more accurate professional study.

- (2) Additional lot area is needed to improve septic or water supply facilities for the lot, in the determination of the Sewage Enforcement Officer.

3. Minimum Lot Width: One hundred fifty (150) feet. The minimum lot width may be met at the proposed principal building setback line instead of the minimum building setback line if the applicant proves that such modification would result in a greater amount of preservation of agricultural land than would otherwise occur.

4. Maximum Impervious Coverage.

- a. Sixty percent (60%) for sales of farm equipment and places of worship.
- b. Twenty-five (25%) for all other uses.

C. Setback Regulations.

1. Minimum Front Yard Setback: Thirty (30) feet.

2. Minimum Side Yard Setback: Fifteen (15) feet.

3. Minimum Rear Yard Setback: Thirty (30) feet.

4. For accessory storage buildings with a maximum floor area of six hundred (600) square feet and a maximum height of twenty-five (25), minimum side and rear yard depth may be ten (10) feet.

D. Height Regulations.

1. The height of all structures shall not exceed three (3) stories or forty (40) feet, whichever is more restrictive.
2. Agricultural structures shall be exempt from height regulations.

**ARTICLE 6:
LAND CONSERVATION DISTRICT (LC)**

Section 601: Intended Purpose

It is hereby declared to be the intent of the LC District as follows.

- A. Provide for development with a low average intensity in areas that include significant important natural features or that serve as a buffer between designated growth areas and Agricultural Preservation areas.
- B. Protect the water quality and habitats along creeks and promote groundwater recharge.
- C. Recognize that many of these areas have low yields for wells and poor soils for septic systems
- D. Provide a certain amount of flexibility in lot layout through lot averaging development so that development can be clustered on the most suitable portions of a tract of land, while avoiding overly intense development.

Section 602: Permitted Uses - By Right

The following uses are permitted as a matter of right in the LC District.

- A. Agricultural Uses.
 - 1. Crop Farming.
 - 2. Forestry, in accordance with Section 1502.A.2.
 - 3. Livestock / Poultry Farming.
 - 4. Plant Nursery.
 - 5. Wholesale Greenhouse.
- A. Residential Uses.
 - 1. Group Home, in accordance with Section 1502.B.5.
 - 2. Single Family Detached Dwelling.
- B. Commercial Uses.

1. Camp, in accordance with Section 1502.C.7.
 2. Golf Course, in accordance with Section 1502.C.10.
- C. Infrastructure Uses.
1. Small Wireless Facility–Tower-Based–Inside Public Right-of-Way, in accordance with Section 1502.E.3.
- D. Institutional Uses.
1. Cemetery, in accordance with Section 1502.F.3.
- E. Public/Semi-Public Uses.
1. Hunting and Fishing Club.
 2. Public Park.
 3. School, in accordance with Section 1502.G.5.
 4. Swimming Pool, Non-Household, in accordance with Section 1502.G.6.

Section 603: Permitted Uses – Special Exceptions

The following uses are permitted by Special Exception in the LC District in accordance with the following standards and criteria, as well as any reasonable conditions that the Zoning Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Sections 1808 and 1811.

- A. Agricultural Uses.
1. Agribusiness, in accordance with Section 1502.A.1.
 2. Kennel, in accordance with Section 1502.A.3.
- B. Residential Uses.
1. Conversion Apartments, in accordance with Section 1502.B.3.
 2. Conversion Apartments – Agricultural Barn, in accordance with Section 1502.B.4.

C. Commercial Uses.

1. Bed and Breakfast Inn, in accordance with Section 1502.C.6.
2. Vacation Rental, in accordance with Section 1502.C.19.

D. Industrial Uses.

- I. Gas or Oil Wells, in accordance with Section 1502.D.1.
2. Principal Solar Energy System (PSES), in accordance with Section 1502.D.7.

E. Infrastructure Uses.

1. Public Utility Facility.

F. Institutional Uses.

1. Child Care Facility, in accordance with Section 1502.F.4.

G. Public / Semi-Public Uses.

1. Cultural Center.
2. Emergency Services Station, in accordance with Section 1502.G.1.
3. Government Facility.
4. Museum.
5. Place of Worship, in accordance with Section 1502.G.4.

H. Accessory Uses

1. Composting, in accordance with Section 1502.H.5.
2. Farm-Related Business, in accordance with Section 1502.H.9.
3. Groundwater or Spring Water Withdrawal, in accordance with Section 1502.H.10.
4. Home Occupation, in accordance with Section 1502.H.11.

5. Homestay, in accordance with Section 1502.H.12.
6. RV Hosting, in accordance with Section 1502.H.16.
7. Tent Hosting, in accordance with Section 1502.H.20.

Section 604: Permitted Uses - Conditional Uses

The following uses are permitted by Conditional Use in the LC District in accordance with the following standards and criteria, as well as any reasonable conditions that the Township Supervisors may deem necessary to apply, and in accordance with the procedures set forth in Sections 1813 and 1814.

A. Residential Uses.

1. Lot Averaging Development Option, in accordance with Section 1502.B.6.

B. Infrastructure Uses.

1. Sewage Treatment Plant.

C. Accessory Uses

1. Agricultural Tourism Operation, in accordance with Section 1502.H.3.

D. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 602, 603, and 604, in accordance with Sections 1502.I.

Section 605: Permitted Uses - Accessory Uses

The following uses are permitted as accessory uses to any permitted principal use in the LC District.

- A. Accessory Dwelling Unit, in accordance with Section 1502.H.1.
- B. Accessory Solar Energy System (ASES), in accordance with Section 1502.H.2.
- C. Bee Keeping, in accordance with Section 1502.H.4.
- D. Family Child Care, in accordance with Section 1502.H.5.

- E. Group Child Care, in accordance with Section 1502.H.5.
- F. No-Impact Home-Based Business, in accordance with Section 1502.H.13.
- G. Retail Sales of Agricultural Products, in accordance with Section 1502.H.15.
- H. Small Wireless Facility–Co-Location–Inside Public Right-of-Way, in accordance with Section 1502.H.17.
- I. Stable.
- J. Target Practice, in accordance with Section 1502.H.18.
- K. Wireless Communication Facility–Co-Location–Outside Public Right-of-Way, in accordance with Section 1502.H.22.

Section 606: Density and Dimensional Regulations

- A. Lot Regulations.
 - 1. Minimum Lot Area.
 - a. Lot Averaging Development: Two (2) acres.
 - b. All Other Uses: Three (3) acres.
 - 2. Minimum Lot Width.
 - a. Existing Lots, less than three (3) acres in size: Two hundred (200) feet.
 - b. All Other Lots: Two hundred fifty (250) feet.
 - 3. Maximum Building Coverage.
 - a. Existing Lots, less than three (3) acres in size: Twenty percent (20%).
 - b. All Other Lots: Twenty percent (20%).
 - 4. Maximum Impervious Coverage.
 - a. Existing Lots, less than three (3) acres in size: Twenty-five percent (25%).

- b. All Other Lots: Twenty-five percent (25%).

B. Setback Regulations.

- 1. Minimum Front Yard Setback: 30 feet.
- 2. Minimum Side Yard Setback.
 - a. Existing Lots, less than three (3) acres in size: Fifteen (15) feet.
 - b. All Other Lots: Thirty (30) feet.
- 3. Minimum Rear Yard Setback: Thirty (30) feet.

C. Additional/Supplementary Dimensional Regulations.

- 1. In addition to the dimensional regulations above, applicants may use the Lot Averaging Option which may allow smaller lot sizes and smaller lot widths.
- 2. All dwellings shall have a minimum principal building width and length of eighteen (18) feet. Principal building width shall not include unenclosed structures.
- 3. A one (1) acre minimum lot area shall apply to each new lot that is subdivided and transferred in ownership to a son, daughter, stepson or stepdaughter of the primary landowner of record. A maximum total of one (1) such lot shall be transferred to any one (1) such person over time. The recorded subdivision plan shall state that this provision is being used and the name of the person who is to receive ownership of the lot. Such lot may be subsequently resold to others, after the child receives ownership. This exception shall only be allowed if the parent lot continues to have a minimum lot area of three (3) acres.

**ARTICLE 7:
RURAL RESIDENTIAL DISTRICT (RR)**

Section 701: Intended Purpose

It is hereby declared to be the intent of the RR District as follows.

- A. Provide for rural types of development at a lower overall density in a manner that protects creeks and other natural features
- B. Avoid conflicts with nearby agricultural areas and recognize sewage limitations.

Section 702: Permitted Uses - By Right

The following uses are permitted as a matter of right in the RR District.

- A. Agricultural Uses.
 - 1. Crop Farming.
 - 2. Forestry, in accordance with Section 1502.A.2.
 - 3. Livestock / Poultry Farming.
 - 4. Plant Nursery.
 - 5. Wholesale Greenhouse.
- B. Residential Uses
 - 1. Group Home, in accordance with Section 1502.B.5.
 - 2. Single Family Detached Dwelling.
- C. Commercial Uses
 - 1. Golf Course, in accordance with Section 1502.C.10.
- D. Infrastructure Uses
 - 1. Small Wireless Facility–Tower-Based–Inside Public Right-of-Way, in accordance with Section 1502.E.3.

E. Institutional Uses

1. Cemetery, in accordance with Section 1502.F.3.

F. Public/Semi-Public Uses

1. Hunting and Fishing Club.
2. Public Park.
3. School, in accordance with Section 1502.E.5.
4. Swimming Pool, Non-Household, in accordance with Section 1502.E.6.

Section 703: Permitted Uses – Special Exceptions

The following uses are permitted by Special Exception in the RR District in accordance with the following standards and criteria, as well as any reasonable conditions that the Zoning Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Section 1808 and 1811.

A. Agricultural Uses.

1. Sewage Sludge/Biosolids, Land Application of, in accordance with Section 1502.A.4.

B. Residential Uses.

1. Conversion Apartments, in accordance with Section 1502.B.3.
2. Conversion Apartments – Agricultural Barn, in accordance with Section 1502.B.4.

C. Infrastructure Uses.

1. Public Utility Facility.

D. Institutional Uses.

1. Child Care Facility, in accordance with Section 1502.G.4.

E. Public / Semi-Public Uses.

1. Government Facility.
 2. Place of Worship, in accordance with Section 1502.F.4.
- F. Accessory Uses.
1. Groundwater or Spring Water Withdrawal, in accordance with Section 1502.H.10.
 2. Home Occupation, in accordance with Section 1502.H.11.

Section 704: Permitted Uses - Conditional Uses

The following uses are permitted by Conditional Use in the RR District in accordance with the following standards and criteria, as well as any reasonable conditions that the Township Supervisors may deem necessary to apply, and in accordance with the procedures set forth in Section 1813 and 1814.

- A. Infrastructure Uses.
1. Sewage Treatment Plant.
- B. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 702, 703, and 704, in accordance with Sections 1502.I.

Section 705: Permitted Uses - Accessory Uses

The following uses are permitted as accessory uses to any permitted principal use in the RR District.

- A. Accessory Dwelling Unit, in accordance with Section 1502.H.1.
- B. Accessory Solar Energy System (ASES), in accordance with Section 1502.H.2.
- C. Bee Keeping, in accordance with Section 1502.H.4.
- D. Family Child Care, in accordance with Section 1502.H.6.
- E. Group Child Care, in accordance with Section 1502.H.6.
- F. No-Impact Home-Based Business, in accordance with Section 1502.H.13.

- G. Retail Sales of Agricultural Products, in accordance with Section 1502.H.15.
- H. Small Wireless Facility–Co-Location–Inside Public Right-of-Way, in accordance with Section 1502.H.17.
- I. Stable.
- J. Target Practice, in accordance with Section 1502.H.18.
- K. Wireless Communication Facility–Co-Location–Outside Public Right-of-Way, in accordance with Section 1502.H.22.

Section 706: Density and Dimensional Regulations

- A. Lot Regulations.
 - 1. Minimum Lot Area: One (1) acre.
 - 2. Minimum Lot Width: One hundred fifty (150) feet.
 - 3. Maximum Building Coverage: Twenty-five percent (25%).
 - 4. Maximum Impervious Coverage: Fifty percent (50%).
- B. Setback Regulations.
 - 1. Minimum Front Yard Setback: Thirty (30) feet.
 - 2. Minimum Side Yard Setback: Fifteen (15) feet.
 - 3. Minimum Rear Yard Setback: Thirty (30) feet.

**ARTICLE 8:
SINGLE FAMILY RESIDENTIAL DISTRICT (SFR)**

Section 801: Intended Purpose

It is hereby declared to be the intent of the SFR District as follows.

- A. Provide for low density residential neighborhoods that are primarily composed of single family detached dwellings
- B. Protect these areas from incompatible uses.

Section 802: Permitted Uses - By Right

The following uses are permitted as a matter of right in the SFR District.

- A. Agricultural Uses.
 - 1. Crop Farming.
 - 2. Forestry, in accordance with Section 1502.A.2.
 - 3. Plant Nursery.
- A. Residential Uses
 - 1. Group Home, in accordance with Section 1502.B.5.
 - 2. Single Family Detached Dwelling.
- B. Commercial Uses
 - 1. Golf Course, in accordance with Section 1502.C.10.
- C. Infrastructure Uses
 - 1. Small Wireless Facility–Tower-Based–Inside Public Right-of-Way, in accordance with Section 1502.E.3.
- D. Institutional Uses
 - 1. Cemetery, in accordance with Section 1502.F.3.

E. Public/Semi-Public Uses

1. Community Recreation Center.
2. Environmental Education Center.
3. Government Facility.
4. Hunting and Fishing Club.
5. Library.
6. Nature Preserve.
7. Public Park.
8. School, in accordance with Section 1502.G.5.
9. Swimming Pool, Non-Household, in accordance with Section 1502.G.6.

Section 803. Permitted Uses – Special Exceptions

The following uses are permitted by Special Exception in the SFR District in accordance with the following standards and criteria, as well as any reasonable conditions that the Zoning Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Sections 1808 and 1811.

A. Agricultural Uses.

1. Livestock or Poultry Farming.
2. Sewage Sludge/Biosolids, Land Application of, in accordance with Section Stable, Non-Household, in accordance with Section 1502.A.4.

B. Residential Uses

1. Conversion Apartments – Agricultural Barn, in accordance with Section 1502.B.4.

C. Infrastructure Uses

1. Public Utility Facility.

D. Institutional Uses

1. Assisted Living / Personal Care Home, in accordance with Section 1502.F.2.

E. Public / Semi-Public Uses

1. Government Facility.
2. Place of Worship, in accordance with Section 1502.G.4.

F. Accessory Uses

1. Farm-Related Business, in accordance with Section 1502.H.9.
2. Groundwater or Spring Water Withdrawal, in accordance with Section 1502.H.10.
3. Home Occupation, in accordance with Section 1502.H.11.

Section 804. Permitted Uses - Conditional Uses

The following uses are permitted by Conditional Use in the SFR District in accordance with the following standards and criteria, as well as any reasonable conditions that the Township Supervisors may deem necessary to apply, and in accordance with the procedures set forth in Sections 1813 and 1814.

A. Infrastructure Uses.

1. Sewage Treatment Plant.

B. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 802, 804, and 805, in accordance with Sections 1502.I.

Section 805. Permitted Uses - Accessory Uses

The following uses are permitted as accessory uses to any permitted principal use in the SFR District.

- A. Accessory Dwelling Unit, in accordance with Section 1502.H.1.
- B. Accessory Solar Energy System (ASES), in accordance with Section 1502.H.2.

- C. Bee Keeping, in accordance with Section 1502.H.4.
- D. Family Child Care, in accordance with Section 1502.H.6.
- F. No-Impact Home-Based Business, in accordance with Section 1502.H.13.
- G. Retail Sales of Agricultural Products, in accordance with Section 1502.H.15.
- H. Small Wireless Facility–Co-Location–Inside Public Right-of-Way, in accordance with Section 1502.H.17.
- I. Stable.
- J. Target Practice, in accordance with Section 1502.H.18.
- K. Wind Turbine as Accessory Use, in accordance with Section 1502.H.21.
- L. Wireless Communication Facility–Co-Location–Outside Public Right-of-Way, in accordance with Section 1502.H.22.

Section 806: Density and Dimensional Regulations

- A. Lot Regulations.
 - 1. Minimum Lot Area.
 - a. Single Family Detached Dwelling, without public water and public sewer: One (1) acre.
 - b. Single Family Detached Dwelling, with public water or public sewer: Thirty-nine thousand (39,000) square feet.
 - c. Single Family Detached Dwelling, with both public water and public sewer: Twelve thousand (12,000) square feet.
 - d. All Other Uses: One (1) acre.
 - 2. Minimum Lot Width
 - a. Single Family Detached Dwelling, without public water and public sewer: One hundred twenty (120) feet.
 - b. Single Family Detached Dwelling, with public water or public sewer: One hundred twenty (120) feet.

- c. Single Family Detached Dwelling, with both public water and public sewer: Seventy-five (75) feet.
 - d. All Other Uses: One hundred twenty (120) feet.
- 3. Maximum Building Coverage: Thirty percent (30%).
- 4. Maximum Impervious Coverage: Fifty percent (50%).
- B. Setback Regulations.
 - 1. Minimum Front Yard Setback: Thirty (30) feet.
 - 2. Minimum Side Yard Setback:
 - a. Single Family Detached Dwelling, without public water and public sewer: Ten (10) feet.
 - b. Single Family Detached Dwelling, with public water or public sewer: Ten (10) feet.
 - c. Single Family Detached Dwelling, with both public water and public sewer: Ten (10) feet.
 - d. All Other Uses: Twenty (20) feet.
 - 3. Minimum Rear Yard Setback: Thirty (30) feet.

**ARTICLE 9:
COMMERCIAL-MIXED DWELLING
RESIDENTIAL DISTRICT (C-MDR)**

Section 901. Intended Purpose

It is hereby declared to be the intent of the C-MDR District as follows.

- A. Provide for medium density residential neighborhoods with a mix of housing types at a medium density.
- B. Protect these areas from incompatible uses.
- C. Meet requirements of State law to provide opportunities for various housing types.
- D. Provide for a wide range of commercial uses.
- E. Carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.

Section 902: Permitted Uses - By Right

The following uses are permitted as a matter of right in the C-MDR District.

- A. Agricultural Uses.
 - 1. Forestry, in accordance with Section 1502.A.2.
 - 2. Horse-Riding Academy.
 - 3. Sewage Sludge/Biosolids, Land Application of, in accordance with Section 1502.A.4.
 - 4. Stable, Non-Household, in accordance with Section 1502.A.5.
- B. Residential Uses.
 - 1. Duplex Dwelling.
 - 2. Group Home, in accordance with Section 1502.B.5.
 - 3. Single Family Detached Dwelling.

4. Townhouse (Rowhouse), in accordance with Section 1502.B.8.
5. Twin Dwelling.

C. Commercial Uses.

1. Amusement Arcade.
2. Amusement Park or Water Park.
3. Animal Cemetery, in accordance with Section 1502.C.2.
4. Auditorium.
5. Auto/Vehicle, Boat or Mobile/Manufactured Home Sales, in accordance with Section 1502.C.4.
6. Bakery, Retail.
7. Bed and Breakfast Inn, in accordance with Section 1502.C.6.
8. Beverage Distributor.
9. Bus Maintenance or Storage Yard.
10. Camp, in accordance with Section 1502.C.7.
11. Car Wash, in accordance with Section 1502.C.8.
12. Catering, Custom, for Off-Site Consumption.
13. Conference Center.
14. Construction Company or Tradesperson Headquarters.
15. Crafts or Artisan's Studios.
16. Custom Printing, Copying, Faxing, Mailing or Courier Service.
17. Exercise Club.
18. Farm Equipment Sales.

19. Financial Institution with Drive-Through Service, in accordance with Section 1502.C.9.
20. Financial Institution without Drive-Through Service.
21. Flea Market/Auction House.
22. Funeral Home.
23. Garden Center, Retail.
24. Golf Course, in accordance with Section 1502.C.10.
25. Laundromat.
26. Laundry.
27. Lumber Yard.
28. Office.
29. Pawn Shop.
30. Personal Services.
31. Recording Studio, Music.
32. Recreation, Commercial Indoor.
33. Recreation, Commercial Outdoor.
34. Repair Service, Household Appliance.
35. Restaurant with Drive-through Service, in accordance with Section 1502.C.14.
36. Restaurant without Drive-through Service.
37. Retail Store with Drive-Through Service, in accordance with Section 1502.C.15.
38. Retail Store without Drive-Through Service.
39. Self-Storage Development, in accordance with Section 1502.C.17.

40. Target Range, Firearms, in accordance with Section 1502.C.18.
41. Tattoo or Body Piercing Establishment.
42. Theater, Indoor Movie.
43. Veterinarian Office.

D. Industrial Uses:

1. Building Supplies and Building Materials, Wholesale Sales.
2. Industrial Equipment Sales, Rental and Service.
3. Packaging.
4. Photo Processing, Bulk.
5. Printing or Bookbinding.
6. Research and Development, Engineering or Testing Facility or Laboratory.
7. Transportation Equipment, Manufacturing.
8. Welding.
9. Wholesale Sales.

E. Infrastructure Uses

1. Small Wireless Facility–Tower-Based–Inside Public Right-of-Way, in accordance with Section 1502.E.3.

F. Institutional Uses:

1. Assisted Living / Personal Care Home, in accordance with Section 1502.F.2.
2. Cemetery (not including Crematorium) , in accordance with Section 1502.F.3.
3. Child Care Facility, in accordance with Section 1502.F.4.
4. College or University.

5. Hospital or Surgery Center.
6. Trade/Hobby School.
7. U.S. Postal Service Facility.

G. Public/Semi-Public Uses:

1. Community Recreation Center.
2. Cultural Center.
3. Emergency Services Station, in accordance with Section 1502.G.1.
4. Environmental Education Center.
5. Government Facility.
6. Hunting and Fishing Club.
7. Library.
8. Membership Club, in accordance with Section 1502.G.2.
9. Museum.
10. Nature Preserve.
11. Picnic Grove, Private.
12. Place of Worship, in accordance with Section 1502.G.4.
13. Public Park.
14. School, in accordance with Section 1502.G.5.
15. Swimming Pool, Non-Household, in accordance with Section 1502.G.6.

Section 903. Permitted Uses – Special Exceptions

The following uses are permitted by Special Exception in the C-MDR District in accordance with the following standards and criteria, as well as any reasonable conditions that

the Zoning Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Sections 1808 and 1814.

A. Agricultural Uses

1. Kennel, in accordance with Section 1502.A.3.

B. Residential Uses

1. Apartment Building, in accordance with Section 1502.B.1.
2. Boarding House, in accordance with Section 1502.B.2.
3. Conversion Apartments, in accordance with Section 1502.B.3.
4. Dormitory.

C. Commercial Uses

1. Auto Service Station, in accordance with Section 1502.C.3.
2. Auto/Vehicle Repair Garage, in accordance with Section 1502.C.5.
3. Medical Marijuana Dispensary, in accordance with Section 1502.C.12.
4. Nightclub.
5. Tavern.

D. Industrial Uses

1. Gas or Oil Wells, in accordance with Section 1502.D.1.
2. Light Industrial Uses.

E. Infrastructure Uses

1. Public Utility Facility.
2. Wireless Communication Facilities–Tower-Based–Outside Public Right-of-Way, in accordance with Section 1502.E.4.

F. Institutional Uses

1. Academic Clinical Research Center, in accordance with Section 1502.F.1.

Section 904. Permitted Uses - Conditional Uses

The following uses are permitted by Conditional Use in the C-MDR District in accordance with the following standards and criteria, as well as any reasonable conditions that the Township Supervisors may deem necessary to apply, and in accordance with the procedures set forth in Sections 1813 and 1814.

A. Residential Uses.

1. Manufactured/Mobilehome Park, in accordance with Section 1502.B.7.

B. Commercial Uses.

1. Propane Retail Distributor.

C. Industrial Uses.

1. Recycling Center, Bulk Processing, in accordance with Section 1502.D.8.

D. Infrastructure Uses

1. Sewage Treatment Plant.

E. Accessory Uses

1. Groundwater or Spring Water Withdrawal, in accordance with Section 1502.A.10.

F. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 902, 903, and 904, in accordance with Sections 1502.I.

Section 905: Permitted Uses - Accessory Uses

The following uses are permitted as accessory uses to any permitted principal use in the C-MDR District.

A. Accessory Dwelling Unit, in accordance with Section 1502.H.1.

B. Accessory Solar Energy System (ASES), in accordance with Section 1502.H.2.

- C. Bee Keeping, in accordance with Section 1502.H.4.
- D. Family Child Care, in accordance with Section 1502.H.6.
- E. Farm-Related Business, in accordance with Section 1502.H.9.
- F. Group Child Care, in accordance with Section 1502.H.6.
- G. Home Occupation, in accordance with Section 1502.H.11.
- H. No-Impact Home-Based Business, in accordance with Section 1502.H.13.
- I. Outdoor Storage and Display.
- J. Retail Sales of Agricultural Products, in accordance with Section 1502.H.15.
- K. Small Wireless Facility–Co-Location–Inside Public Right-of-Way, in accordance with Section 1502.H.17.
- L. Temporary Retail Sales.
- M. Warehousing or Storage.
- N. Wind Turbine as Accessory Use, in accordance with Section 1502.H.21.
- O. Wireless Communication Facility–Co-Location–Outside Public Right-of-Way, in accordance with Section 1502.H.22.

Section 906: Density and Dimensional Regulations

- A. Lot Regulations
 - 1. Minimum Lot Area.
 - a. Single Family Detached Dwelling, without public water and public sewer: One (1) acre.
 - b. Single Family Detached Dwelling, with public water or public sewer: Thirty-nine thousand (39,000) square feet.
 - c. Single Family Detached Dwelling, with both public water and public sewer: Ten Thousand (10,000) square feet.

- d. Twin Dwelling Unit: Ten thousand (10,000) square feet per dwelling unit.
- e. Townhouse: Ten thousand (10,000) square feet per dwelling unit.
- f. Duplex and Apartment Building: Ten thousand (10,000) square feet per dwelling unit.
- g. All Other Uses: One (1) acre.

2. Minimum Lot Width.

- a. Single Family Detached Dwelling, without public water and public sewer: One hundred fifty (150) feet.
- b. Single Family Detached Dwelling, with public water or public sewer: One hundred fifty (150) feet.
- c. Single Family Detached Dwelling, with both public water and public sewer: Eighty (80) feet.
- d. Twin Dwelling Unit: Thirty-five (35) feet per dwelling unit.
- e. Townhouse: Twenty (20) feet per interior dwelling unit. Forty (40) feet per end dwelling unit.
- f. Duplex and Apartment Building: One hundred (100) feet.
- g. All Other Uses: One hundred fifty (150) feet.

3. Maximum Building Coverage: Fifty percent (50%).

4. Maximum Impervious Coverage: Sixty percent (60%).

B. Setback Regulations.

1. Minimum Front Yard Setback.

- a. Single Family Detached Dwelling, without public water and public sewer: Twenty-five (25) feet.
- b. Single Family Detached Dwelling, with public water or public sewer: Twenty-five (25) feet.

- c. Single Family Detached Dwelling with both public water and public sewer: Twenty-five (25) feet.
- d. Twin Dwelling Unit: Twenty-five (25) feet per dwelling unit.
- e. Townhouse: Twenty-five (25).
- f. Duplex and Apartment Building: Twenty-five (25) feet.
- g. All Other Uses: Thirty (30) feet.

2. Minimum Side Yard Setbacks.

- a. Single Family Detached Dwelling, without public water and public sewer: One hundred fifty (150) feet.
- b. Single Family Detached Dwelling, with public water or public sewer: One hundred fifty (150) feet.
- c. Single Family Detached Dwelling, with both public water and public sewer: Eighty (80) feet.
- d. Twin Dwelling Unit: Thirty-five (35) feet per dwelling unit.
- e. Townhouse: None per interior dwelling unit. Twenty (20) feet per end dwelling unit.
- f. Duplex and Apartment Building: One hundred (100) feet.
- g. All Other Uses: One hundred fifty (150) feet.

3. Minimum Rear Yard Setbacks.

- a. Single Family Detached Dwelling, without public water and public sewer: One hundred fifty (150) feet.
- b. Single Family Detached Dwelling, with public water or public sewer: One hundred fifty (150) feet.
- c. Single Family Detached Dwelling with both public water and public sewer: Eighty (80) feet.

- d. Twin Dwelling Unit: Thirty-five (35) feet per dwelling unit.
- e. Townhouse: Twenty (20) feet.
- f. Duplex and Apartment Building: One hundred (100) feet.
- g. All Other Uses: One hundred fifty (150) feet.

**ARTICLE 10:
VILLAGE DISTRICT (V)**

Section 1001: Intended Purpose

It is hereby declared to be the intent of the V District as follows.

- A. Provide for a mix of housing and light business uses in a manner that encourages reuse of older buildings and avoids conflicts between homes and intensive commercial uses.
- B. Primarily provide for smaller scale uses that will not be obtrusive in the landscape and that will not overload the road system.

Section 1002: Permitted Uses - By Right

The following uses are permitted as a matter of right in the V District.

- A. Agricultural Uses.
 - 1. Forestry, in accordance with Section 1502.A.2.
 - 2. Horse-Riding Academy.
 - 3. Sewage Sludge/Biosolids, Land Application of, in accordance with Section 1502.A.4.
- B. Residential Uses.
 - 1. Group Home, in accordance with Section 1502.B.5.
 - 2. Single Family Detached Dwelling.
 - 3. Twin Dwelling.
- C. Commercial Uses.
 - 1. Bakery, Retail.
 - 2. Bed and Breakfast Inn, in accordance with Section 1502.C.6.
 - 3. Catering, Custom, for Off-Site Consumption.
 - 4. Conference Center.

5. Crafts or Artisan's Studios.
6. Custom Printing, Copying, Faxing, Mailing or Courier Service.
7. Exercise Club.
8. Farm Equipment Sales.
9. Financial Institution without Drive-Through Service.
10. Flea Market/Auction House.
11. Funeral Home.
12. Garden Center, Retail.
13. Golf Course, in accordance with Section 1502.C.10.
14. Hotel / Motel, in accordance with Section 1502.C.11.
15. Laundromat.
16. Office.
17. Personal Services.
18. Recording Studio, Music.
19. Repair Service, Household Appliance.
20. Restaurant without Drive-through Service.
21. Retail Store without Drive-Through Service.
22. Target Range – Firearms, in accordance with Section 1502.C.18.

C. Infrastructure Uses.

1. Small Wireless Facility–Tower-Based–Inside Public Right-of-Way, in accordance with Section 1502.E.3.

D. Institutional Uses.

1. Assisted Living / Personal Care Home/, in accordance with Section 1502.F.2.
2. Cemetery, in accordance with Section 1502.F.3.
3. Child Care Facility, in accordance with Section 1502.F.4.
4. College or University.
5. U.S. Postal Service Facility.

E. Public/Semi-Public Uses.

1. Community Recreation Center.
2. Cultural Center.
3. Emergency Services Station, in accordance with Section 1502.G.1.
4. Environmental Education Center.
5. Government Facility.
6. Library.
7. Membership Club, in accordance with Section 1502.G.2.
8. Museum.
9. Nature Preserve.
10. Place of Worship, in accordance with Section 1502.G.4.
11. Public Park.
12. School, in accordance with Section 1502.G.5.
13. Swimming Pool, Non-Household, in accordance with Section 1502.G.6.

Section 1003: Permitted Uses – Special Exceptions

The following uses are permitted by Special Exception in the V District in accordance with the following standards and criteria, as well as any reasonable conditions that the Zoning

Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Section 1808 and 1811.

A. Agricultural Uses

1. Livestock or Poultry Farming.

B. Residential Uses

1. Conversion Apartments, in accordance with Section 1502.B.3.

C. Commercial Uses

1. Auto Service Station, in accordance with Section 1502.C.3.
2. Auto/Vehicle, Boat or Mobile/Manufactured Home Sales, in accordance with Section 1502.C.4.
3. Auto/Vehicle Repair Garage, in accordance with Section 1502.C.5.
4. Beverage Distributor.
5. Construction Company or Tradesperson Headquarters.
6. Recreation, Commercial Indoor.
7. Tavern.

D. Industrial Uses

1. Gas or Oil Wells, in accordance with Section 1502.D.1.

E. Infrastructure Uses

1. Public Utility Facility.

F. Institutional Uses

1. Hospital or Surgery Center.

G. Public / Semi-Public Uses

1. Picnic Grove, Private.

Section 1004: Permitted Uses - Conditional Uses

The following uses are permitted by Conditional Use in the V District in accordance with the following standards and criteria, as well as any reasonable conditions that the Township Supervisors may deem necessary to apply, and in accordance with the procedures set forth in Section 1813 and 1814.

A. Infrastructure Uses

1. Sewage Treatment Plant.

B. Accessory Uses

1. Groundwater or Spring Water Withdrawal, in accordance with Section 1502.H.10.

C. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 1002, 1003, and 1004, in accordance with Sections 1502.I.

Section 1005: Permitted Uses - Accessory Uses

A. Accessory Dwelling Unit, in accordance with Section 1502.H.1.

B. Accessory Solar Energy System (ASES), in accordance with Section 1502.H.2.

C. Bee Keeping, in accordance with Section 1502.H.4.

D. Family Child Care, in accordance with Section 1502.H.6.

E. Group Child Care, in accordance with Section 1502.H.6.

F. Home Occupation, in accordance with Section 1502.H.11.

G. No-Impact Home-Based Business, in accordance with Section 1502.H.13.

H. Outdoor Storage and Display.

I. Retail Sales of Agricultural Products, in accordance with Section 1502.H.15.

J. Small Wireless Facility–Co-Location–Inside Public Right-of-Way, in accordance with Section 1502.H.17.

- K. Temporary Retail Sales.
- L. Wind Turbine as Accessory Use, in accordance with Section 1502.H.21.
- M. Wireless Communication Facility–Co-Location–Outside Public Right-of-Way, in accordance with Section 1502.H.22.

Section 1006: Density and Dimensional Regulations

A. Lot Regulations.

1. Minimum Lot Area.

- a. Single-Family Detached Dwelling, without public water and public sewer: One (1) acre.
- b. Single-Family Detached, with public water or public sewer: Thirty-nine thousand (39,000) square feet.
- c. Single-Family Detached, with both public water and public sewer: Ten thousand (10,000) square feet.
- d. Twin Dwelling Unit: Ten thousand (10,000) square feet per dwelling unit.
- e. All Other Uses, without public water or public sewer: One (1) acre.
- f. All Other Uses, with both public water and public sewer: Twenty thousand (20,000) square feet.

2. Minimum Lot Width.

- a. Single-Family Detached Dwelling, without public water and public sewer: One hundred fifty (150) feet.
- b. Single-Family Detached, with public water or public sewer: One hundred fifty (150) feet.
- c. Single-Family Detached, with both public water and public sewer: Eighty (80) feet.
- d. Twin Dwelling Unit: Thirty-five (35) feet per dwelling unit.

- e. Commercial or Industrial Uses, with access from an Arterial Street: Two hundred fifty (250) feet.
 - f. All Other Uses: One hundred fifty (150) feet.
- 3. Maximum Building Coverage.
 - a. Single Family Detached Dwelling: Fifty percent (50%).
 - b. Twin Dwelling Unit: Fifty percent (50%).
 - c. All Other Uses: Forty percent (40%).
- 4. Maximum Impervious Coverage.
 - a. Single Family Detached Dwelling: Sixty percent (60%).
 - b. Twin Dwelling Unit: Sixty percent (60%).
 - c. All Other Uses: Seventy-five percent (75%).
- B. Setback Regulations.
 - 1. Minimum Front Yard Setback
 - a. Single Family Detached Dwelling: Twenty-five (25) feet.
 - b. Twin Dwelling Unit: Twenty-five (25) feet.
 - c. Commercial or Industrial Uses, where off-street parking is proposed between the principal building and an Arterial Street: Fifty (50) feet.
 - d. All Other Uses: Thirty (30) feet.
 - 2. Minimum Side Yard Setback.
 - a. Single-Family Detached Dwelling, without public water and public sewer: Fifteen (15) feet.
 - b. Single-Family Detached, with public water or public sewer: Fifteen (15) feet.

- c. Single-Family Detached, with both public water and public sewer: Five (5) feet.
- d. Twin Dwelling Unit: Ten (10) feet.
- e. Commercial or Industrial Use adjoining a lot in a residential district, where the adjoining lot is not occupied by a commercial or industrial use: Forty (40) feet.
- f. Manufacturing Use and any tractor-trailer or truck loading facility: One hundred (100) feet.
- g. All Other Uses: Twenty (20) feet.

3. Minimum Rear Yard Setback.

- a. Single-Family Detached Dwelling, without public water and public sewer: Twenty-five (25) feet.
- b. Single-Family Detached, with public water or public sewer: Twenty-five (25) feet.
- c. Single-Family Detached, with both public water and public sewer: Twenty-five (25) feet.
- d. Twin Dwelling Unit: Twenty-five (25) feet.
- e. Commercial or Industrial Use adjoining a lot in a residential district, where the adjoining lot is not occupied by a commercial or industrial use: Fifty (50) feet.
- f. Manufacturing Use and any tractor-trailer or truck loading facility: One hundred (100) feet.
- g. All Other Uses: Thirty (30) feet.

C. Additional Provisions Within the Village (V) District

1. Guidelines.

- a. The minimum front yard of new commercial development shall be landscaped

b. The majority of new parking areas shall be placed to the rear or side of the principal building.

c. New buildings shall be placed as close to the street right-of-way as is feasible, provided they do not create sight distance obstructions and still meet the minimum setback requirements.

2. Architectural Information. If a new principal commercial building is proposed within the V district, then an architectural sketch or elevation shall be submitted to the Zoning Officer prior to receiving any zoning approval. Such sketch or elevation shall describe the type of materials to be used on the front façade.

**ARTICLE 11:
INDUSTRIAL DISTRICT (I)**

Section 1101: Intended Purpose

It is hereby declared to be the intent of the I District as follows.

- A. Provide for a range of industrial uses in a manner that minimizes conflicts with homes and avoids serious nuisances and hazards.

Section 1102: Permitted Uses - By Right

The following uses are permitted as a matter of right in the I District.

- A. Agricultural Uses.
1. Crop Farming.
 2. Forestry, in accordance with Section 1502.A.2.
 3. Horse-Riding Academy.
 4. Livestock / Poultry Farming
 5. Plant Nursery.
 6. Sewage Sludge/Biosolids, Land Application of, in accordance with Section 1502.A.4.
 7. Stable, Non-Household, in accordance with Section 1502.A.5.
 8. Wholesale Greenhouses.
- B. Residential Uses.
1. Group Home, in accordance with Section 1502.B.5.
- C. Commercial Uses.
1. Animal Cemetery, in accordance with Section 1502.C.2.
 2. Auditorium.

3. Bakery, Retail.
4. Bed and Breakfast Inn, in accordance with Section 1502.C.6.
5. Beverage Distributor.
6. Bus Maintenance or Storage Yard.
7. Camp, in accordance with Section 1502.C.7.
8. Catering, Custom, for Off-Site Consumption.
9. Conference Center.
10. Construction Company or Tradesperson Headquarters.
11. Crafts or Artisan's Studios.
12. Custom Printing, Copying, Faxing, Mailing or Courier Service.
13. Exercise Club.
14. Farm Equipment Sales.
15. Financial Institution with Drive-Through Service, in accordance with Section 1502.C.9.
16. Financial Institution without Drive-Through Service.
17. Flea Market/Auction House.
18. Funeral Home.
19. Garden Center, Retail.
20. Golf Course, in accordance with Section 1502.C.10.
21. Laundromat.
22. Laundry, Commercial or Industrial.
23. Lumber Yard.

24. Office.
25. Personal Services.
26. Recording Studio, Music.
27. Recreation, Commercial Indoor.
28. Recreation, Commercial Outdoor.
29. Repair Service, Household Appliance.
30. Restaurant with Drive-through Service, in accordance with Section 1502.C.14.
31. Restaurant without Drive-through Service.
32. Retail Store with Drive-Through Service, in accordance with Section 1502.C.15.
33. Retail Store without Drive-Through Service.
34. Self-Storage Development, in accordance with Section 1502.C.17.
35. Target Range – Firearms, in accordance with Section 1502.C.18.
36. Theater, Indoor Movie.
37. Veterinarian Office.

D. Industrial Uses.

1. Building Supplies and Building materials, Wholesale Sales.
2. Distribution as a Principal Use or a Trucking Company Terminal.
3. Industrial Equipment Sales, Rental and Service.
4. Light Industrial Uses.
5. Packaging.
6. Photo Processing, Bulk.
7. Printing or Bookbinding.

8. Recycling Center, Bulk Processing, in accordance with Section 1502.D.8.
 9. Research and Development, Engineering or Testing Facility or Laboratory.
 10. Warehousing or Storage as a principal use.
 11. Welding.
 12. Wholesale Sales.
- E. Infrastructure Uses.
1. Small Wireless Facility–Tower-Based–Inside Public Right-of-Way, in accordance with Section 1502.E.3.
- F. Institutional Uses.
1. Assisted Living / Personal Care Home, in accordance with Section 1502.F.2.
 2. Cemetery, in accordance with Section 1502.F.3.
 3. Child Care Facility, in accordance with Section 1502.F.4.
 4. College or University.
 5. Hospital or Surgery Center.
 6. Trade/Hobby School.
 7. U.S. Postal Service Facility.
- G. Public/Semi-Public Uses.
1. Community Recreation Center.
 2. Cultural Center.
 3. Emergency Services Station, in accordance with Section 1502.G.1.
 4. Environmental Education Center.
 5. Government Facility.

6. Hunting and Fishing Club.
7. Membership Club, in accordance with Section 1502.F.2.
8. Place of Worship, in accordance with Section 1502.F.4.
9. Library.
10. Museum.
11. Nature Preserve.
12. Picnic Grove, Private.
13. Public Park.
14. School, in accordance with Section 1502.G.5.
15. Swimming Pool, Non-Household, in accordance with Section 1502.G.6.

Section 1103: Permitted Uses – Special Exceptions

The following uses are permitted by Special Exception in the I District in accordance with the following standards and criteria, as well as any reasonable conditions that the Zoning Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Sections 1808 and 1811.

- A. Agricultural Uses.
 1. Agribusiness, in accordance with Section 1502.A.1.
 2. Kennel, in accordance with Section 1502.A.3.
- B. Commercial Uses.
 1. Crematorium
 2. Parking Lot – Principal Use.
 3. Tavern.
- C. Industrial Uses.

1. Gas or Oil Wells, in accordance with Section 1502.D.1.
2. Heavy Industrial Uses, in accordance with Section 1502.D.2.
3. Junkyard, in accordance with Section 1502.D.3.
4. Liquid Fuel Storage, Bulk.
5. Medical Marijuana Grower Processor, in accordance with Section 1502.D.4.
6. Medical Marijuana Vehicle Delivery Service, in accordance with Section 1502.D.5.
7. Package Delivery Services Distribution Center.
8. Wind Turbines as Principal Use, in accordance with Section 1502.D.10.

D. Infrastructure Uses.

1. Heliport, in accordance with Section 1502.E.2.
2. Public Utility Facility.
3. Wireless Communication Facilities—Tower-Based—Outside Public Right-of-Way, in accordance with Section 1502.E.4.

E. Institutional Uses.

1. Academic Clinical Research Center, in accordance with Section 1502.F.1.
2. Prison / Correctional Institution.

Section 1104: Permitted Uses - Conditional Uses

The following uses are permitted by Conditional Use in the I District in accordance with the following standards and criteria, as well as any reasonable conditions that the Township Supervisors may deem necessary to apply, and in accordance with the procedures set forth in Sections 1813 and 1814.

A. Commercial Uses.

1. Betting Use.

- 2. Propane Retail Distributor.
- B. Infrastructure Uses.
 - 1. Airport, in accordance with Section 1502.E.1.
 - 2. Sewage Treatment Plant.
- C. Accessory Uses.
 - 1. Groundwater or Spring Water Withdrawal, in accordance with Section 1502.H.10.
- D. Uses not expressly permitted elsewhere in this Ordinance and that exhibit the same general character of the uses listed in Sections 1102, 1103, and 1104, in accordance with Sections 1502.I.

Section 1105: Permitted Uses - Accessory Uses

- A. Accessory Dwelling Unit, in accordance with Section 1502.H.1.
- B. Accessory Solar Energy System (ASES), in accordance with Section 1502.H.2.
- C. Bee Keeping, in accordance with Section 1502.H.4.
- D. Family Child Care, in accordance with Section 1502.H.6.
- E. Farm-Related Business, in accordance with Section 1502.H.9.
- F. Group Child Care, in accordance with Section 1502.H.6.
- G. Home Occupation, in accordance with Section 1502.H.11.
- H. No-Impact Home-Based Business, in accordance with Section 1502.H.13.
- I. Outdoor Storage and Display.
- J. Retail Sales of Agricultural Products, in accordance with Section 1502.H.15.
- K. Small Wireless Facility–Co-Location–Inside Public Right-of-Way, in accordance with Section 1502.H.17.

- L. Temporary Retail Sales, in accordance with Section 1502.H.19.
- M. Warehousing or Storage.
- N. Wind Turbine as Accessory Use, in accordance with Section 1502.H.21.
- O. Wireless Communication Facility–Co-Location–Outside Public Right-of-Way, in accordance with Section 1502.H.22.

Section 1106: Density and Dimensional Regulations

A. Lot Regulations.

- 1. Minimum Lot Area: One (1) acre.
- 2. Minimum Lot Width: One hundred fifty (150) feet.
- 3. Maximum Building Coverage: Forty percent (40%).
- 4. Maximum Impervious Coverage: Seventy-five percent (75%).

B. Setback Regulations.

- 1. Minimum Front Yard Setback: Fifty (50) feet.
- 2. Minimum Side Yard Setback.
 - a. Commercial or Industrial Use adjoining a lot in a residential district, where the adjoining lot is not occupied by a commercial or industrial use: Forty (40) feet.
 - b. Manufacturing Use and any tractor-trailer or truck loading facility: One hundred (100) feet.
 - c. All Other Uses: Twenty (20) feet.
- 3. Minimum Rear Yard Setback.
 - a. Commercial or Industrial Use adjoining a lot in a residential district, where the adjoining lot is not occupied by a commercial or industrial use: Fifty (50) feet.

- b. Manufacturing Use and any tractor-trailer or truck loading facility: One hundred (100) feet.
- c. All Other Uses: Twenty (20) feet.

**ARTICLE 12:
INDUSTRIAL OVERLAY (IO) DISTRICT**

Section 1201: Intended Purpose

It is hereby declared to be the intent of the IO District as follows.

- A. Allow opportunities for mineral extraction and industrial uses to meet requirements of State law.
- B. Provide an option of developing the land according to the underlying zoning district, such as for single family detached houses.

Section 1202: Permitted Uses – By Right

The following uses are permitted as a matter of right in the IO District.

- A. Agricultural Uses.
 - 1. Agricultural uses permitted by right in the underlying zoning district.
 - 2. Sewage Sludge/Biosolids, Land Application, in accordance with Section 1502.A.4.
- B. Residential Uses.
 - 1. Residential uses permitted by right in the underlying zoning district.
- C. Commercial Uses
 - 1. Commercial uses permitted by right in the underlying zoning district.
 - 2. Animal Cemetery, in accordance with Section 1502.C.2.
 - 3. Auditorium.
 - 4. Bakery, Retail.
 - 5. Beverage Distributor.
 - 6. Bus Maintenance / Storage Yard.
 - 7. Catering, Custom.

8. Conference Center.
9. Crafts / Artisan's Studio.
10. Custom Printing, Copying, Faxing, Mailing, or Courier Service.
11. Exercise Club.
12. Farm Equipment Sales.
13. Financial Institutions with Drive-Through Service, in accordance with Section 1502.C.9.
14. Financial Institutions without Drive-Through Service.
15. Flea Market / Auction House.
16. Funeral Home.
17. Hotel / Motel, in accordance with Section 1502.C.11.
18. Laundromat.
19. Laundry, Commercial or Industrial.
20. Office.
21. Personal Services.
22. Recording Studio, Music.
23. Recreation, Commercial Indoor.
24. Recreation, Commercial Outdoor.
25. Repair Service, Household Appliance.
26. Restaurant with Drive-Through Service, in accordance with Section 1502.C.14.
27. Restaurant without Drive-Through Service.
28. Retail Store with Drive-Through Service, in accordance with Section 1502.C.15.

29. Retail Store without Drive-Through Service.
30. Self Storage Development, in accordance with Section 1502.C.17.
31. Target Range, Firearms, in accordance with Section 1502.C.18.
32. Theater, Indoor Movie.
33. Veterinarian Office.

D. Industrial Uses

1. Industrial Uses permitted by right in the underlying zoning district.
2. Building Supplies and Building Materials, Wholesale Sales.
3. Distribution as a Principal Use / Trucking Company.
4. Industrial Equipment Sales, Rental, and Service.
5. Light Industrial Uses.
6. Packaging.
7. Photo Processing, Bulk.
8. Printing / Bookbinding.
9. Recycling Center, Bulk Processing, in accordance with Section 1502.D.8.
10. Research and Development, Engineering or Testing Facility / Laboratory.
11. Warehouse / Storage, Principal Use.
12. Welding.
13. Wholesale Sales.
14. Wind Turbine as Principal Use, in accordance with Section 1502.D.10.

E. Infrastructure Uses

1. Infrastructure uses permitted by right in the underlying zoning district.

F. Institutional Uses

1. Institutional uses permitted by right in the underlying zoning district.
2. Assisted Living / Personal Care Home, in accordance with Section 1502.F.2.
3. College / University
4. Hospital / Surgical Center
5. U.S. Postal Service Facility

G. Public / Semi-Public Uses

1. Public / Semi-Public Uses permitted by right in the underlying zoning district.
2. Community Recreation Center
3. Library
4. Membership Club, in accordance with Section 1502.F.2.
5. Nature Preserve

Section 1203: Permitted Uses – Special Exceptions

The following uses are permitted by Special Exception in the IO District in accordance with the following standards and criteria, as well as any reasonable conditions that the Zoning Hearing Board may deem necessary to apply, and in accordance with the procedures set forth in Sections 1808 and 1811.

A. Agricultural Uses.

1. Agricultural uses permitted by special exception in the underlying zoning district.
2. Kennel, in accordance with Section 1502.A.3.

B. Residential Uses.

1. Residential uses permitted by special exception in the underlying zoning district.

C Commercial Uses.

1. Commercial uses permitted by special exception in the underlying zoning district.
2. Crematorium
3. Tavern

D. Industrial Uses.

1. Industrial users permitted by special exception in the underlying zoning district.
2. Heavy Industrial Uses, in accordance with Section 1502.D.2.
3. Junkyard, in accordance with Section 1502.D.3.
4. Liquid Fuel Storage – Bulk
5. Package Delivery Services Distribution Center

E. Infrastructure Uses

1. Infrastructure uses permitted by special exception in the underlying zoning district.
2. Heliport, in accordance with Section 1502.E.2.

F. Institutional Uses

1. Institutional uses permitted by special exception in the underlying zoning district.
2. Prison / Correction Institution
3. Treatment Center, in accordance with Section 502.G.7.

G. Public / Semi-Public Uses

1. Public / Semi-Public uses permitted by special exception in the underlying zoning district.

H. Accessory Uses

1. Accessory uses permitted by special exception in the underlying zoning district.

Section 1204: Permitted Uses – Conditional Use

The following uses are permitted by Conditional Use in the IO District in accordance with the following standards and criteria, as well as any reasonable conditions that the Board of Supervisors may deem necessary to apply, and in accordance with the procedures set forth in Sections 1813 and 1814.

A. Agricultural Uses

1. Agricultural uses permitted by conditional use in the underlying zoning district.

B. Residential Uses

1. Residential uses permitted by conditional use in the underlying zoning district.

C Commercial Uses

1. Commercial uses permitted by conditional use in the underlying zoning district.
2. Adult Use, in accordance with Section 1502.C.1.
3. Betting Use.
4. Motor Vehicle Racetrack, in accordance with Section 1502.C.13.
5. Propane Retail Distributor

D. Industrial Uses

1. Industrial users permitted by conditional use in the underlying zoning district.
2. Mineral Extraction, in accordance with Section 1502.D.6.
3. Solid Waste Landfill, in accordance with Section 1502.D.9.
4. Solid Waste Transfer Facility, in accordance with Section 1502.D.9.
5. Waste to Energy Facility, in accordance with Section 1502.D.9.

E. Infrastructure Uses

1. Infrastructure uses permitted by conditional use in the underlying zoning district.
2. Airport, in accordance with Section 1502.E.1.

F. Institutional Uses

1. Institutional uses permitted by conditional use in the underlying zoning district.

G. Public / Semi-Public Uses

1. Public / Semi-Public uses permitted by conditional use in the underlying zoning district.

H. Accessory Uses

1. Accessory uses permitted by conditional use in the underlying zoning district.

Section 1205: Permitted Uses – Accessory Uses

- A. Accessory uses permitted by right in the underlying zoning district.
- B. Outdoor Storage / Display, Accessory to Business Use
- C. Temporary Retail Sales, in accordance with Section 1502.H.19.

Section 1206: Density and Dimensional Regulations

- A. Uses authorized specifically in the IO District shall be subject to the density and dimensional regulations of the I District.
- B. Uses authorized only within the underlying zoning district shall be subject to the density and dimensional regulations of the underlying zoning district.

ARTICLE 13:
FLOODPLAIN OVERLAY (FO) DISTRICT

Section 1301: Statement of Legislative Intent

It is hereby declared to be the intent of the FO District to:

- A. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- B. Minimize danger to public health by protecting water supply and natural drainage.
- C. Reduce financial burdens imposed on the Township and its residents by preventing excessive development in areas subject to flooding.
- D. Comply with federal and state floodplain management requirements.

Section 1302: Regulations

All uses, activities, and development occurring within the FO District shall comply with the Highland Township Floodplain Management Ordinance, Ordinance No. 2020-001, as may be amended, of the Hamiltonban Township Code. All zoning permit approvals issued in accordance with this Ordinance shall be subject to compliance with the applicable provisions of the Floodplain Ordinance. No zoning permit approval for a use, activity, or development that is also subject to the provisions of the Floodplain Ordinance shall be issued until such time that all permitting required by the Floodplain Ordinance is obtained by the applicant.

ARTICLE 14: GENERAL STANDARDS

Section 1401: Applicability

The general standards shall be applied to all properties within Highland Township. These provisions shall be applied by the Zoning Officer. These requirements shall supplement requirements that may be found in the zoning district applicable to a specific property, general use standard applied to specific uses, and other generally applicable standards including, but not necessarily limited to, parking, loading, and sign standards.

Section 1402: General Standards

A. Principal Uses and Buildings.

1. A lot in a commercial or industrial district may include more than one (1) permitted principal use per lot and/or more than one (1) permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.

a. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.

b. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.

2. A lot within a residential district shall not include more than one (1) principal use. For the purposes of this Section, residential uses such as manufactured / mobilehome park, apartment building, apartment complex, and townhouse development shall be interpreted as single uses.

B. Lots.

1. Lot Frontage.

a. Each proposed new lot shall directly abut one of the following.

(1) A public street.

(2) A street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot.

(3) A private street which meets all of the requirements of the Township Subdivision and Land Development Ordinance.

b. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street that meets Township standards.

2. Required Yards.

a. Every lot shall include at least one (1) front lot line and a front yard. A corner lot shall include two (2) front lot lines and two (2) front yards.

b. Every lot shall include a rear lot line and a rear yard. For a corner lot, the rear lot line and rear yard shall be the line and yard opposite of the street to which the corner lot is addressed.

c. A corner lot or a triangular lot shall include one side yard. All other lots shall include at least two (2) side yards.

3. Panhandle Lots: Panhandle lots shall only be allowed in the AP District in accordance with the following standards.

a. A panhandle lot shall have a minimum lot width at a road right-of-way of fifty (50) feet.

b. The minimum lot width may be met at a point where the panhandle portion of the lot meets the wider portion of the lot where the principal building is proposed to be located.

c. Each flag lot shall have its own driveway within its panhandle area.

C. Sight Clearance at Intersections.

1. At the intersection of two (2) streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of three (3) feet and ten (10) feet above the ground level, except for utility posts, mailboxes, single sign posts and the trunks of canopy trees. The triangle shall be measured along the centerline of the right-of-way line of the streets. Each leg of the triangle shall be measured seventy-five (75) feet from the intersection of the centerlines of the streets. A third longer leg shall connect the two (2) legs along the centerlines, to form the triangle.

2. In place of the above sight triangle, where a local street intersects an arterial or collector street with a stop sign only at the local street, the leg of the triangle along the arterial or collector street shall be increased to two hundred fifty (250) feet and the leg along the local street shall be decreased to twenty (20) feet beyond the right-of-way of the arterial street.

3. The clear sight triangle shall be kept free of such obstructions in perpetuity.

D. Accessory Structures.

1. General Standards.

a. Accessory structures (which include accessory buildings) include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use.

b. A portion of a principal building used for an accessory use shall not be considered an accessory building.

c. Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

d. Accessory structures that are clearly customary and incidental to a use permitted by right, special exception, or conditional use are permitted by right, except as is provided for in this Ordinance.

2. Accessory Setbacks: The accessory setback requirements of the applicable district shall apply to every accessory structure unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory structure. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences, retaining walls, or permitted signs.

a. Front Yard Setback: No accessory structure shall be permitted in a required minimum front yard setback in any district, unless specifically permitted by this Ordinance.

b. Side and Rear Setback: Side and rear setbacks for accessory structures shall comply with the following.

(1) Residential Uses: The minimum side and rear yard setback for structures that are accessory to a dwelling shall be ten (10) feet in the LC District and five (5) feet in other districts, except in the following cases.

(a) The minimum rear setback shall be reduced to three (3) feet for a residential accessory storage shed having a total floor area of less than one hundred fifty (150) square feet.

(b) A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings). However, such structure shall still meet the minimum side yard setback from a lot line where the dwellings are not attached.

(c) A residential porch or deck that is unenclosed may extend a maximum of fifteen (15) feet into the required rear yard setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage.

(2) Nonresidential Uses: Accessory structures for nonresidential uses shall meet the minimum yard setbacks of the applicable zoning district unless otherwise provided for in this subsection or other parts of this Ordinance.

E. Fences and Walls.

1. Fences: Fences shall meet the following standards.

a. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.

b. No fence, wall or hedge shall obstruct the sight distance as required by Section 1402.C and/or the Subdivision and Land Development Ordinance.

c. Front Yard: Any fence located in the required minimum front yard setback of a lot in a residential district shall be subject to the following standards.

(1) The fence shall be an open-type of fence (such as picket, wrought iron, vinyl post, chain link or split rail) with a minimum ratio of 1:1 of open to structural areas.

(2) The fence shall not exceed four (4) feet in height. A taller height may be approved by the Zoning Officer if necessary to contain animals.

(3) For a corner lot, a fence shall meet the same requirements for both front yard setbacks.

d. Side and Rear Yard: Any fence located in the required minimum side or rear yard setback of a lot shall be subject to the following standards.

(1) A fence located in a residential district in a location shall have a maximum height of six and five tenths (6.5) feet.

(2) A fence located around athletic facilities or where the applicant proves to the Zoning Officer that such height is necessary to protect public safety around a specific hazard shall have a maximum height of twelve (12) feet.

e. No fence shall be built within an existing street right-of-way.

f. A fence may be constructed along a lot line.

g. Fences shall be located on the inside of any buffer plantings required by Section 1402.I.

h. Fence Materials: Fence materials shall comply with the following standards.

(1) Barbed wire shall not be used as part of fences around dwellings in residential districts.

(2) Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans.

(3) No fence or wall shall be constructed out of junk, junk vehicles, appliances, drums or barrels.

2. Walls.

a. Engineered retaining walls necessary to hold back slopes are exempted and are permitted by right as needed in all districts.

b. If a retaining wall is over six (6) feet in height, it shall be setback a minimum of fifteen (15) feet from a lot line of any adjoining residential lot.

- c. A retaining wall in a residential district within the required minimum front yard setback shall have a maximum height of three (3) feet.
- d. Walls that are attached to a building shall be regulated as a part of that building.

F. Height: Except as specified otherwise in this Ordinance for a particular use, the following maximum structure height regulations shall apply in all zoning districts.

- 1. Agricultural Structures: No maximum height.
- 2. I and IO Districts: Fifty (50) feet.
- 3. All Other Structures: Three (3) stories or forty (40) feet, whichever is more restrictive.
- 4. The maximum structure height specified for each district shall not apply to antenna that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.

G. Setbacks Across Municipal Boundaries.

- 1. All additional setback and buffer yard provisions shall be provided with uses proposed within Highland Township regardless of whether the existing dwelling or principally residential zoning district from which additional setback or buffering is required is located in an abutting municipality and/or in Highland Township.

H. Environmental Standards.

- 1. Erosion Control: The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.
 - a. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
 - b. Except for agricultural activities, any earth disturbance over five thousand (5,000) square feet of land area shall require the submission of an adequate Erosion and Sedimentation Control Plan.

2. Nuisances and Hazards to Public Safety.

a. No landowner, tenant, or lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions.

(1) Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.

(2) A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.

(3) Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.

(4) Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.

b. Additional Information: If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations, and safeguards.

3. Wetlands.

a. Wetland Studies: It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.

b. Wetland Setbacks: A minimum setback of twenty (20) feet shall be required between any new principal building for which a zoning permit is issued after the effective date of this Ordinance and any wetland.

4. Sewage and Water Services.

a. Central Water Service: A use shall not be considered to be served by a Township-approved central water service unless the following standards are met.

(1) All applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met.

(2) The applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator.

(3) The applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate supply, transmission capacity, and pressure to serve the development.

b. Central Sewage Service: A use shall not be considered to be served by a Township-approved central sewage service unless the following standards are met.

(1) All applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met.

(2) The applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator.

(3) The applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.

c. Connection to a Larger System: Any non-public central water or central sewage system developed after the adoption of this Ordinance shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system.

(1) Such a system shall include appropriate utility easements and/or rights-of-way within property controlled by the developer extending to the borders of the development to allow future interconnections at logical points.

d. On-Lot Septic Systems.

(1) Each lot shall include both a primary and a reserve septic system location. Both locations shall be found acceptable by the Township Sewage Enforcement Officer for a septic system location prior to approval of the final subdivision or land development plan.

(2) The requirement for a reserve septic system location shall not apply to the following.

(a) A lot of over ten (10) acres.

(b) The simple merger of two (2) or more existing lots, or an adjustment to lot lines of an existing lot.

(c) A vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot.

(d) Lots within a subdivision or land development that will abut a complete capped sewage system constructed by the developer, the design of which has been approved by the Township.

(3) The reserve septic system location shall be kept clear of buildings and parking, and shall be shown on any subsequent applications for new or expanded buildings or parking. The location of a required reserve septic system shall be recorded on the deed of any new lot.

e. Well and Septic System Locations: Every plan for a subdivision or land development and every application for a zoning permit for a new principal building that will be served by a septic system shall designate the proposed primary and alternate septic system locations.

(1) Such plan shall show that the proposed locations will meet the minimum isolation distances established by PA DEP regulations between a well and septic systems on the subject lot and all adjacent lots.

(2) If the septic system location is proposed to be changed from the location shown on the submitted plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the zoning permit.

(3) Well sites may be placed in the front yard, thereby allowing septic systems to be placed in the rear yard. The visibility of any septic mound systems shall be minimized.

f. Expansion of Septic Use: If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would result in increased flow to a septic system, the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

5. Steep Slopes.

a. Regrading: This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance. Steep slopes shall be regulated based upon slopes that existed at the time of adoption of this Ordinance. An applicant shall not re-grade steep slopes prior to submitting a development application to the Township in an attempt to circumvent this Section.

b. Slopes Over Twenty-five Percent (25%): A new principal building shall not be located on any land area with a slope greater than twenty-five percent (25%).

6. Conservation Along Creeks

a. Setbacks: No new building (except an accessory storage shed with a floor area of one hundred fifty (150) square feet or less), new or expanded vehicle parking, or business outdoor storage shall be located within seventy-five (75) feet from the center of a perennial creek. A perennial creek shall be those creeks mapped as perennial on the applicable USGS quadrangle map.

b. Additional Standards.

(1) Any street or driveway crossing of a perennial creek shall be approximately perpendicular to the creek.

(2) Existing healthy natural vegetation adjacent to a creek shall be preserved.

(3) Areas within the setback established by this Section shall be preserved in their natural state, except for planting of trees and shrubs, erosion control improvements, public recreation improvements and necessary utility, street and driveway crossings. Low-maintenance

landscaping is required along creeks and other areas where maintenance would otherwise prove difficult.

c. Vegetation: Where the majority of the existing trees and/or shrubs are removed from areas within the setback distance provided by Section 1402.H.6.a as part of, or in preparation to, a subdivision, land development or construction of a new building, then new trees and shrubs shall be planted and maintained that will have the same or better impact upon controlling erosion and filtering pollutants from runoff as the trees and/or shrubs that were removed.

d. Native species of vegetation shall be required.

e. If trees and plants do not survive, they shall be replaced by the current owner of the property within one hundred twenty (120) days after the Zoning Officer determines they are no longer viable.

7. Odors and Dust: No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot. This provision shall not apply to Normal Farming Activities that are exempted under the Pennsylvania Right to Farm Act.

8 Control of Light and Glare: Exterior lighting that spills across lot lines or onto public streets shall be subject to the following requirements.

1. Street Lighting Exempted: The following types of lighting are not subject to the requirements of this Section.

a. Street lighting that is owned, financed, or maintained by the Township or the State.

b. An individual porch light of a dwelling (not including a spotlight).

2. Height of Lights: No luminaire, spotlight or other light source that is within two hundred (200) feet of a lot line of an adjoining residential lot or an approved residential lot shall be placed at a height exceeding thirty-five (35) feet above the average surrounding ground level. This limitation shall not apply to lights needed for the following.

a. Air safety.

b. Solely to illuminate an architectural feature of a building,

c. Lighting of outdoor public recreation facilities.

3. Diffused: All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings, or adjacent lots.

4. Shielding: All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.

5. Flickering: Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

6. Horizontal Surface Lighting: For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, streets, driveways, pedestrian walkways, outdoor sales and storage areas, vehicle fueling facilities, vehicle sales areas, loading docks, recreational areas, and building entrances, fixtures shall be aimed downward.

I. Buffer Yards: Buffer yards and plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Ordinance.

1. A minimum thirty (30) foot wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal non-residential purposes that is contiguous to a lot occupied by an existing principal dwelling or an undeveloped residentially zoned lot.

a. If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two (2) or more tractor-trailer trucks or refrigerated trucks, the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to seventy (70) feet, and the minimum initial height of plantings shall be increased to six (6) feet.

b. If a lot will include more than one hundred thousand (100,000) square feet of new business building floor area, the minimum buffer yard width shall be increased to seventy (70) feet and the minimum initial height of plantings shall be increased to six (6) feet.

c. If a dwelling will be on the same lot as a principal business use, then a buffer yard shall not be required by this Section.

d. A ten (10) feet minimum wide area of landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public street and if the dwellings are within one hundred (100) feet of such street.

e. A Buffer Yard is also required to be provided by the following if they are abutting and visible from a public street.

(1) Along lot lines and street rights-of-way of any newly developed or expanded outdoor industrial storage or loading area.

(2) Along lot lines and street rights-of-way of any newly developed or expanded area routinely used for the overnight parking of two (2) or more tractor-trailer trucks or trailers of tractor-trailers.

2. A required yard may overlap a required buffer yard, provided the requirement for each is met.

3. The buffer yard shall be measured from the district boundary line, street right-of-way line, or lot line, whichever is applicable. However, land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement.

4. Required plantings shall not be placed within the right-of-way, except that the Township may allow deciduous canopy trees.

5. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas, or vehicle parking or display.

6. Fence: Any wall or fence in a buffer yard shall be placed on the inside (non-residential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.

7. Each planting screen shall meet the following requirements.

a. Plant materials needed to form the visual screen shall have a minimum height when planted of four (4) feet. In addition, an average of one (1) deciduous shade tree, with a minimum trunk diameter of two (2) inches measured six (6) inches above the finished ground level, shall be placed for each fifty (50) feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.

- b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within three (3) years a mostly solid year-round visual screen at least six (6) feet in height.
- c. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
- d. The plant visual screen shall extend the full length of the lot line, except as follows.
 - (1) Points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot.
 - (2) Locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back.
 - (3) Locations needed to meet other specific State, Township and utility requirements, such as stormwater swales.
- e. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.
- f. A monotonous straight row of the same species is prohibited. A more naturalistic screen design is required. If more than twenty (20) plants are proposed, no more than fifty percent (50%) shall be of one (1) species.
- f. Trees shall be planted at diagonal off-sets so that there is room for future growth of the trees.
- h. If existing healthy trees with a trunk diameter of six (6) inches or greater, measured four and five-tenths (4.5) feet above the ground level, exist within the buffer yard, they shall be preserved. The Zoning Officer may certify that preserving existing mature trees and shrubs within the buffer yard will meet the same purposes as the new plant screening. In such case, part or all of the new plant screening may be waived in writing by the Zoning Officer.
- i. The use of earth berms in combination with landscaping is permitted within buffer yards to provide additional protection to dwellings and residential areas. An earth berm may be required as a condition of a conditional or special exception use approval.

6. Prior to the issuance of a zoning permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing the following.

- a. The location and arrangement of each buffer yard,
- b. The placement, general selection of species, and initial size of all plant materials.
- c. The placement, size, materials, and type of all fences to be placed in such buffer yard.

J. Landscaping.

1. Any part of a commercial, industrial, institutional, or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks, and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

2. Street Trees: Street trees shall be provided in accordance with applicable requirements of the Highland Township Subdivision and Land Development Ordinance.

3. Parking Lot Landscaping.

- a. A minimum of one (1) deciduous tree shall be required for every fifteen (15) new off-street parking spaces.
- b. If a lot will include thirty (30) or more new parking spaces, landscaped islands shall be provided within auto parking areas. Otherwise, the trees may be planted around the parking area.
- c. Deciduous trees required by this section shall meet the standards of the Subdivision and Land Development Ordinance (SLDO). The species of trees shall be a type listed under Shade Trees in the List of Recommended Landscape Plantings in the SLDO. The Zoning Officer may authorize other species of trees provided that the Zoning Officer determines such other species would shade paved areas, be resistant to disease, road salt, and air pollution, and be attractive.

(1) Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.

(2) Minimum Size. The trunk diameter, measured at a height of six (6) inches above the finished grade level, shall be a minimum of two (2) inches or greater.

(3) Planting and Maintenance: Required trees shall meet the following standards.

(a) The trees shall be planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air.

(b) The trees shall be properly protected by curbs, curbstops, distance, or other devices from damage from vehicles.

d. A minimum vegetative area of at least a three (3) feet minimum radius around all sides of the trunk of each required deciduous tree shall be provided within or adjacent to a parking lot.

4. Review and Approval: Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.

5. Landscape Maintenance: All shade tree, buffer yard, and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any required landscaping that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of one hundred fifty (150) days.

6. Stormwater Basin Landscaping: The following requirements shall apply to landscaping within and around stormwater detention basins that cover more than one acre of land:

a. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation, such as meadow plantings or grasses specifically suited for stormwater basins.

b. Trees and shrubs shall be planted around stormwater basins. However, trees and shrubs shall not be planted in locations that would interfere with the function of the basin, including within thirty (30) feet from the outlet/drain structure, emergency spillway or dam. A minimum average of two (2) trees and ten (10) shrubs shall be required to be planted around the basin for every one hundred (100) linear feet of basin perimeter. Such perimeter shall be measured

at the elevation of the top of the berm. Such trees and shrubs shall be in addition to other Township requirements. Trees shall have an initial trunk diameter of two (2) inches, measured six (6) inches above the ground. Shrubs shall have an initial height of four (4) feet.

c. Natural ground cover plant species shall be planted in the floors and slopes of the basin. These ground covers may include wildflowers, meadows, or non-aggressive grasses. Species shall be chosen that are suitable for the expected wetness of various portions of the basin. The plantings shall provide a continuous cover over all earth areas of the basin. The plantings shall not interfere with the proper functioning of the basin, in the determination of the Township Engineer.

d. Lawn grass areas may be sodded or hydroseeded to minimize erosion during the establishment period. Once established, turfgrass areas on non-wet areas of the basin shall be maintained at a height of not more than eight (8) inches.

e. Stormwater basins shall be designed with slopes that blend with the surrounding topography. Areas intended to be mowed shall have a maximum slope of 3:1.

K. Dumpster Screening and Location.

1. Site plans submitted to the Township shall show the proposed location of any garbage dumpsters. The Township may require that such proposed location be modified to provide compatibility with adjacent uses.

2. Garbage dumpsters shall be surrounded on at least three (3) of four (4) sides by a solid fencing, wall, or landscaping if the dumpster would be visible from a street or a residential lot.

L. Outdoor Storage and Display.

1. Location: Outdoor storage or display shall not occupy any part of any of the following locations.

a. The existing or future street right-of-way.

b. A sidewalk.

c. Other areas intended or designed for pedestrian use or required parking area.

2. No such storage or display shall occur on areas with a slope in excess of twenty-five percent (25%) or within the one hundred (100) year floodplain.
3. Screening shall be provided in accordance with Section 1402.I.
4. Tire Storage: Tire storage shall meet the following standards.
 - a. Any outdoor storage of more than five (5) tires on a lot in a residential district or more than fifty (50) used tires in a non-residential district shall only be permitted as part of a Township-approved junkyard.
 - b. The outdoor storage of more than fifty (50) used tires shall be limited to the Industrial District.
 - c. Any storage of used tires shall involve stacks that meet the following standards.
 - (1) Maximum Stack Height: Fifteen (15) feet.
 - (2) Maximum Stack Coverage: Four hundred (400) square feet.
 - (3) Each stack shall be separated from other stacks and from all lot lines by a minimum of seventy-five (75) feet.
 - d. If the same set of tires is stored on a lot for more than six (6) months, they shall be stored within a building or trailer.
 - e. The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.

M. Pets.

1. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard, or a public safety hazard.
2. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets.

3. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area with a minimum six (6) feet height or on a leash under full control of the owner.
4. A maximum combined total of ten (10) dogs and cats shall be permitted to be kept by residents of each dwelling unit.
 - a. Such limits shall only apply to dogs or cats over six (6) months in age.
 - b. Any greater number of dogs and/or cats shall need approval as a kennel.
 - c. No limit shall apply to the number of cats kept on a farm of more than fifteen (15) acres.
5. Up to six (6) pigeons, chickens, roosters, ducks, geese, or similar fowl may be kept on a residential lot.
6. Goats, sheep, and pigs shall not be kept on a lot of less than twenty thousand (20,000) square feet. If the total weight of such animals is over one thousand (1,000) pounds on a lot of less than three (3) acres, then the requirements shall be met for Raising of Livestock or Poultry.
7. Keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors, within the provisions of the State Right to Farm Act.
8. Horses or Similar Animals: Keeping of horses or similar animals shall meet the following standards.
 - a. Minimum Lot Area: Two (2) acres for first horse or similar animal, plus one (1) acre for each additional horse or similar animal.
 - b. Any horse barn, manure storage areas, or stable shall be a minimum of seventy-five (75) feet from any residential lot line.
9. Only those pets that are domesticated and are compatible with a residential character shall be permitted as keeping of pets. Permitted pets include, but are not necessarily limited to, dogs, cats, rabbits, gerbils, and lizards.
10. Bears, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, and similar animals shall not be kept as pets, except that the Zoning Hearing Board may approve a particular number and type of species as a special exception if the applicant proves they will not cause nuisances or hazards.

11. Any keeping of exotic wildlife as defined by the Pennsylvania Game & Wildlife Code shall need special exception approval and a State exotic wildlife possession permit.

N. Recreational Vehicle Occupancy: No recreational vehicle shall be occupied on a lot for more than thirty (30) days in a calendar year, except as may be approved within a campground with suitable central water and sewage service.

O. Vehicles.

1. Parking of Commercial Trucks: The overnight outdoor parking of commercial trucks or a trailer from a tractor-trailer combination on a principal residential lot in a residential district shall only be allowed if it is needed to travel to and from work and if the following additional requirements are met.

a. A maximum of four (4) commercial vehicles may be parked..

b. A maximum of one (1) commercial vehicle involving a tractor or trailer, or a tractor-trailer combination, may be parked provided such vehicle is kept a minimum of fifty (50) feet from any dwelling on another lot. Such vehicle shall be screened by a fence or by vegetation to limit view of the vehicle from adjoining lots.

c. A tractor-trailer combination shall only be parked overnight on a residential lot if the lot is greater than one-half (1/2) acre.

2. Repairs of Vehicles: Repairs of motor vehicles that are not owned or leased by a resident of the lot or his/her relative shall not occur on a residential lot.

3. Unlicensed Vehicles: A maximum of two (2) motor vehicles that do not display a current license plate and safety inspection sticker shall be kept outside of an enclosed building, except as specifically permitted otherwise for a certain use. Such vehicles shall be screened by a fence or by vegetation, or shall be covered by a tarp or comparable vehicle cover, to limit view of the vehicles from adjoining lots.

ARTICLE 15: GENERAL USE STANDARDS

Section 1501: Applicability

The general use standards shall be applied to the specific listed uses, regardless of how said uses are authorized and where said uses are proposed within Highland Township. These provisions shall be applied by the Zoning Officer for principal and accessory uses permitted as a matter of right, by the Zoning Hearing Board for uses permitted by Special Exception, or by the Board of Supervisors for uses permitted by Conditional Use. These requirements shall supplement requirements that may be found in the zoning district applicable to a specific property, general standards applied to all properties, and other generally applicable standards including, but not necessarily limited to, parking, loading, and sign standards.

Section 1502: Use Standards

A. Agricultural Uses.

1. Agribusiness.

a. Structures used for housing and/or feeding animals shall not be located closer than the following minimum setbacks.

(1) Seventy-five (75) feet from all street right-of-way lines.

(2) Fifty (50) feet from all property lines.

(3) Five hundred (500) feet from all property within a residential zoning district.

(4) Five hundred (500) feet from all dwellings located on adjacent properties or any lots of record less than three acres in size.

b. A minimum lot size of fifty (50) acres is required.

c. An approved Nutrient Management Plan in accordance with the PA Nutrient Management Law shall be required.

d. Notwithstanding anything contained in this Ordinance to the contrary, all manure and agricultural facilities and buildings, including poultry-houses and livestock facilities shall be managed in a manner so as to prevent pollution and in accordance with all existing and future environmental statutes and regulations, including the Pennsylvania Clean Streams Law.

2. Forestry.

a. Applicability.

(1) This section shall regulate all forestry when the total harvesting area is one (1) acre or greater in a calendar year.

(2) These provisions shall not regulate the following.

(a) Cutting of up to ten percent (10%) of trees with a trunk diameter of six (6) inches or greater, measured three and five-tenths (3.5) feet above the ground level, on a lot in any calendar year, provided such cutting does not involve clear cutting but instead involves routine thinning of woods.

(b) Cutting of trees with a trunk diameter of less than six (6) inches, measured three and five-tenths (3.5) feet above the ground level.

(c) Cutting of dead, dangerous or diseased trees.

(d) Cutting of trees that the applicant proves to the Zoning Officer is necessary to accommodate a Township-approved subdivision, land development, street, driveway, building, utility, or use.

b. Application Requirements: An application for forestry shall be made a minimum of thirty (30) days prior to the start of work. No forestry shall occur until a zoning permit has been issued by the Zoning Officer.

(1) The application shall include a written forestry plan, which shall be prepared by a qualified professional. The provisions of the plan shall be followed throughout the operation. The plan shall be available for inspection at the harvest site at all times during the operation.

(2) The landowner, the applicant, and the timber operator shall be jointly and separately responsible for complying with the terms of the timber harvesting plan and permit.

(3) The applicant shall specify, in writing, the land on which harvesting will occur, the expected size of the harvest area, and the anticipated starting and completion date of the operation. The zoning permit shall be valid for up to two (2) years from the date of issuance.

(4) The timber harvesting plan shall include, at a minimum, the following information.

- (a) A narrative of proposed cutting practices and/or stand prescription(s) for each stand in the proposed harvest area and the construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings.
- (b) An erosion and sedimentation control plan approved by the County Conservation District if over one (1) acre will be disturbed.
- (c) All timbering activities shall use best management practices, which shall be shown on the plan.
- (d) A narrative of all stream and road crossings, including required permits from the appropriate agency.
- (e) All Township and/or PennDOT Highway Occupancy permits, if applicable.
- (f) A map showing waterways, drainageways, approximate wetlands, lakes, roads, lot lines, and proposed harvest areas.
- (g) The name and address of the property owner and the person who will be responsible to oversee the timber harvesting.
- (h) The proposed erosion and sedimentation control measures, proposed crossings of waterways and proposed vehicle entrance and exit points onto streets.

c. Forestry Practices.

- (1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the street.
- (2) No tops or slash shall be left within twenty-five (25) feet of any public thoroughfare, property line, or private roadway providing access to adjoining residential property.
- (3) All tops and slash between twenty-five (25) and fifty (50) feet from a public street right-of-way or private road providing access to adjoining residential property or within fifty (50) feet of adjoining residential property shall be lopped so that they do not extend more than four (4) feet above the surface of the ground.
- (4) Forestry is prohibited within fifty (50) feet of the top of the bank on each side of all perennial waterways.

(5) No tops or slash shall be left within a stream channel or floodway. Unless fully delineated, a floodway shall be assumed to be all that area within fifty (50) feet from the top of the bank along a waterway.

(6) The use of clear-cutting must be fully justified by a timber harvesting plan prepared by a qualified professional. Detailed information concerning increased stormwater runoff, erosion control and a plan to ensure regeneration shall be provided. Clearcutting shall not be allowed on contiguous areas greater than one-half (1/2) acre.

(7) If timber harvesting involves more than two (2) acres, a minimum of thirty percent (30%) of the forest cover (canopy) shall be kept and the residual trees shall be well distributed to promote re-forestation.

d. Public Road Responsibility: The landowner and the operator shall be responsible for repairing any damage at locations of entry or exit to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic.

e. Any road that is created shall be reseeded after use, unless it is intended to serve a new use.

3. Kennel.

a. All buildings in which animals are housed, other than buildings that are completely soundproofed and air conditioned, and all runs outside of buildings shall be located in accordance with the following standards.

(1) At least one hundred fifty (150) feet from all residential lot lines where twenty (20) or fewer dogs are kept overnight on the lot.

(2) At least two hundred (200) feet from all residential lot lines where more than twenty (20) but less than fifty (50) dogs are kept overnight on the lot.

(3) At least two hundred fifty (250) feet from all residential lot lines where fifty (50) or more dogs are kept overnight on the lot.

b. Buildings shall be soundproofed so that sounds generated within the buildings cannot be heard within any principal building on another lot.

c. The application shall show the location of outdoor runs and describe whether animals will be allowed to use them during late night hours.

d. The applicant shall demonstrate that the use meets all State regulations regarding kennels.

e. Minimum Lot Area: Five (5) acres, unless a larger lot area is required by another section of this Ordinance.

4. Sewage Sludge/Biosolids – Land Application.

a. The applicant shall prove written evidence to the Township that sufficient safeguards will be in place to protect the public health and safety and the water quality of groundwater and surface waters. This shall include, but not be limited to, provisions for regular testing of the material that is spread and for on-going water quality monitoring.

b. A copy of all test results of the material that is spread and any test results of water quality shall be provided to the Zoning Officer within seven (7) days after they are received by the operator of the use or the landowner.

c. The applicant shall provide the Zoning Officer with written evidence that the activity has been approved by PA DEP, if such approval is required.

5. Stable, Non-Household.

a. Minimum lot area: Two (2) acres for the first horse or similar animal, plus one (1) acre for each additional horse or similar animal.

b. Any manure storage areas or building used for the overnight keeping of horses shall be a minimum of seventy-five (75) feet from any residential lot line.

c. Manure collection and disposal shall meet the following standards.

(1) Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors.

(2) Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek.

(3) Manure shall not be stored within one hundred (100) feet of a perennial waterway.

B. Residential Uses.

1. Apartment Building.

a. The maximum number of apartments within an apartment building shall be twelve (12), except no maximum number of apartments shall apply for an

apartment building in which all units are permanently age restricted to at least one (1) resident age fifty-five (55) and older.

b. Paved Area Setback: All off-street parking spaces, shall be set back a minimum of ten (10) feet from any dwelling.

c. Garages: Parking courts, common garages, carport structures, or garages at the rear of the apartment building are required instead of individual garages opening onto the front of the building.

d. Mailboxes: Any mailboxes provided within the street right-of-way shall be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are prohibited.

e. Access: Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number.

f. Common Open Space: Unless a higher amount of open space is required by another section, a minimum of twenty-five percent (25%) of the total lot area of the development involving apartment buildings shall be set aside as common open space for the residents.

(1) If a development includes over thirty (30) dwelling units that will not be restricted to at least one resident age fifty-five (55) and older and will not be timeshare dwellings, the common open space shall at a minimum include a rectangular grass field fifty (50) feet by one hundred fifty (150) feet that is suitable for free play by young persons

(2) If all dwellings in a development will be restricted to at least one (1) resident age fifty-five (55) and older, then the common open space shall at a minimum include landscaped trails that are ADA-accessible.

(3) A recreation building or pool available to all residents of the development may count towards the common open space requirement.

(4) Areas with a width of less than fifty (50) feet shall not count towards the common open space requirement.

(5) The common open space requirement shall be in place of any requirement for recreation land dedication or recreation fee standards established in the Subdivision and Land Development Ordinance.

g. The individual apartment units may be leased or sold for condominium ownership.

2. Boarding House / Rooming House.

- a. A boarding or rooming house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home, or nursing home.
- b. A college fraternity or sorority house used as a residence shall be considered a type of boarding or rooming house.
- c. A boarding or rooming house may provide meals to residents but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant.
- d. A boarding or rooming house shall primarily serve persons residing on-site for five (5) or more consecutive days.
- e. Minimum Lot Area: One (1) acre.
- f. Minimum Side Yard Setback: Thirty (30) feet.
- g. Minimum Lot Width: Two hundred (200) feet.
- h. Maximum Density: Six (6) bedrooms per acre
- i. Maximum Number of Residents: A boarding or rooming house shall serve a total of no more than twenty (20) persons.
- j. Each bedroom shall be limited to two (2) adults each.
- k. A buffer yard with screening meeting Section 1402.I shall be provided between any boarding or rooming house building and any abutting dwelling.
- l. Signs shall be limited to two (2) wall signs with a maximum of two (2) square feet each.
- m. Rooms shall be rented for a minimum period of five (5) consecutive days.

3. Conversion Apartments.

- a. Applicable State fire safety requirements shall be met.
- b. The following regulations shall apply to the conversion of an existing single family detached dwelling into a greater number of dwelling units:
 - (1) The building shall maintain the appearance of a single family detached dwelling with a single front entrance. Additional entrances may

be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.

(2) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building or would require the placement of more than three (3) off-street parking spaces in the required front yard setback.

c. Conversion of an existing residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.

d. Dumpsters shall be screened in accordance with Section 1402.K.

e. A maximum total of four (4) dwelling units may be developed within a building of four thousand (4,000) square feet or less of existing, above-ground floor area at the time of adoption of this Ordinance, unless a more restrictive provision is established by another section of this Ordinance.

f. Where a building includes more than four thousand (4,000) square feet of existing above-ground building floor area at the time of adoption of this Ordinance, a maximum of one (1) dwelling unit shall be allowed for each one thousand (1,000) square feet of existing interior above-ground building floor area.

4. Conversion Apartments – Agricultural Barn

a. The conversion apartments shall be located within an agricultural barn existing as of the effective date of this Ordinance.

b. The conversion apartments shall be located within an agricultural barn of at least six hundred (600) square feet.

c. The on-lot septic system designated to serve the conversion apartments shall be determined by the Township Sewage Enforcement Officer to be able to handle the additional sewage flow.

5. Group Home.

a. A group home shall not include any treatment center use.

b. A group home shall include the housing of a maximum of six (6) unrelated persons, except for the following.

(1) If a more restrictive requirement is established by another Township ordinance.

(2) The number of paid professional staff shall not count towards such maximum.

(3) Special Exception approval is granted by the Zoning Hearing Board to allow more residents based on the reasonable accommodation requirements of applicable Federal law as applicable to persons with disabilities.

c. The facility shall have adequate trained staff supervision for the number and type of residents.

d. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.

e. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.

f. Any medical or counseling services shall be limited to a maximum of three (3) non-residents per day. Any staff meetings shall be limited to a maximum of five (5) persons at any given time.

g. Parking shall be provided in accordance with Section 1602.B.7.

h. If a group home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings. No sign shall identify the use.

i. The persons living on-site shall function as a common household unit.

j. The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.

6. Lot Averaging Development.

a. Applicability: The Lot Averaging Option allows an applicant to reduce the minimum lot areas on tracts of land in accordance with the following standards and other applicable requirements of this Ordinance.

(1) Uses. A Lot Averaging Development shall only include the following uses.

(a) Single Family Detached Dwellings.

(b) Nature Preserves.

- (c) Township-Owned Recreation.
- (d) Non-Commercial Recreation, that the Township approves to be within any preserved common open space.
- (e) Crop Farming.
- (f) Non-Intensive Raising of Livestock or Poultry.
- (g) Christmas Tree Farm.
- (h) Wholesale Tree Nursery.
- (I) Horseback Riding Academy.
- (j) Utilities, necessary to serve the development.
- (k) Customary permitted accessory uses.

b. A property may be eligible for approval for a Lot Averaging Development if it includes a minimum of six (6) acres of lot area in common ownership. Such land area shall be contiguous, except that portions of the property that may be separated only by existing or proposed roads or creeks.

(1) The number of allowed lots shall be based upon the total lot area of the existing property, prior to subdivision, and prior to deletion of rights-of-way of future roads.

(a) Areas that were preserved by a conservation or agricultural preservation easement or deed restriction prior to the submittal of the subdivision shall not be counted towards the area of the property in calculating allowed numbers of allowed lots.

(b) If a lot is legally restricted to not be used for any buildings, such as a lot used only for a stormwater detention basin, that lot shall not count towards the number of allowed lots.

(2) Areas used for a principal non-residential use (other than agricultural uses) shall not be included within the land area used to calculate numbers of allowed lots.

(3) A statement on the subdivision plan shall establish whether or not lots may be subdivided or not in the future. Easements and/or deed restrictions may also be required by the Township to be placed on lots as necessary to ensure that the maximum density requirement is met over

time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section 1302.D.

d. A lot averaging development shall be designed as a unified, coordinated residential development, and shall be approved with a single development plan proposed by a single development entity. After final subdivision approval and within an approved development agreement(s) and phasing plan, portions of the development may be transferred to different entities for construction, provided that compliance with the lot averaging development approval is maintained.

e. Sketch Plan: Applicants are strongly encouraged to first submit a Sketch Layout before completing detailed fully-engineered preliminary subdivision plans. This process will allow the Township and applicant to mutually agree upon the development layout before detailed engineering is performed.

f. Density, Preserved Land, and Lot Standards: The maximum number of dwelling units for any lot that is proposed to be subdivided shall be determined based upon a maximum average density of one (1) lot per three (3) acres. Zoning compliance shall be determined after the applicant has submitted an accurate plan drawn to scale that shows existing conditions, acreages and proposed lot lines.

(1) Provided that the maximum density is met, the minimum lot area for a lot averaging development shall be two (2) acres. The yard and other dimensional requirements of the underlying zoning district shall apply. Minimum lot area shall be calculated after the deletion of the rights-of-way of any existing or proposed roads.

(2) The applicant may create new lots at different times. However, for any subdivision, the applicant shall explain on the recorded plan how the average density is being met.

(3) The applicant shall provide evidence that proposed new dwellings will be placed where they will have minimal negative impacts upon agricultural uses on the tract and/or principal active agricultural uses on immediately abutting lands. This standard by itself shall not prevent the development of the allowed number of lots in feasible locations. Where it is feasible to operate an agricultural use on the tract, such land shall be configured to be practical for such purposes.

(4) Applicants and lot owners shall minimize the amount of land that is converted to mowed grass. Land areas maintained in woodland and agricultural uses or that are allowed to become re-forested shall be maximized. Lots shall be designed with adjacent portions that can be jointly leased for agricultural uses.

(5) The applicant shall provide evidence that proposed new dwellings will be placed where they will have minimal negative impacts upon a creek. This standard by itself shall not prevent the development of the allowed number of lots in feasible locations.

(6) The plan shall state which areas of woodland are proposed to be removed or maintained.

(7) Access: When land is intended to be used for agricultural uses, the applicant shall show that suitable access will be provided for farm equipment.

g. Phasing: The development shall include a phasing system. As part of the subdivision approval process, such phasing plan shall need approval by the Board of Supervisors. Such phases shall ensure that the requirements of this Section will be met after the completion of every phase, and that the development could properly function without the construction of additional phases.

7. Manufactured / Mobilehome Park

a. If a requirement of this section directly conflicts with a requirement of the Subdivision and Land Development Ordinance on a specific matter, then the requirements of this section of the Zoning Ordinance shall govern such matter.

b. The minimum property area shall be three (3) contiguous acres, unless a larger property area is required in a particular zoning district. This minimum property area shall be under single ownership.

c. Density: The maximum average density of the property shall be four (4) dwelling units per acre. Density is calculated using the following guidance.

(1) Land in common open space or proposed streets within the park shall be included.

(2) Land within the one hundred (100) year floodplain, wetlands, and slopes over twenty-five percent (25%) shall not be included.

d. Landscaped Perimeter: Each mobile/manufactured home park shall include a landscaped perimeter that meets the following requirements.

(1) The landscaped perimeter shall include a thirty (30) foot wide landscaped area.

(2) The landscaped area shall include substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such

landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be provided. Such landscaped area shall not be required between adjacent mobile home park developments.

(3) The same area of land may count towards both the landscaped area and the minimum yard setback requirements.

e. A dwelling, including any attached accessory building, shall be setback a minimum of twenty (20) feet from another dwelling within the manufactured / mobilehome park, except that unenclosed porches, detached accessory buildings, awnings, and decks may be fifteen (15) feet from the walls of another dwelling.

f. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be twenty (20) feet.

g. The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be fifty (50) feet.

h. Common Open Space for a Mobile Home Park: A minimum of twenty percent (20%) of the total lot area of the entire manufactured / mobilehome park shall be set aside as common open space for the residents. The common open space shall meet the following standards.

(1) The applicant shall prove that these areas will be suitable for active or passive recreation.

(2) If a development will not be restricted to persons over age fifty-five (55), the common open space shall at a minimum include a rectangular grass field one hundred (100) feet by two hundred (200) feet suitable for free play by young persons.

(3) If a development will be restricted to persons over age fifty-five (55), the common open space shall at a minimum include landscaped paved trails.

(4) A recreation building or pool available to all residents of the development may count towards the common open space requirement.

j. Streets. Streets within a manufactured / mobilehome park shall meet the following standards.

(1) Access to individual /manufactured / mobilehome spaces shall be from interior parking courts, access drives, or private streets and shall not be from public streets exterior to the development.

(2) Streets Width Standards: Street within a manufactured / mobilehome park shall meet the following minimum width standards.

(a) Streets that provide access to twenty (20) or more dwellings shall have a minimum paved cartway of twenty-four (24) feet.

(b) Other streets or parking courts serving less than twenty (20) homes shall have a minimum paved cartway of twenty (20) feet.

(3) Curbs and sidewalks are not required, but all streets shall meet all other Township cartway construction standards.

(4) Streetlights shall be provided at all street intersections within the manufactured / mobilehome park, at no expense to the Township.

k. Utilities: All units within the manufactured / mobilehome park shall be connected to a central water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.

8. Townhouse / Rowhouse.

a. Maximum Length and Width of Townhouse Buildings: One hundred fifty (150) feet.

b. Paved Area Setback: All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of ten (10) feet from any dwelling.

c. Garages: All townhouses shall be designed so that garages and/or carports are not an overly prominent part of the view from public streets. Parking courts, common garage, or carport structures or garages at the rear of dwellings are required instead of individual garages opening onto the front of the building.

d. Mailboxes: Any mailboxes provided within the street right-of-way shall be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are prohibited.

e. Access: Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a townhouse building containing five (5) or more dwelling units shall have its own driveway entering onto an arterial or collector street.

f. Common Open Space: Unless a higher amount of open space is required by another section, a minimum of twenty-five percent (25%) of the total lot area of the development involving townhouses shall be set aside as common open space for the residents.

(1) If a development includes over thirty (30) dwelling units that will not be restricted to at least one (1) resident age fifty-five (55) and older and will not be timeshare dwellings, the common open space shall at a minimum include a rectangular grass field fifty (50) feet by one hundred fifty (150) feet that is suitable for free play by young persons.

(2) If all dwellings in a development will be restricted to at least one (1) resident age fifty-five (55) and older, the common open space shall at a minimum include landscaped trails that are ADA-accessible.

(3) A recreation building or pool available to all residents of the development may count towards the open space requirement.

(4) Areas with a width of less than fifty (50) feet shall not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.

g. The individual dwelling units may be leased or sold for condominium ownership.

C. Commercial Uses.

1. Adult Use.

a. Adult Use shall be limited to Adult Store, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility.

b. An Adult Use shall be a distinct use and shall not be permitted in conjunction with or as an accessory use to any other use.

c. Adult Uses shall include but not be limited to uses that sell products, materials, and services that would be illegal to sell to persons under age eighteen (18) under State law.

d. A use shall be considered to be an Adult Store where adult products are offered for sale in a separate room of the use and where ten percent (10%) of the separate room floor area is devoted to such products.

e. An Adult Use and its parking area shall not be located within any of the following distances.

- (1) Five hundred (500) lineal feet from the lot line of an existing dwelling.
 - (2) Three hundred (300) lineal feet from the lot line of any residential zoning district.
 - (3) One thousand (1,000) lineal feet from the lot line of any primary or secondary school, place of worship, library, public park, public recreation trail, day care center, or child nursery.
- f. No Adult Use shall be located within two hundred (200) lineal feet from any existing Adult Use.
- g. A fifty (50) foot buffer yard shall be provided along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of five (5) feet.
- h. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. View into the inside of the business from a public street or sidewalk shall be precluded.
- i. The applicant shall provide information to the Township documenting its process of precluding minors from entering the premises.
- j. No Adult Use shall be used for any purpose that violates any Federal, State, or municipal law.
- k. Obscene or pornographic signs shall be prohibited. No sign shall graphically represent adult oriented products, services, or activities.
- l. The Adult Use shall not include the sale or display of obscene materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
- m. An Adult Use shall only be allowed within a zoning district where the use is specifically listed as being allowed.
- n. A minimum lot area of two (2) acres is required.
- o. Private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.

p. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees or entertainers shall maintain a minimum distance of one (1) foot from customers.

q. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful Adult Live Entertainment Facility.

r. Any application for such use shall state the full legal names and addresses of the following, and such information shall be updated at the beginning of each year in writing to the Zoning Officer.

(1) All individuals intended to have more than a five percent (5%) ownership in such use or in a corporation owning such use.

(2) An on-site manager responsible to ensure compliance with this Ordinance on a daily basis.

s. The use shall not operate between the hours of 12:00 AM and 6 AM.

t. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended.

(1) The Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2:00 AM and 8:00 AM).

(2) Act 207 of 1990 (which pertains to obscenity).

(3) Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).

u. An Adult Use shall not exist within the same building as a use with a liquor license.

2. Animal Cemetery.

a. All the regulations for a cemetery in this Section shall apply.

b. The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

3. Auto Service Station.

- a. An Auto Service Station may include an Auto Repair Garage and/or a Convenience Store, provided the requirements for each are met.
- b. Where the Auto Service Station includes a Convenience Store, the Convenience Store shall have a maximum floor area of ten thousand (10,000) square feet.
- c. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station.
- d. Fuel pumps shall be at least twenty-five (25) feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
- e. No more than two (2) junk vehicles shall be stored for more than ninety (90) days within view of a public street or a dwelling on another lot. A maximum of ten (10) junk vehicles may be parked within view of a public street or dwelling at any time. A buffer yard shall separate parking of junk vehicles from any other lot.
- f. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of twenty (20) feet from each street right-of-way line.
 - (1) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following.
 - (a) A sign may be attached to each of two (2) sides of the canopy in place of an allowed freestanding sign.
 - (b) An allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line.
 - (c) Necessary warning signs.
 - (2) Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than twenty (20) feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from the street or neighboring properties.
- g. Fuel tanks and dispensers and ventilation equipment shall be setback a minimum of one hundred (100) feet from the lot line of any residential use, any institutional use (nursing home), or any public / semi-public use (such as a school).

4. Auto/Vehicle, Boat, or Mobile/Manufactured Home Sales.

- a. This use may include an auto repair garage as an accessory use provided that all requirements of such use are met.
- b. No vehicle, boat, or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area.
- c. Site illumination, if provided, shall comply with the requirements of Section 1402.H.8.
- d. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.

5. Auto/Vehicle Repair Garage.

- a. An auto repair garage shall include, but not be limited to, a use that involves major mechanical or body work, straightening of body parts, painting, welding, or rebuilding of transmissions. Any use permitted as part of an Auto Service Station is also permitted as part of an auto repair garage.
- b. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings.
- c. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within two hundred fifty (250) feet of a lot line of a residential property.
- d. Noise, odor, vibration, light, or electrical interference to adjacent lots shall be minimized.
- e. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right- of-way. Overnight outdoor storage of junk other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling on another lot.
- f. No more than two (2) junk vehicles shall be stored for more than ninety (90) days within view of a public street or a dwelling. A maximum of ten (10) junk vehicles may be parked within view of a public street or dwelling at any time. A buffer yard shall separate parking of junk vehicles from any other lot.

6. Bed and Breakfast Inn.

- a. Maximum Number of Rental Units.

- (1) Within an AP, LC or residential district, a maximum of six (6) rental units shall be provided on the lot.
 - (2) The maximum number of rental units shall be ten (10) in the AP or LC Districts if a minimum lot area of fifteen (15) acres exists.
 - (3) No maximums shall apply within other permitted districts.
- b. Only one bed and breakfast inn shall be permitted per lot.
- c. In the AP District, a bed and breakfast inn may be placed on the same lot as a separate or attached single family detached dwelling.
- d. No more than three (3) adults may occupy a rental unit.
- e. Off-street parking spaces for the bed and breakfast inn shall meet the following requirements.
 - (1) The parking spaces shall be located either to the side or rear of the principal building
 - (2) The parking spaces shall be screened from the street and abutting dwellings by landscaping.
 - (3) The parking spaces shall be setback a minimum of ten (10) feet from lot lines.
- f. There shall not be any signs, show windows, or any type of display or advertising visible from outside the premises, except for a single freestanding sign with a maximum sign area of eight (8) square feet with a maximum height of eight (8) feet. No internal lighting of the sign shall be permitted.
- g. The use shall have a residential or agricultural appearance and character.
- h. The use shall be owned, operated or managed by permanent residents of the lot.
- i. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
- j. No guest shall stay for more than fourteen (14) days in any month.
- k. In a residential district, a bed and breakfast shall only be allowed in an existing building that was constructed prior to January 1, 1950.

7. Camp.
- a. A camp shall include a campground and a recreational vehicle campground.
 - b. Minimum Lot Area: Three (3) acres in an allowed commercial or industrial district. Six (6) acres in any other district.
 - c. Retail sales shall be allowed as an accessory use. Within a residential district, any store shall meet the following standards.
 - (1) The store shall be limited to sales of recreational, household, food, gifts, camping items, and propane.
 - (2) The store shall be primarily intended to serve persons camping on the site.
 - d. All campsites, recreational vehicle sites, and principal commercial buildings shall be setback a minimum of fifty (50) feet from any contiguous lot line of an existing dwelling in a residential district that is not part of the Camp. This buffer shall meet the following requirements.
 - (1) Within this buffer, any existing healthy trees will be maintained and preserved.
 - (2) The screening of evergreens provided in Section 1402.I between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
 - e. No person other than a resident manager/caretaker and his/her family shall reside on the site for more than eight (8) months in any calendar year, except within buildings that are approved and meet the requirements for regular dwelling units.
 - f. A Camp shall only include facilities primarily used during warmer months and shall not be deemed to be a Recreational Vehicle Campground.
 - g. A Camp shall be subject to a maximum coverage standard of five percent (5%). Campground and Recreational Vehicle Campground shall be subject to the maximum coverage standard of the underlying zoning district.
8. Car Wash.

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- b. Provisions shall be made for the proper and convenient disposal of refuse. The applicant shall ensure that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- d. Any car wash that is located within two hundred (200) feet of an existing dwelling shall not operate between the hours of 10:00 PM and 7:00 AM.
- e. No portion of a car wash shall be located within one hundred (100) feet from the centerline of a perennial waterway.
- f. The use shall recycle water.

9. Financial Institution with Drive-Through Service.

- a. The proposed traffic flow and ingress-egress for the site shall not cause traffic hazards on adjacent streets.
- b. On-lot traffic circulation and parking areas shall be clearly marked.
- c. The drive-through lane shall be separated from parking spaces and pedestrian movements of non-drive-through customers. At a minimum, such separation shall be achieved by a site design that enables non-drive-through customers to park and walk to the financial institution entrance without having to cross the drive-through lane.
- d. The drive-through lane shall accommodate a minimum of four (4) vehicles waiting service. The four (4) vehicle area shall be measured from the first point of the drive-through lane where drive-through customers may receive service.
- e. The drive-through lane, including the four (4) vehicle area, shall not block other drive aisles or entrances / exits of the site.

10. Golf Course.

a. A golf course may include a restaurant or clubhouse provided that such building is located a minimum of one hundred fifty (150) feet away from any lot line of an existing dwelling.

b. The Township may require that a water quantity impact study be provided to show that the golf course will not adversely affect streams and other water users.

11. Hotel / Motel.

a. A hotel or motel may include a restaurant, meeting rooms, nightclub, newsstand, amusement arcade, gift shop, swimming pool, exercise facilities, tavern, and similar customary accessory amenities provided that any such use shall only be allowed as an accessory use to the hotel or motel and if such use is allowed by the applicable district regulations. Where such uses are proposed, such uses shall comply with the standards of this Ordinance regarding such uses.

b. Buildings and tractor-trailer truck parking shall be a minimum of fifty (50) feet from any residential lot line.

12. Medical Marijuana Dispensary.

a. The Medical Marijuana Dispensary must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.

b. The Medical Marijuana Dispensary may only dispense medical marijuana in an indoor, enclosed, permanent, and secure building.

c. The Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower / Processor facility.

d. The Medical Marijuana Dispensary shall have a single secure public entrance and shall implement security measures to prevent the unauthorized entrance into areas containing medical marijuana.

e. The Medical Marijuana Dispensary shall not include any of the following functions or features.

(1) Drive-through service or facilities.

(2) Outdoor seating areas.

(3) Outdoor vending machines.

(4) Direct or home delivery service.

f. The Medical Marijuana Dispensary shall prohibit the administration of, or the consumption of, medical marijuana on the premises.

g. The Medical Marijuana Dispensary may not be located within one thousand (1,000) feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.

h. The Medical Marijuana Dispensary shall be separated by a minimum distance of one thousand (1,000) feet from any other Medical Marijuana Dispensary. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the Medical Marijuana Dispensary is conducted or proposed to be conducted, regardless of the municipality in which it is located.

13. Motor Vehicle Race Track.

a. This use shall include riding or racing of two (2) or more all-terrain vehicles, dirt bikes, motorcycles, or other motor vehicles at a time on a lot, beyond the number of such vehicles that are operated by residents or owners of the lot.

b. All areas used for the racing, testing, and maintenance of motor vehicles shall be setback a minimum of four hundred (400) feet from the lot line of an existing dwelling on another lot.

c. All buildings, parking, loading and unloading areas shall be setback a minimum of one hundred fifty (150) feet from the lot line of an existing dwelling on another lot.

d. The applicant shall prove that the environmental standards of Article 1402.H will be met, particularly with regard to light / glare and odors / dust.

e. Minimum Lot Area: Forty (40) acres.

f. The maximum noise level as measured at the lot line of a dwelling shall not exceed 62 dB(A) between 7:00 AM to 8:00 PM and 55 dB(A) between 8:00 PM and 10:00 PM. The use shall not operate in a manner that generates noise heard on other properties between 10:00 PM and 7:00 AM.

14. Restaurant with Drive-Through Service.

- a. The proposed traffic flow and ingress-egress for the site shall not cause traffic hazards on adjacent streets. At no time shall the use enable drive-through customers queuing for service to extend beyond the site boundary within either public street or an internal circulation drive serving other uses.
- b. On-lot traffic circulation and parking areas shall be clearly marked.
- c. The drive-through lane shall be separated from parking spaces and pedestrian movements of non-drive-through customers. At a minimum, such separation shall be achieved by a site design that enables non-drive-through customers to park and walk to the restaurant entrance without having to cross the drive-through lane.
- d. The drive-through lane shall accommodate a minimum of eight (8) vehicles waiting service. The eight (8) vehicle area shall be measured from the first point of the drive-through lane where drive-through customers may receive service.
- e. The drive-through lane, including the eight (8) vehicle area, shall not block other drive aisles or entrances / exits of the site.

15. Retail Store with Drive-Through Service.

- a. The proposed traffic flow and ingress-egress for the site shall not cause traffic hazards on adjacent streets.
- b. On-lot traffic circulation and parking areas shall be clearly marked.
- c. The drive-through lane shall be separated from parking spaces and pedestrian movements of non-drive-through customers. At a minimum, such separation shall be achieved by a site design that enables non-drive-through customers to park and walk to the retail store entrance without having to cross the drive-through lane.
- d. The drive-through lane shall accommodate a minimum of six (6) vehicles waiting service. The six (6) vehicle area shall be measured from the first point of the drive-through lane where drive-through customers may receive service.
- e. The drive-through lane, including the six (6) vehicle area, shall not block other drive aisles or entrances / exits of the site.

16. Rural Events Venue.

- a. A proposed Rural Events Venue shall be of a scale and intensity so that the use is compatible with existing or proposed uses on adjacent parcels, or in the

immediate vicinity. Adequate setbacks and buffers must be provided so as to prevent adverse impacts on adjoining parcels.

b. Such establishments may include kitchen facilities, areas for dining and entertainment, and temporary lodging.

c. For event barns and Rural Events Venues on agricultural, or formerly agricultural lots, the use must not interfere with the ability of the property to return to an agricultural use in the future.

d. Handicapped parking spaces shall be provided in accordance with ADA requirements. All other parking may be provided as reinforced grass, or similar method so as not to interfere with any future return of the property to an agricultural use.

e. The lot on which the Rural Events Venue is located shall be a minimum of twenty-five (25) acres.

f. The maximum floor area for all permanent structures associated with the Rural Events Venue shall be no more than fifteen percent (15%) of the total lot area.

g. The maximum permitted occupancy for all Rural Events Venues shall be one hundred ninety-nine (199) persons.

h. All buildings, parking, loading, and other indoor or outdoor use areas shall be located a minimum of two hundred (200) feet from existing residential dwellings on adjacent parcels, and shall be buffered as deemed appropriate by the Township.

i. Events and activities must cease by 11:00 PM on Friday and Saturday, and 9:00 PM Sunday through Thursday unless further restricted by the Township.

j. Overnight accommodations shall be accessory to the principal use of the property as an Events Venue and shall not primarily be open to the general public as a stand-alone use. The maximum length of stay for any guest(s) shall be seven (7) consecutive days per singular event.

k. Approval of application with the sewage enforcement officer is a prerequisite to issuance of a Zoning Permit.

l. The Township shall have the authority to further limit hours of operation, number of events per year, and number of attendees on a case-by-case basis.

17. Self Storage Development.

- a. Outdoor storage shall be limited to recreational vehicles, boats, and trailers. No junk vehicles shall be stored within view of a public street or a dwelling.
- b. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- c. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas, or accessways.
- d. No business or other activity other than leasing of storage units shall be conducted on the premises.
- e. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- f. Buffer yards shall be provided and meet the following requirements.
 - (1) Buffer yards shall be provided and designed in accordance with Section 1402.I.
 - (2) Any fencing shall be placed on the inside of the plantings.
 - (3) A minimum average of one (1) shade tree shall be provided along the road frontage for each fifty (50) feet of road frontage.
- g. Minimum Separation Between Buildings: Twenty (20) feet.
- h. Maximum Building Length: Three hundred (300) feet.

18. Target Range.

- a. The following standards shall apply to outdoor target ranges and shall not apply to target ranges within an enclosed building. The following standards shall not apply to target ranges developed and used by owners of a residential lot and their occasional guests.
- b. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety.
- c. The design of an outdoor firearms target range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Township may consider such guidelines to be the generally accepted standard for the safety of these facilities.

- d. An outdoor firearms target range and any firing stations shall be located a minimum of two hundred fifty (250) feet from any residential lot line, unless all firing would occur within a completely enclosed sound-resistant building.
- e. An outdoor firearms target range shall be properly posted. The Township may require fencing as necessary.
- f. An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
- g. A target range shall only be used for types of firearms or other weapons for which it was specifically designed.
- h. An outdoor target range shall not be used during nighttime hours. Maximum hours and days of operation may be established as a condition of Zoning Permit approval.
- i. Minimum Lot Area - Outdoor Target Range: Ten (10) acres, unless a more restrictive provision is established by another provision of this Ordinance.
- j. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least one hundred (100) feet of each such lot line, except for approved driveway, utility, and trail crossings.
- k. The Township shall have the authority to prohibit fully automatic weapon use as a condition or approval.

19. Vacation Rental.

- a. Any proposed vacation rental shall be compatible with the neighborhood in which it is located in terms of landscaping, scale and architectural character. The use shall be harmonious and compatible with the existing uses within the neighborhood.
- b. The operator of the vacation rental shall, at all times while the property is being used as a vacation rental, maintain a contact person/entity within a fifty (50) mile drive of the property. The contact person or entity must be available via telephone twenty-four (24) hours a day, seven (7) days a week, to respond to complaints regarding the use of the vacation rental.
- c. A written notice shall be conspicuously posted inside each vacation rental unit setting forth the name, address and telephone number of the contact person required in Subsection b above. The notice shall also set forth the address of the vacation rental, the maximum number of vehicles permitted to park on-site, and the day(s) established for garbage collection.

- d. The number of overnight occupants shall be limited to three (3) persons per available guest room or suite.
- e. The vacation rental shall meet applicable requirements of the Pennsylvania Uniform Construction Code, or similar applicable code.
- f. Off-street parking shall be provided in accordance with Section 1201. Where the number of required parking spaces is such that a parking lot is required in accordance with Section 1602.C.47, such parking lot shall be designed in accordance with the requirements of Section 1603.
- g. The operator of the vacation rental must demonstrate that the vacation rental is registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 1 of 2022, as may be updated or amended, for the payment of hotel room rental tax.

D. Industrial Uses.

1. Gas or Oil Wells.

a. Setbacks.

(1) A minimum setback of three hundred (300) feet shall be required from a Gas or Oil Well, any accompanying storage tank, and any above-ground equipment from any of the following.

(a) Any existing dwelling on another lot.

(b) Any day care center, place of worship, nursing home, hospital, personal care center, park or recreational area, or school.

(2) A minimum setback of fifty (50) feet shall be required from a Gas or Oil Well, any accompanying storage tank and all related above-ground equipment to any street right-of-way or any lot line.

(3) Any setback from other buildings as may be established by State law.

b. A row of primarily evergreen trees shall be provided between any Gas or Oil Well and any existing dwelling on an adjacent lot.

c. A minimum four (4) feet high security fence or architectural masonry wall shall be provided around a Gas or Oil Well.

d. The following shall be applied if any Gas or Oil Well or related mechanical equipment will be within six hundred (600) feet from an existing dwelling on another lot.

(1) Sound walls, acoustical blankets or similar measures shall be used to control noise.

(2) Movement of trucks onto and off of the property shall not occur between the hours of 9:00 PM and 7:00 AM, except for emergency measures.

e. A Zoning Permit shall be required for a Gas or Oil Well. Prior to receiving a Zoning Permit, the applicant shall provide a written study describing impacts upon roads.

2. Heavy Industry.

a. Any outdoor storage of raw or finished materials or products shall be fully screened from view from any adjoining residential parcels. Where a fence is used as part of the screening, landscaping shall be provided along the outside edge of the fence.

b. Raw or finished materials or products shall not be stacked higher than the screening.

c. Where the site adjoins property in the AP, LC, RR, or V Districts, the building wall facing such property shall not include service door openings or loading facilities. However, where all building walls face property in the AP, LC, RR, or V Districts, service door openings or loading facilities shall be located along the building wall further from said property.

3. Junkyard.

a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.

b. Outdoor storage of junk shall meet the following minimum requirements.

(1) One hundred (100) feet from any residential lot line.

(2) Fifty (50) feet from any other lot line and the existing right-of-way of any public street.

c. The site shall contain a minimum of two (2) exterior points of access, each of which is not less than twenty (20) feet in width. One (1) of these accesses may be limited to emergency vehicles.

- d. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles.
- e. Off-street parking areas shall be provided for customers.
- f. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a twenty (20) foot wide buffer yard which complies with Section 1402.I, unless such storage is not visible from an exterior lot line or street. Buffer design shall meet the following requirements in addition to those of Section 1402.I.
 - (1) The initial height of the evergreen planting shall be six (6) feet.
 - (2) Secure fencing with a minimum height of six (6) feet shall be provided and well-maintained around all outdoor storage areas.
 - (3) Such fencing shall be provided inside of the evergreen screening.
- g. Burning or incineration is prohibited.
- h. All gasoline, antifreeze, and oil shall be drained from all vehicles and disposed of properly.
- i. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- j. Minimum Lot Area: Two (2) acres.
- k. Tires: The outdoor display or storage of tires shall be prohibited.
- l. Any storage of junk shall be maintained a minimum distance of one hundred (100) feet from the centerline of any waterway and shall be kept out of all drainage swales.

4. Medical Marijuana Grower / Processor.

- a. The Medical Marijuana Grower / Processor must be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
- b. The Medical Marijuana Grower / Processor may only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.

c. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health policy and shall not be placed within any unsecure exterior refuse containers.

d. The Medical Marijuana Grower / Processor shall provide only wholesale products to other medical marijuana facilities. Retail sales and dispensing of medical marijuana and related products is prohibited at medical marijuana grower/processor facilities.

e. The Medical Marijuana Grower / Processor may not be located within one thousand (1,000) feet of the property line of an educational institution or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

5. Medical Marijuana Transport Vehicle Service.

a. Any Medical Marijuana storage, including temporary storage, at a Medical Marijuana Transport Vehicle Service facility shall be secured to the same level as that for a Medical Marijuana Grower / Processor facility.

b. Transport vehicles associated with a Medical Marijuana Transport Vehicle Service shall be equipped with a locking cargo area.

c. Transport vehicles associated with a Medical Marijuana Transport Vehicle Service shall have no markings that would identify the vehicle as being used to transport Medical Marijuana.

6. Mineral Extraction.

a. Mineral Extraction uses involving mining activities over more than two (2) acres of land in any calendar year shall be approved in accordance with and be subject to the requirements of this Section.

b. A professional traffic study shall be funded by the applicant and submitted to the Township as part of any application for approval. Such study shall analyze the ability of the road system to handle the resulting truck traffic and related traffic safety matters.

c. A copy of all information submitted to State agencies shall also be submitted to the Zoning Officer at the same time.

d. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Zoning Permit approval.

e. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.

f. A fifty (50) feet wide yard covered by natural vegetative ground cover, except at approved driveway crossings), shall be required along all exterior lot lines that are within two hundred (200) feet of an area of excavation. The Township may require this yard to include the following.

- (1) An earth berm with a minimum average height of six (6) feet.
- (2) An average of one (1) shade tree for each forty (40) feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
- (3) New trees shall not be required where preserved trees will serve the same purpose.

g. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use.

- (1) One hundred (100) feet from the existing right-of-way of public streets and from all exterior lot lines of the property.
- (2) One hundred fifty (150) feet from a non-residential principal building.
- (3) Four hundred (400) feet from the lot line of a dwelling.
- (4) One hundred fifty (150) feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.

h. The excavated area of a mineral extraction use shall be setback one hundred fifty (150) feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two (2) acres.

i. Truck access to the use shall be located to reasonably minimize hazards on public streets and dust and noise nuisances to residences.

j. Fencing: The Township may require secure fencing in locations where needed to protect public safety. As an alternative, the Township may approve the use of thorny vegetation to discourage public access. Warning signs shall be placed around the outer edge of the use.

k. Hours of Operation: The Township, as a condition of Zoning Permit approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.

l. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

m. The Township may require that the applicant post financial security to cover the costs of damage that may occur to entrances and exits to public roads as a result of the trucks carrying mining materials.

n. A plan shall be submitted showing sequential phases of mining activities on the land. Mining activities shall be conducted on a maximum of fifty (50) acres at a time. Reclamation shall be initiated on the current phase before the next phase is opened for mining.

o. A plan shall be submitted showing how dust will be controlled.

7. Principal Solar Energy System (PSES).

a. Criteria Applicable to All PSES.

(1) The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Highland Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

(2) All on-site transmission and plumbing lines shall be placed underground.

(3) Solar facility connections shall be placed underground except under the following circumstances.

(a) The electric lines will be placed on existing utility poles that host existing electric, cable, or telephone lines.

(b) The Applicant can demonstrate, to the satisfaction of the Township, that it is not possible to place the connection underground. In such case, only the portion of the line, which is not capable of placement underground, as determined by the Township, may be placed above ground.

(4) No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.

(5) Glare: In addition to the standards of Section 1402.H.8, the following standard are established.

(a) All PSES shall be placed such glare does not project onto nearby structures or roadways.

(b) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

(6) The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

(7) Decommissioning.

(a) The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.

(b) The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, solar facility connections, and other associated facilities.

(c) To the extent possible, the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.

(d) Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.

(e) The PSES site area shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the PSES to remain.

(f) Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.

(g) At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Township to secure its obligations under this Section.

[1] The PSES developer shall, at the time of application, provide the Township with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and inflation factor of twenty-five percent (25%) to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated salvage and resale value, discounted by a factor of twenty percent (20%). The decommissioning cost estimate formula shall be calculated as follows:

$$\begin{array}{rcl} & \text{Gross Cost of Decommissioning Activities} & \\ + & \text{Administrative Factor of 25\%} & \\ - & \text{Salvage and Resale Credit of 80\%} & \\ \hline = & \text{Decommissioning Cost Estimate.} & \end{array}$$

[2] On every fifty (5th) anniversary of the date of providing the decommissioning financial security, the PSES owner shall provide an updated decommission cost estimate, utilizing the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount changes, the PSES owner shall remit the increased financial security to the Township within thirty (30) days of the approval of the updated decommissioning security estimate by the Township.

[3] Decommissioning security estimates shall be subject to review and approval by the Township and the PSES developer / owner shall be responsible for administrative, legal, and engineering costs incurred by the Township for such review.

[4] At no time shall the financial security be an amount less than five hundred thousand dollars (\$500,000).

[5] The decommissioning security may be in the form of cash, letter of credit or bond in accordance with Section 509(c) and Section 509(d) of the Pennsylvania Municipalities Planning Code.

[6] Prior to approval of any plan or permit for a PSES, the PSES developer shall enter into a decommissioning agreement with the Township outlining the responsibility of the parties under this Agreement as to the decommissioning of the PSES.

(8) Permit Requirements.

(a) PSES shall comply with the Township subdivision and land development requirements.

(b) The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.

(c) The PSES owner / operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

b. Ground Mounted PSES.

(1) Minimum Lot Area: The minimum lot area for every lot on which a PSES, or a component of a PSES, is proposed shall be one hundred (100) acres.

(2) Proportion of Lot to be Devoted to Solar Arrays: For each lot on which a PSES, or a component of a PSES, is proposed, the following calculations shall be performed to determine the proportion of the lot on which solar arrays may be authorized.

(a) Calculate Constrained Area: Calculate the Constrained Area by calculating the sum of the acreage of the following features that appear on a lot.

[1] Floodplains, as identified in the Highland Township Floodplain Ordinance.

[2] Natural and man-made drainage corridors, extending twenty-five (25) feet from the centerline of any such drainage feature.

[3] Wetlands.

[4] Wetlands buffer extending fifty (50) feet from any wetland.

[5] Slopes in excess of fifteen percent (15%).

[6] Wooded areas.

[7] Road rights-of-way.

[8] Setback areas, as defined in the underlying zoning district.

(b) Calculate PSES Development Area: Calculate the PSES Development Area by subtracting the Constrained Area from the lot area.

(c) Calculate the Portion of the PSES Development Area that May be Devoted to Solar Arrays: Calculate the total acres of land within the PSES development area that are comprised of Class I and II agricultural soils, as identified in official Federal soils mapping or a more accurate professional study. Subtract one-half (1/2) of this figure from the PSES development area to determine the portion of the PSES development area that may be devoted to solar arrays.

(d) For each lot on which a PSES, or a component of a PSES, is proposed, a map shall be provided by the applicant detailing the constrained area, the PSES development area, the Class I and II agricultural soils, and the portion of the PSES development area that may be devoted to solar arrays.

- (e) Solar arrays shall only be placed within that portion of any lot that lies within the portion of the PSES development area that may be devoted to solar arrays.
- (3) Minimum Setbacks: All components, including fencing, of a PSES shall be setback from any property line a minimum of one hundred (100) feet.
- (4) Height: All ground mounted PSES shall comply with a fifteen (15) foot maximum height requirement.
- (5) Lot Coverage: In calculating the maximum lot coverage, portions of the PSES may be considered pervious if the criteria within the Pennsylvania Department of Environmental Protection (DEP) FAQ document entitled "Chapter 102 Permitting for Solar Panel Farms," dated January 2, 2019, as may be updated or amended, has been met.
- (6) Ground mounted PSES shall be screened and buffered in accordance with the following standards.
 - (a) A minimum thirty (30) foot wide buffer yard with plant screening shall be required along all lot lines. The required buffer yard shall be extended to fifty (50) feet along all lot lines adjoining a residential district.
 - (b) A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Township may allow deciduous canopy trees.
 - (c) The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
 - (d) If existing healthy trees with a trunk diameter of six (6) inches or greater, measured four and five-tenths (4.5) feet above the ground level, exist within the buffer yard, they shall be preserved. The Zoning Officer may certify that preserving existing mature trees and shrubs within the buffer yard will meet the same purposes as the new plant screening. In such case, part or all of the new plant screening may be waived in writing by the Zoning Officer.

(e) Plant screening shall be installed within all required buffer yards around the entire perimeter of the PSES except where the Zoning Officer determines that the retention of existing trees and other plants within the plant screening area constitutes an equal or superior screening versus what would be provided through new or additional screening.

(f) Plant screening shall also be installed along the exterior side of the fencing required by Section 1502.D.7.b(8) below. All required plant screening shall be located within fifty (50) feet of the required fencing.

(g) Prior to the issuance of a Zoning Permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing the following.

[1] The location and arrangement of each buffer yard.

[2] The placement, general selection of species and initial size of all plant materials.

[3] The placement, size, materials and type of all fences to be placed in such buffer yard.

(h) Plant screening shall be designed in accordance with the following standards.

[1] Plant materials needed to form the visual screen shall have a minimum height when planted of four (4) feet.

[2] An average of two (2) deciduous shade trees, with a minimum trunk diameter of (2) inches measured six (6) inches above the finished ground level, shall be placed for each fifty (50) feet of length of the buffer yard.

[3] The shade trees may be clustered or spaced unevenly.

[4] Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within three (3) years a mostly solid year-round visual screen at least six (6) feet in height.

[5] The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.

[6] The plant visual screen shall extend the full length of the lot line, except for the following locations.

[a] Township-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot.

[b] Locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back.

[c] Locations needed to meet other specific State, Township and utility requirements, such as stormwater swales.

[7] Plant screening shall be designed to emulate the mix of species and appearance of existing tree lines, hedge rows, and wooded areas already in existence within the landscape where the PSES is proposed. The applicant shall, as a component of the buffer yard plan, assess the species mix and characteristics found in existing tree lines, hedge rows, and wooded areas surrounding the PSES and document that the plant screening is designed to emulate these characteristics.

[8] The primary use of evergreen trees shall not be permitted, and a monotonous straight row of the same species, particularly evergreen trees, is specifically prohibited.

[9] American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is prohibited. A more naturalistic form of planting is encouraged with a mix of species. If more than twenty (20) evergreen plants are proposed, no more than fifty percent (50%) shall be of one species.

[10] Earth berms shall not be used as an additional or alternative method to provide screening of the PSES facility. The plant screening area shall retain the topographic characteristics of the setting.

(7) Ground-mounted PSES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system, unless the applicant can demonstrate, to the satisfaction of the Township, that the PSES will not impede stormwater management, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

(8) Security.

(a) All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot fence with a self-locking gate. The fence shall closely follow the perimeter of the PSES installation.

(b) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.

(9) Access.

(a) At a minimum, a twenty five (25) foot wide access road must be provided from a state or township roadway to the PSES site.

(b) At a minimum, a twenty (20) foot wide cartway shall be provided between the solar array rows to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from its measure at its greatest parallel width.

(c) At a minimum, a twenty-five (25) foot wide cartway shall be provided between the solar array and the fencing required in Section 1502.D.7.b(8) above to allow access for maintenance and emergency vehicles.

(d) Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance.

(10) The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

(11) Grading: Grading of the lot on which the PSES is located shall comply with the following standards.

(a) DEP FAQ document entitled "Chapter 102 Permitting for Solar Panel Farms," dated January 2, 2019, as may be updated or amended, as applicable.

(b) Grading requirements of the Highland Township Subdivision and Land Development Ordinance, as applicable.

(12) Stormwater Management: Stormwater management for the PSES shall be in accordance with the local municipal Stormwater Management Ordinance and the DEP FAQ document entitled "Chapter 102 Permitting for Solar Panel Farms," dated January 2, 2019, as may be updated or amended, as applicable.

c. Roof and Wall Mounted Principal Solar Energy Systems.

(1) For roof and wall mounted systems, the applicant shall document that the plans comply with the Uniform Construction Code that the roof or wall is capable of holding the load imposed on the structure.

(2) The total height of a building with a roof and wall mounted system shall not exceed by more than three (3) feet above the maximum building height specified for principal or accessory buildings within the applicable zoning district.

8. Recycling Center – Bulk Processing.

a. This use shall not be bound by the requirements of a solid waste disposal facility.

b. This term shall not include the indoor storage of less than five hundred (500) pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations.

c. A recycling collection center is a permitted accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use, or an emergency services station.

d. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.

- e. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- f. A twenty (20) feet wide buffer yard with screening as described in Section 1402.I shall be provided between this use and any abutting residential lot line.
- g. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship, or a Township-owned use, subject to the limitations of this section.
- h. Materials to be collected shall be of the same character as materials such as paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- i. The use shall only include collection, sorting, baling, loading, weighing, routine cleaning, and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- j. The use shall not include the collection or processing of pieces of metal that have a weight greater than fifty (50) pounds except within a commercial or industrial district.
- k. All operations shall occur within an enclosed building.

9. Solid Waste Facility.

- a. Solid Waste Facility includes Solid Waste Transfer Facility, Solid Waste Landfill, and Solid Waste-to-Energy Facility.
- b. All solid waste storage, disposal, incineration or processing shall be at least two hundred (200) feet from the public street rights-of-way, exterior lot lines, one hundred (100) year floodplains, edges of surface water bodies (including a water filled quarry), and wetlands of more than one-half (1/2) acre in area.
- c. All solid waste storage, disposal, incineration or processing shall be a minimum of five hundred (500) feet from any residential district, perennial creek, publicly-owned park, or any existing dwelling.

- d. The use shall be served by a minimum of two (2) paved access roads, each with a minimum cartway width of twenty-four (24) feet. One of these roads may be restricted to use by emergency vehicles.
- e. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
- f. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the Township's issuance of a Zoning Permit. Violations of this condition shall also be considered to be violations of this Ordinance.
- g. Open dumps and open burning of refuse are prohibited.
- h. The applicant shall prove to the satisfaction of the Township that the existing road network can handle the additional truck traffic, especially considering compatibility between trash hauling trucks through or alongside existing residential lots and districts, and especially considering the width and construction of roads in the Township.
- i. The applicant shall propose conditions upon approval that will be used to manage noxious odors off the property.
- j. A chain-link or other approved fence with a minimum height of eight (8) feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Township that this is unnecessary. The Township shall require earth berms, evergreen screening, and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
- k. A minimum lot area of fifteen (15) acres shall be required for the first two hundred fifty (250) tons per day of capacity to treat or dispose of waste, plus one (1) acre for each additional one hundred (100) tons per day of capacity.
- l. A solid waste facility shall have a maximum total capacity of five hundred (500) tons per day.
- m. Health Hazards: Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- n. Attendant: An attendant shall be present during all periods of operation or dumping.
- o. Gates: Secure gates, fences, earth mounds, and/or dense vegetation shall prevent unauthorized access.

p. Emergency Access: The operator of the use shall cooperate fully with local emergency services. This shall include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.

q. In accordance with Act 101 of 1988, the hours of operation shall be limited to between 7:00 AM and 9:00 PM.

r. Tires: Any tires shall be stored in accordance with Section 1402.L.4.

s. Litter: The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.

t. Dangerous Materials: No radioactive, hazardous, chemotherapeutic, or infectious materials may be stored, processed, disposed, or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

u. State Requirements: Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA DEP at the same time as they are submitted to DEP.

v. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface that drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.

w. A solid waste landfill shall only be approved if the applicant proves that a continuous route over roads is available that entirely involves roads with a minimum paved cartway width of eighteen (18) feet between the exit driveway of the landfill and Routes 30 or 116.

x. The applicant shall submit and comply with a dust control plan.

10. Wind Turbine as Principal Use.

a. The wind turbine shall be setback from the nearest existing dwelling on another lot a distance not less than three (3) times the maximum height to the top of the maximum height of the extended blade. All wind turbine setbacks shall be

measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.

b. The audible sound from the wind turbine(s) shall not exceed 50 A-weighted decibels, as measured at the exterior of an existing dwelling on another lot.

c. The owner of the facility shall completely remove all above ground structures within twelve (12) months after the wind turbine(s) are no longer used to generate electricity.

d. Wind turbines shall not be climbable for at least the first twelve (12) feet above the ground level.

e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.

f. All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.

g. The turbine shall include automatic devices to address high speed winds.

h. Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.

i. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.

E. Infrastructure Uses.

1. Airport.

a. As part of Zoning Permit approval, the Township shall have the authority to establish reasonable conditions that limit the types, sizes and weights of aircraft, and the hours of operation in order to minimize noise nuisances to dwellings.

b. As part of any application, the applicant shall provide evidence that flight patterns will be designed to minimize noise nuisances to dwellings.

c. A Private Airport shall be limited to a maximum of fifteen (15) total landings and take-offs in any seven (7) day period and shall not be available for use by the general public. A Public Airport shall not be subject to limitations on landings or take-offs or on use.

d. Each end of a runway shall be setback a minimum of two hundred (200) feet from all lot lines. Each side of a runway shall be setback a minimum of one hundred (100) feet from all lot lines.

2. Heliport.

a. The regulations of this section shall not apply to Heliports used for the purposes of an emergency landing area.

b. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties, including consideration of primary routes of approach.

c. A Private Heliport shall be limited to fifteen (15) total take-offs and landings in any seven (7) day period, and which is not open to the general public. A Public Heliport shall not be subject to limitations on landings or take-offs or on use.

d. The Township may place conditions on the size of helicopters, frequency of use, fueling facilities, and hours of operation to minimize nuisances and hazards to other properties.

3. Small Wireless Facility–Tower-Based–Inside Public Right-of-Way.

a. Location: An applicant may locate one (1) or more utility poles, or replace one (1) or more existing utility poles, upon which small wireless facilities will be mounted.

b. Siting Requirements: New or replacement of existing utility poles for mounting of small wireless facilities shall meet the following siting criteria.

(1) The new or replacement utility pole, along with the small wireless facilities to be mounted of such poles, and related equipment, shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way by the Township and utilities.

(2) The maximum permitted height of a new or replacement utility pole shall be fifty (50) feet above ground level, which shall include the utility pole and the small wireless facility.

(3) The applicant shall demonstrate that it cannot meet the service reliability and functional objectives for the site by co-locating on an existing utility pole instead of installing a new utility pole or replacing a utility pole. The applicant shall self-certify that the applicant has made

this determination in good faith, and shall provide a documented summary of the basis for the determination. The applicant's determination shall be based on whether the applicant can meet the service objectives at the subject location by co-locating on an existing utility pole that meets the following.

- (a) The applicant has the right to co-location.
- (b) The co-location is technically feasible and would not impose substantial additional cost.
- (c) The co-location would not obstruct or hinder travel or have a negative impact on public safety.
- (d) The self-certification shall not be required to include information regarding an applicant's business decisions with respect to its service, customer demand for service, or quality of service.

c. Fees: Subject to the fee adjustment requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, the Township may charge an annual fee for the use of Township right-of-way. An annual right-of-way fee shall not exceed two hundred seventy dollars (\$270) per new utility pole and/or replacement utility pole upon which is mounted small wireless facilities unless the Borough demonstrates all of the following.

- (1) The annual right-of-way fee is a reasonable approximation of the Township's costs to manage the right-of-way.
- (2) The Township costs under Subsection (1) above are reasonable.
- (3) The annual right-of-way fee is nondiscriminatory.

d. Zoning Permit Submission, Review, and Approval: The timing requirements of Article 18 of this Ordinance notwithstanding, the Zoning Permit submission, review, and approval period shall be those expressed in the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, and specifically as follows.

- (1) Completed Application: Within ten (10) business days of receiving a Zoning Permit application, the Township must determine and notify the applicant in writing whether the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the Township.

(2) Deadlines: A Zoning Permit application shall be processed on a nondiscriminatory basis and deemed approved if the Township fails to approve or deny the Zoning Permit application within ninety (90) days of receipt of a complete application. A Zoning Permit associated with a Zoning Permit application that has been deemed approved shall be deemed approved if the Township fails to approve or deny the Zoning Permit within seven (7) days of the Zoning Permit application deemed approved unless there is a public safety reason for the delay.

(3) Denial: Denial of a Zoning Permit application shall comply with the following.

(a) Cause for Denial: The Township may deny a Zoning Permit application only if any of the following apply.

[1] The small wireless facility materially interferes with the safe operation of traffic control equipment, sight lines, or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrians and movement.

[2] The small wireless facility fails to comply with applicable codes.

[3] The small wireless facility fails to comply with the requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.

(b) Documentation of Denial: Within the time frame established in Section 1502.E.3.d(3), the Township shall document the basis for denial, including the specific provisions of applicable codes on which the denial was based. Such documentation shall be sent to the applicant within five (5) business days of the denial.

(c) Cure Deficiencies of Denial: The applicant may cure the deficiencies identified by the Township and resubmit the Zoning Permit application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall then approve or deny the revised Zoning Permit application within thirty (30) days of the application being resubmitted for review or the resubmitted application shall be deemed approved thirty (30) days after resubmission. Any subsequent review shall be limited to the

deficiencies cited in the denial. If the resubmitted application addresses or changes other section of the application that were not previously denied, the Township shall be given an additional fifteen (15) days to review the resubmitted application and may charge an additional fee for the review.

e. Permit Term: Approval of the Zoning Permit authorizes the applicant to operate and maintain small wireless facilities and any associated equipment for a period of not less than five (5) years, which shall be renewed for two (2) additional five (5) year periods if the applicant is in compliance with the criteria set forth in this Ordinance and the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.

f. Removal: New utility poles and replacement utility poles upon which are mounted small wireless facilities are subject to the following removal requirements.

(1) Within sixty (60) days of suspension or revocation of a Zoning Permit due to noncompliance with this Ordinance and/or the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, the applicant shall remove the new utility pole / replacement utility pole, if the applicant's equipment are the only facilities on the pole, along with the small wireless facility and any associated equipment.

(2) Within ninety (90) days of the end of the Zoning Permit term, or an extension of the Zoning Permit term, the applicant shall remove the new utility pole / replacement utility pole, if the applicant's equipment are the only facilities on the pole, along with the small wireless facility and any associated equipment.

4. Wireless Communication Facility–Tower-Based–Outside Public Right-of-Way.

a. Location: An applicant may co-locate one (1) or more Wireless Communications Facilities on new poles. Multiple Small Wireless Facilities proposed to be deployed at multiple locations shall be considered to be one (1) application for the purpose of this review and approval process.

b. Evaluation of Siting Opportunities: An applicant seeking approval to erect or enlarge a tower-based Wireless Communications Facility shall demonstrate compliance with the following requirements.

(1) An applicant shall demonstrate that all structures in excess of fifty (50) feet in height within a one (1) mile radius of the proposed site have been evaluated as a co-location site. Co-location opportunities include, but are not limited to, smoke stacks, water towers, agricultural silos, tall buildings, towers operated by other wireless communication companies,

and other communications towers (fire, police, etc.). The applicant shall provide a site alternative analysis describing the location of potential co-location sites that were considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason the alternative site was not chosen. Where a potential co-location site is not chosen, supplementary evidence shall include one (1) or more of the following reasons for not proposing to co-locate on the alternative site.

(a) The proposed antennas and related equipment would exceed the structural capacity of the existing structure, as certified by an engineer certified in the Commonwealth of Pennsylvania, and that appropriate reinforcement cannot be accomplished.

(b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment, as certified by an appropriate technical expert, and that the interference cannot be effectively mitigated.

(c) The existing structure does not possess appropriate location, space, or access to accommodate the proposed antennas and equipment or to allow the antennas and equipment to perform their intended function.

(d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure that exceeds applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Such a determination shall be certified by an appropriate technical expert.

(e) A commercially reasonable agreement could not be reached with the owners of such structures. Where such an agreement is not reached, the applicant shall indicate why any offers or counter-offers made were deemed to be unreasonable.

(2) If the applicant claims that no structures in excess of fifty (50) feet exist within the study area, the applicant shall provide evidence detailing how such determination was made. Such written evidence shall be submitted, and deemed to be complete, before approval for the erection of a wireless communications tower may occur.

(3) An applicant shall demonstrate that the proposed facility is needed at the proposed location. The applicant shall provide an existing coverage analysis demonstrating a "dead spot" at or near the proposed tower location.

(4) An applicant shall provide a written analysis that identifies potential negative impacts on neighboring residents and properties, and indicates how negative impacts will be effectively mitigated.

c. Siting Requirements: Where the applicant has demonstrated that no co-location opportunities exist to site wireless communications antennas on an existing structure and that a wireless communications tower is necessary, the following siting criteria must be met.

(1) The minimum distance between the base of the wireless communications tower, or any anchoring guy wires, and any property line or public road right-of-way, shall be a minimum of thirty percent (30%) of the tower height.

(2) The minimum distance between the base of the tower, or any anchoring guy wires, and residential, place of worship, or school property shall be two hundred (200) feet.

(3) Where such features exist, the applicant shall use one (1) or more of the following or similar natural features to minimize the visibility of the wireless communications tower.

(a) Groves of trees.

(b) Sides of hills.

d. Tower Height: An applicant must demonstrate that a proposed wireless communications tower is the minimum height required to function satisfactorily. In no case shall a wireless communications tower exceed one hundred eighty (180) feet. The measurement of tower height shall include the tower itself as well as any antennas or other equipment attached thereto.

e. Tower Safety: An applicant shall demonstrate that the proposed tower will not affect surrounding properties as a result of structural failure, falling ice or other debris, or radio frequency interference.

f. All wireless communications towers shall be fitted with anti-climbing devices, as approved by the manufacturers. A detail confirming the design of such features shall be included in the application for approval of the wireless communications tower.

g. Tower Type: The applicant shall use the monopole, or davit-pole, type of wireless communications tower.

h. Landscaping: The applicant shall demonstrate compliance with the following landscaping requirements.

(1) The base of the wireless communications tower, any supporting cables or guy wires, maintenance buildings, and parking areas shall be enclosed by a protective fence. The protective fence shall be a minimum of six (6) feet in height.

(2) An evergreen screen shall be planted around the external perimeter of the protective fence. Evergreen trees shall be a minimum of six (6) feet at planting, and shall reach a minimum height of fifteen (15) feet at maturity. Any trees which die within one (1) year of planting shall be replaced by the applicant. Where the tower site is either fully or partially located within a grove of existing trees, the evergreen screen requirement may be waived along any portion of the protective fence that is blocked from view from beyond the property line hosting the facility by said grove of trees.

i. Color: Where a specific color pattern is not required by the Federal Aviation Administration (FAA), wireless communications tower colors shall be a light grey or galvanized metal color. Towers shall be finished or treated in a manner that prevents the formation of rust.

j. Site Access: Access to a wireless communications tower facility shall be provided by an access driveway located within an easement of at least twenty (20) feet in width. The access driveway shall be a minimum of ten (10) feet in width, and shall be constructed with a dust-free, all weather surface for its entire length.

k. Land Development Plan Approvals: An applicant shall obtain land development approval from the Highland Township Supervisors in accordance with applicable provisions of the Highland Township Subdivision and Land Development Ordinance prior to Zoning Permit approval.

l. A list of the contents of the equipment building or box, with specific attention to any potentially unsafe or toxic substances, including batteries, to be located in the facility, shall be provided. Documentation demonstrating how any spills of unsafe or toxic material will be contained within the equipment building or box shall also be provided.

m. Information regarding the intended power supply and auxiliary power supply for the facility shall be provided.

n. Review Period: The timing requirements of Article 18 of this Ordinance notwithstanding, the review and approval period shall be those expressed in "Accelerating Wireless and Wireline Broadband Deployment by Removing

Barriers to Infrastructure Investment,” or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows.

- (1) Small wireless facility: Ninety (90) days from date of application. This time frame includes multiple deployments on new poles outside public right-of-way and in any other location as regulated by this Ordinance.
- (2) Facility other than a small wireless facility: One hundred fifty (150) days from date of application.

F. Institutional Uses.

1. Academic Clinical Research Center.

- a. An Academic Clinical Research Center may grow medical marijuana only in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health.
- b. External lighting, if proposed, shall comply with Section 1402.H.8.
- c. Landscaping shall be provided in accordance with Section 1402.I.
- d. Parking shall be provided in accordance with Section 1602.F.1 and designed in accordance with Section 1603.

2. Assisted Living / Personal Care Home.

- a. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen, and organized social activities for residents and their invited guests.
- b. Such a use shall primarily serve persons fifty-five (55) and older, persons with physical handicaps, and/or the developmentally disabled.
- c. Assisted Living Facilities shall be licensed as Personal Care Centers or Assisted Living Facilities by the Commonwealth of Pennsylvania.

3. Cemetery.

- a. A cemetery may be proposed as either a principal use or as an accessory use to a place of worship.
- b. A cemetery shall not include a crematorium.

- c. Minimum Lot Area: Two (2) acres.
 - d. All structures and graves shall meet the following setbacks.
 - (1) Thirty (30) feet from the right-of-way of any public street.
 - (2) Ten (10) feet from the cartway of an internal driveway.
 - (3) Twenty (20) feet from any other lot line.
 - (4) Any buildings with a height greater than twenty (20) feet shall be setback a minimum of fifty (50) feet from all lot lines.
 - e. No grave sites and no buildings shall be located within the one hundred (100) year floodplain.
 - f. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.
4. Child Care Facility.
- a. An outdoor play area meeting the following standards shall be provided:
 - (1) An outdoor play area shall be provided at a rate of sixty-five (65) square feet per child.
 - (2) Off-street parking lots shall not be used as outdoor play areas.
 - (3) Outdoor play areas shall not be located within the front yard.
 - (4) Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially zoned properties.
 - b. Passenger drop-off and pick-up areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
 - c. All Child Care Facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.
5. Group Day Care Center.

- a. The Group Day Care Center shall serve clients who are sixty-two (62) years of age or older or how are eighteen (18) years of age or older and have a disability.
- b. A minimum of fifty (50) square feet of livable floor area shall be provided for each client.
- c. Passenger drop-off and pick-up areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
- d. Clients shall not be permitted to stay overnight.
- e. The Group Day Care Center shall be licensed with the Commonwealth of Pennsylvania Department of Aging as an older daily living center as a condition of approval of the Zoning Permit.

6. Nursing Home.

- a. Licensing: The Nursing Home shall be licensed in accordance with applicable State and/or Federal requirements.
- b. A minimum of twenty percent (20%) of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

7. Treatment Center.

- a. The applicant shall provide a written description of all conditions, such as criminal parolees or alcohol addiction, that will cause persons to occupy the use during the life the permit.
- b. The applicant shall prove to the satisfaction of the Township that the use will involve adequate on-site supervision and security measures to protect public safety.
- c. The Township may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

G. Public / Semi-Public Uses.

1. Emergency Services Station.

- a. The following uses shall be allowed as accessory uses to the principal use of a fire company station.

- (1) Banquet hall.
 - (2) Bingo games.
 - (3) Facilities for periodic temporary fundraising events.
- b. Any building or area of a building used for the consumption of alcoholic beverages shall be setback a minimum of fifty (50) feet from a residential lot line.
- c. Any building or building expansion separated along a side or rear lot line from a residential lot line shall provide a buffer yard meeting Section 1402.I.
2. Membership Club.
 - a. Any active outdoor play areas shall be setback at least thirty (30) feet from any abutting residential lot line.
 - b. This use shall not include, as accessory components, outdoor shooting of firearms, boarding house, tavern, restaurant, or retail sales unless that particular use is permitted in the underlying zoning district and the requirements of that use are met.
3. Picnic Grove, Private.
 - a. All activity areas shall be a minimum of two hundred fifty (250) feet of a pre-existing dwelling on another lot.
 - b. All parking areas shall be setback one hundred (100) feet from any residential lot line.
 - c. The use shall not be open to the public between the hours of 11:00 PM and 7:00 AM.
 - d. Minimum Lot Area: Five (5) acres.
4. Place of Worship.
 - a. The Place of Worship shall meet the following minimum lot area requirements.
 - (1) Two (2) acres in a residential district, unless a larger lot area is required by the applicable zoning district.
 - (2) In any other district, a place of worship shall meet the minimum lot area for that district.

- b. Weekly religious education rooms are permitted.
- c. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met.
- d. A maximum of one (1) dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.
- e. The Place or Worship shall meet the following minimum setback requirements.

- (1) Minimum building setback from a lot line of an existing dwelling in a residential district: Thirty (30) feet.

- (2) Minimum parking setback from a lot line of an existing dwelling in a residential district: Twenty (20) feet.

- f. If a religious use is primarily residential in nature, it shall be regulated under the appropriate dwelling type.

5. School.

- a. A school may be a public or private school and includes both primary and secondary schools.
- b. Minimum Lot Area: Two (2) acres in a residential district. In any other zoning district, the use shall meet the standard minimum lot area requirement for that zoning district.
- c. No children's play equipment, basketball courts or illuminated recreation facilities shall be within fifty (50) feet of a residential lot line.
- d. The use shall not include a dormitory unless specifically permitted in the zoning district.

6. Swimming Pool, Non-Household.

- a. The water surface shall be setback at least forty (40) feet from any existing dwelling.
- b. Minimum Lot Area: One (1) acre.

- c. Any water surface within one hundred (100) feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting Section 1402.I.
- d. The water surface shall be surrounded by a secure, well-maintained fence at least four (4) feet in height.
- e. Drainage: A proper method shall be provided for drainage of the water from the pool that will not flood other property.

H. Accessory Uses.

1. Accessory Dwelling Unit.

- a. The Accessory Dwelling Unit shall be occupied by a maximum of two (2) persons, who shall be relatives of the permanent residents of the principal dwelling unit. At least one (1) resident of the second dwelling unit shall need such accommodations because of an illness, old age, or disability.
- b. The applicant shall prove to the Zoning Officer that the Accessory Dwelling Unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit, be completely removed, or be converted into a lawful accessory use after the relative no longer resides within the unit. Such Accessory Dwelling Unit may be converted into an additional bedroom(s), permitted home occupation area, or similar use. A lawful detached garage may be converted into an Accessory Dwelling Unit, and then be reconverted to a garage or permitted home occupation area. If the Accessory Dwelling Unit will be attached to the principal dwelling unit, then an interior door shall connect the two (2) units.
- c. The applicant shall establish a legally binding mechanism in a form acceptable to the Township that will prohibit the use of the Accessory Dwelling Unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
- d. Such Accessory Dwelling Unit shall not alter the single family residential appearance of a single family dwelling, as viewed from exterior property lines. The Accessory Dwelling Unit shall be attached to the principal dwelling unit, except for a detached dwelling unit that is specifically approved by the Township. If a detached dwelling is placed on the property, it shall be completely removed within ninety (90) days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet principal building setbacks.
- e. Any on-lot septic system shall be re-certified if the sewage flows will increase.

2. Accessory Solar Energy System (ASES).

a. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels. The use shall not include battery storage for the solar energy generated by the facility unless such storage is located within the footprint of existing structures on the site.

b. Criteria Applicable to All Accessory Solar Energy Systems.

(1) ASES shall be permitted as a use by right in all zoning districts.

(a) The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by Highland Township, and with all other applicable fire and life safety requirements.

(b) Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Highland Township codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Highland Township in accordance with applicable ordinances.

(c) All on-site utility, connection lines, and plumbing shall be placed underground to the extent feasible.

(2) Glare: In addition to the standards of Section 1402.H.8, the following standard are established.

(a) All ASES shall be placed such that glare does not project onto nearby structures or roadways.

(b) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

(3) Decommissioning.

(a) Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.

(b) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.

(c) The ASES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASES in the last twelve (12) months.

(4) Permit Requirements.

(a) Zoning Permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines.

(b) The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

c. Roof Mounted and Wall Mounted Accessory Solar Energy Systems.

(1) Roof Mounted Solar Energy Systems on the roofs of buildings on-site used primarily for on-site use shall have no limit as to energy output.

(2) A roof mounted or wall mounted ASES may be located on a principal or accessory building.

(3) The total height of a building with an ASES shall not exceed by more than three (3) feet above the maximum building height specified for principal or accessory buildings within the applicable zoning district.

(4) Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.

(5) Solar panels shall not extend beyond any portion of the roof edge.

(6) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and

adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.

d. Ground Mounted Accessory Solar Energy Systems.

(1) Ground mounted or freestanding Solar Energy Systems with an output size of not greater than 20kw shall be considered Accessory Solar Energy Systems.

(2) Setbacks.

(a) All components, including fencing, of a ASES shall be setback from any property line a minimum of fifty (50) feet.

(b) A ground mounted ASES shall not be located in the required front yard, unless the principal structure is set back more than five hundred (500) feet from the front property line, in which case, the ASES shall be set back not less than two hundred (200) feet from the front property line.

(3) Height.: Ground mounted ASES shall not exceed fifteen (15) feet in height above the ground elevation surrounding the systems.

(4) Lot Coverage: In calculating the maximum lot coverage, portions of the ASES may be considered pervious if the criteria within the Pennsylvania Department of Environmental Protection (DEP) FAQ document entitled "Chapter 102 Permitting for Solar Panel Farms," dated January 2, 2019, as may be updated or amended, has been met.

(5) Screening: Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes in accordance with the screening requirements of the Zoning Ordinance.

(6) Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

(7) Ground-mounted ASES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system, unless the Applicant can demonstrate, to the satisfaction of the Township, that the ASES will not impede stormwater management, or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

(8) Stormwater Management: Stormwater management for the ASES shall be in accordance with the local municipal Stormwater Management Ordinance and the DEP FAQ document entitled "Chapter 102 Permitting for Solar Panel Farms," dated January 2, 2019, as may be updated or amended, as applicable.

3. Agricultural Tourism Operation.

a. Agricultural Tourism is deemed to include a variety of activities designed to provide recreation, entertainment, education, and/or tourism opportunities within an agricultural setting. Agricultural Tourism includes hay rides, corn or hay mazes, petting zoos comprised of farm animals, farm tours or stays, historical or living history farms, farm museums, U-pick operations, tree farms, or other operations deemed by the Township to be of the same general nature as the above uses. Agricultural Tourism uses may be operated as an accessory use to a farm or agricultural operation.

b. The owner of the Agricultural Tourism Use shall be the owner of the farm upon which the Agricultural Tourism Use is located.

c. Agricultural Tourism Uses shall be located on a farm or on a property on which agricultural products are grown or produced.

d. The maximum floor area of any structure devoted to an Agricultural Tourism Use shall be fifteen thousand (15,000) square feet of publicly accessible sales activity area.

4. Bee Keeping.

a. Signs shall be posted to warn persons of the presence of hives that are within one hundred (100) feet of a street or lot line.

b. Hives shall be located a minimum of fifty (50) feet from the lot line of a dwelling on another lot.

5. Composting.

a. Composting of materials in addition to materials generated on-site may be proposed as an accessory use of property.

b. The raising of mushrooms shall not be considered as a composting use but instead shall be considered to be an agricultural use.

- c. All composting shall be conducted in such a manner that does not create a fire, rodent or disease-carrying insect hazard, or noxious odors discernable on adjacent property.
- d. Composting permitted as an accessory use shall be limited to composting of biodegradable vegetative material, including trees, shrubs, leaves, bark and vegetable waste. Composting garbage and animal fats as a component of composting as an accessory use is prohibited.
- e. Minimum lot area for bulk above-ground storage and composting of manure (not including routine spreading) that was not generated on-site: Twenty-five (25) acres.
- f. Any composting of manure shall comply with the latest edition of the Pennsylvania Manure Management Manual.
- g. Setbacks: Composting areas of greater than one (1) acre shall be setback seventy-five (75) feet from lot lines of abutting residential lot lines, except that a two hundred (200) foot minimum setback shall apply from all lot lines for composting of manure that was not generated on-site.

6. Family Child Care / Group Child Care.

- a. An outdoor play area meeting the following standards shall be provided.
 - (1) An outdoor play area shall be provided at a rate of sixty-five (65) square feet per child.
 - (2) Off-street parking lots shall not be used as outdoor play areas.
 - (3) Outdoor play areas shall not be located within the front yard.
 - (4) Outdoor play areas shall be completely enclosed by a minimum four (4) foot high fence, and screened from adjoining residentially zoned properties.
- b. Passenger drop-off and pick-up areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
- c. Family Child Care / Group Child Care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.

7. Family Day Care / Group Day Care.

- a. Passenger drop-off and pick-up areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
 - b. Family Day Care / Group Day Care facilities shall obtain and maintain proper licensure from the Commonwealth of Pennsylvania.
8. Farm Market.
- a. A Farm Market shall be intended to offer for sale primarily Agricultural Products produced either on the Farm where the Farm Market is located or on other Farms located within Adams County, as well as other Agriculturally Related Products. A minimum of twenty-five percent (25%) of the sales from the Farm Market shall be agricultural or agriculturally related products produced either on the farm or on surrounding farms within Adams County. A maximum of seventy-five percent (75%) of the sales from the Farm Market may be from products produced outside Adams County.
 - b. The owner of the Farm Market shall be the owner of the farm upon which the Farm Market use is located.
 - c. Farm Markets shall be located on a Farm or on a property of at least five (5) acres in size on which agricultural products are grown or produced.
 - d. The maximum floor area of any structure devoted to a Farm Market shall be fifteen thousand (15,000) square feet of publicly accessible sales activity area.
 - e. Within the AP District, a Farm Market Use shall contribute to the total number of uses or lots that may be developed on a property in accordance with the scale established in Section 506.A.1 of this Ordinance.
9. Farm-Related Business.
- a. This use may be approved on a lawful existing lot with a minimum ten (10) acres that is used for agriculture. The minimum lot area shall be reduced to five (5) acres if the Farm- Related Business will only use a building(s) that existed prior to the enactment of this Ordinance. These minimum lot areas shall apply unless a more restrictive lot area requirement is established by another section of this Ordinance. The following shall not regulate the principal agricultural use.
 - b. A Farm-Related Business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-related businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.

c. A Farm-Related Business shall be conducted by a resident or owner of the property, his/her relatives, and a maximum total of six (6) other employees working on-site at one time, in addition to employees of the agricultural use. In addition, a non-residential building that existed prior to the adoption of this Section may be leased to a non-resident for a use meeting these standards.

d. Where present, a Farm-Related Business shall use an existing building. Buildings of any size or location that existed prior to the effective date of this Ordinance may be used for a Farm-Related Business.

e. Any new building constructed for a Farm-Related Business and any new parking area for trucks shall be set back a minimum of one hundred (100) feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance.

(1) A maximum of ten thousand (10,000) square feet of building floor area that is constructed after the enactment of this Ordinance may for used for a Farm-Related Business. This maximum building size may be increased by an additional two thousand five hundred (2,500) square feet of building floor area for each dwelling unit/residential lot that would otherwise be allowed to be built on the tract that the applicant commits to not develop/subdivide. The Township shall approve the method to make sure that the ability to establish such dwelling unit has been extinguished.

(2) The total area used by buildings, parking and storage for the Farm-Related Business shall not exceed four (4) acres or ten percent (10%) of the lot area, whichever is less restrictive, unless pre-existing buildings already exceed such percentage.

(3) If the Farm-Related Business involves new construction, it shall be located in a manner that minimizes the impact upon agricultural activities.

f. The Farm-Related Business shall not routinely require the overnight parking of more than two (2) tractor-trailer trucks, other than trucks serving the agricultural use.

g. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.

h. The Business shall not generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Non-agricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9:00 PM and 7:00 AM.

i. Any retail sales shall only be occasional or accessory in nature. This provision shall not restrict permitted sale of agricultural products or mulch.

j. Only one (1) sign shall advertise a Farm-Related Business. Such sign shall meet the following requirements.

- (1) Maximum Sign Area: Ten (10) square feet.
- (2) The sign shall not be internally illuminated.
- (3) The sign shall have a maximum height of eight (8) feet.

k. The following activities shall be permitted by right as a Farm-Related Business.

- (1) Farm equipment, farm vehicle or buggy repair.
- (2) Occasional repair of one (1) motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting,
- (3) Barber/beauty shop.
- (4) Office.
- (5) Music, hobby, trade, or art instruction.
- (6) Small engine repair.
- (7) Custom woodworking or wood refinishing.
- (8) Custom blacksmithing or sharpening services.
- (9) Installation of accessories to motor vehicles.
- (10) Boarding of animals, not including a kennel or a stable (which are separate uses).
- (11) Custom butchering, not including a commercial slaughterhouse of animals not raised on the premises and not including a stockyard.
- (12) Processing and storage of agricultural products produced on the premises, not including a commercial slaughterhouse of animals not raised on the premises and not including a stockyard or tannery.
- (13) Sawmill.

(14) Use of a building that existed prior to the enactment of this Ordinance for rental storage, such as for boats or recreational vehicles.

(15) A teahouse or coffeehouse providing non-alcoholic beverages and light food items, but without drive-through service.

(16) construction tradesperson's or landscaping business headquarters, in addition to an office which is permitted by right.

(17) Processing and storage of agricultural products not produced on the premises.

(18) Welding and custom machining of parts.

l. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.

m. All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.

n. The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.

o. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.

p. The lot shall have provisions for trucks to turn around on the site without backing onto a public street.

10. Groundwater or Spring Water Withdrawal.

a. Groundwater or Spring Water Withdrawal, involving removal of an averaging of more than one hundred thousand (100,000) gallons per day from a lot for off-site consumption, shall be subject to and approved in accordance with the standards of this Section.

b. The regulations of this Section shall not apply to water used by a principal agricultural use within the Township, by adjacent lots, or used as part of a public water system.

c. If the water will be trucked off-site, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to

accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Township that the area street system is suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic.

d. If the water will be trucked off-site, any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of one hundred (150) feet from any adjacent residential lot.

e. Minimum Lot Area: Twenty (20) acres, plus five (5) additional acres for each twenty-five thousand (25,000) gallons per day of withdrawal.

f. The applicant shall provide a water quantity impact study to show that the withdrawal will not adversely affect streams and other water users, including during drought conditions.

11. Home Occupation.

a. The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one (1) person working on-site at any one time who does not reside within the dwelling. A maximum of one (1) non-resident employee may operate a vehicle based at the property on a daily basis.

b. The use shall be conducted indoors.

c. No outdoor storage or display related to the home occupation shall be permitted.

d. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.

e. The use shall occupy an area that is not greater than twenty-five percent (25%) of the total floor area of the principal dwelling unit or that is not greater than one thousand (1,000) square feet of an accessory building.

f. The use shall not routinely require deliveries by tractor-trailer trucks.

g. No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on residential property between the hours of 8:00 PM and 7:00 AM.

h. The use shall not involve the storage or use of hazardous, flammable, or explosive substances, other than types and amounts typically found on a residential property.

- i. The use shall not involve the storage or use of toxic or highly hazardous substances.
- j. A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 8:00 PM and 7:00 AM.
- k. Any tutoring or instruction shall be limited to a maximum of three (3) students at a time.
- l. Barber or beauty shops shall not include non-resident employees.
- m. The main office of a medical doctor, chiropractor, or dentist shall not be permitted as a home occupation.
- n. A craft or artisan's studio may be authorized as a Home Occupation in accordance with the requirements of this Section.
- o. A Home Occupation may include one (1) non-illuminated sign. The maximum area of the sign shall be six (6) square feet.
- p. The Township shall deny a Home Occupation application, or limit its intensity through conditions, if the Township determines the use would be too intense for the proposed location. In making such determination, the Township shall review the following.
 - (1) The likely amounts of traffic.
 - (2) The types of operations involved and related nuisances.
 - (3) The amount of off-street and on-street parking that is available.
 - (4) The density of the neighborhood, whether the use would be adjacent to another dwelling.
 - (5) Setbacks from other dwellings.
- q. The use shall not involve the following.
 - (1) Manufacturing, other than of custom crafts and sewing.
 - (2) Commercial repair of motor vehicles.
 - (3) On-site retail sales, except for accessory sales of products to persons receiving other services, such as hair product sales in a barber/beauty shop.

r. If more than one (1) home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.

12. Homestay.

a. A maximum one (1) guest room or suite is permitted within a Homestay.

b. Any proposed Homestay shall be compatible with the neighborhood in which it is located in terms of landscaping, scale, and architectural character. The use shall be harmonious and compatible with the existing uses within the neighborhood.

c. The operator of the Homestay shall be the owner of the dwelling and permanently reside on the premises.

d. Cooking facilities are prohibited within the guest room or suite occupied by the guests. Any access to cooking facilities for the guests shall only be to the common cooking facilities for the dwelling as a whole.

e. The Homestay shall meet applicable requirements of the Pennsylvania Uniform Construction Code, or similar applicable code.

f. The operator of the Homestay must demonstrate that the homestay is registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 3 of 2012 for the payment of hotel room rental tax.

13. No-Impact Home-Based Business.

a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

b. The business shall employ no employees other than family members residing in the dwelling.

c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

d. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

e. The business activity may not use any equipment or process, which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five percent (25%) of the habitable floor area.
- h. The business may not involve any illegal activity.

14. Outdoor Storage and Display.

- a. Location: Outdoor storage or display shall not occupy any part of any of the following locations.
 - (1) The existing or future street right-of-way.
 - (2) A sidewalk.
 - (3) Other areas intended or designed for pedestrian use or required parking area.
- b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.
- c. Screening shall be provided in accordance with Section 1402.I.
- d. Tire Storage: Tire storage shall meet the following standards.
 - (1) Any outdoor storage of more than 5 tires on a lot in a residential district or more than 50 used tires in a non-residential district shall only be permitted as part of a Township-approved junkyard.
 - (2) The outdoor storage of more than 50 used tires shall be limited to the Industrial District.
 - (3) Any storage of used tires shall involve stacks that meet the following standards.
 - (a) Maximum Stack Height: Fifteen (15) feet.
 - (b) Maximum Stack Coverage: Four hundred (400) square feet.

(c) Each stack shall be separated from other stacks and from all lot lines by a minimum of seventy-five (75) feet.

(4) If the same set of tires is stored on a lot for more than six (6) months, the tires shall be stored within a building or trailer.

(5) The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.

15. Retail Sales of Agricultural Products.

a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery, or raising of livestock use.

b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than twenty-five percent (25%) of the products sold on-site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.

c. Any structure erected for this use that is not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.

d. Any Retail Sales of Agricultural Products stand shall be subject to the following standards.

(1) No stand shall be located closer than fifty (50) feet from a lot line of an existing dwelling.

(2) No stand shall be located closer than twenty-five (25) feet from any other lot line.

(3) No stand shall be located closer than one hundred (100) feet from the closest intersecting point of street rights-of-ways at a street intersection, unless the sales occur within a dwelling or barn that existed prior to the adoption of this Ordinance.

e. A maximum total of five thousand (5,000) square feet of building floor area shall be used for such use.

f. The use may occur within an existing dwelling, a barn, or a separate stand. Any stand shall be maintained in good condition.

g. The retail sales shall be located on land owned by the operator of the market or upon a property of five (5) acres or more which the owner actively farms.

h. The applicant shall prove to the Zoning Officer that the driveway has adequate sight distance, based upon the PennDOT standards that would apply to a normal commercial establishment along a state road, regardless of whether a PennDOT permit would be needed.

16. RV Hosting.

a. The operator of the RV Hosting site shall reside on the property.

b. The RV Hosting site shall be located on a property with a minimum lot area of five (5) acres.

c. The RV Hosting site shall be located at least fifty (50) feet from any side and rear property line, and at least one hundred (100) feet from any front property line.

d. The RV Hosting site shall be limited to one (1) recreational vehicle.

e. The RV Hosting site shall be provided with an improved pad for the recreational vehicle. The pad shall either be paved or be surfaced with crushed stone.

f. Access to the RV Hosting site shall be provided by an existing driveway or by a new entrance permitted by the Township or by the Pennsylvania Department of Transportation, as appropriate. Access to the RV Hosting site shall be designed to allow for adequate maneuvering / turning space on the property to eliminate the need for any backing up / reverse maneuvering within any road right-of-way.

g. The RV Hosting site shall be provided with access to on-lot septic and water facilities. The applicant shall provide confirmation from the Township Sewage Enforcement Officer that the existing septic system has adequate capacity for the RV Hosting use.

h. If electric service is provided to the RV Hosting site, such electric connection shall be installed and inspected in accordance with applicable provisions of the Pennsylvania Uniform Construction Code, or similar applicable code.

i. No ground fires shall be permitted. The RV Hosting site shall be provided with an improved fire pit or comparable facility should the provision of camp fire facilities be proposed.

j. The RV Hosting site shall be the only form of short-term rental on the property. The RV Hosting site shall not be permitted if any other form of short-term rental is already permitted for the property.

k. All parking shall be hidden from view, through the use of landscaping or similar design features, from any public road right-of-way.

l. The operator of the RV Hosting site must demonstrate that the RV Hosting site is will comply with the Highland Township Admissions Tax Ordinance of 1978, as amended..

17. Small Wireless Facility–Co-Location–Inside Public Right-of-Way.

a. Location: An applicant may co-locate one (1) or more small wireless facilities on existing poles, including but not limited to, telephone utility poles, electric utility poles, and light poles.

b. Siting Requirements: Co-location of small wireless facilities shall meet the following siting criteria.

(1) The co-location of the small wireless facility and related equipment shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way by the Township and utilities.

(2) The installation of a small wireless facility on an existing utility pole shall not extend more than five (5) feet above the existing utility pole.

(3) An applicant shall self-certify that the small wireless facility at the subject location is needed by the wireless provider to provide additional capacity or coverage for wireless services. The self-certification shall not be required to include information regarding an applicant's business decisions with respect to its service, customer demand for service, or quality of service.

c. Fees: Subject to the fee adjustment requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, the Township may charge an annual fee for the use of Township right-of-way. An annual right-of-way fee shall not exceed two hundred seventy dollars (\$270) per small wireless facility unless the Township demonstrate all of the following.

(1) The annual right-of-way fee is a reasonable approximation of the Township's costs to manage the right-of-way.

- (2) The Township costs under Section 1502.H.17.c are reasonable.
- (3) The annual right-of-way fee is nondiscriminatory.

d. Zoning Permit Submission, Review, and Approval: The timing requirements of Article 18 of this Ordinance notwithstanding, the Zoning Permit submission, review, and approval period shall be those expressed in the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, and specifically as follows.

(1) Completed Application: Within ten (10) business days of receiving a Zoning Permit application, the Township must determine and notify the applicant in writing if the application is incomplete. If an application is incomplete, the notice must specifically identify the missing information. The processing deadline shall restart at zero on the date the applicant provides the missing information. The processing deadline may be tolled by agreement of the applicant and the Township.

(2) Deadlines: A Zoning Permit application shall be processed on a nondiscriminatory basis and shall be deemed approved if the Township fails to approve or deny the Zoning Permit application within sixty (60) days of receipt of a complete application. A Zoning Permit associated with a Zoning Permit application that has been deemed approved shall be deemed approved if the Township fails to approve or deny the Zoning Permit within seven (7) days of the Zoning Permit application deemed approved unless there is a public safety reason for the delay.

(3) Denial: Denial of a Zoning Permit application shall comply with the following.

(a) Cause for Denial: The Township may deny a Zoning Permit application only if any of the following apply.

[1] The small wireless facility materially interferes with the safe operation of traffic control equipment, sight lines, or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrians and movement.

[2] The small wireless facility fails to comply with applicable codes.

[3] The small wireless facility fails to comply with the requirements of the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.

(b) Documentation of Denial: Within the time frame established in Section 1502.H.17.D(2), the Township shall document the basis for denial, including the specific provisions of applicable codes on which the denial was based. Such documentation shall be sent to the applicant within five (5) business days of the denial.

(c) Cure Deficiencies of Denial: The applicant may cure the deficiencies identified by the Borough and resubmit the Zoning Permit application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall then approve or deny the revised Zoning Permit application within thirty (30) days of the application being resubmitted for review or the resubmitted application shall be deemed approved thirty (30) days after resubmission. Any subsequent review shall be limited to the deficiencies cited in the denial. If the resubmitted application addresses or changes other section of the application that were not previously denied, the Township shall be given an additional fifteen (15) days to review the resubmitted application and may charge an additional fee for the review.

e. Consolidated Application: An applicant seeking co-location shall be allowed, at the applicant's discretion, to file a consolidated application of multiple small wireless facilities as follows.

(1) The consolidated application shall not exceed twenty (20) small wireless facilities.

(2) The denial of one (1) or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same consolidated application.

(3) A single applicant may not submit more than one (1) consolidated or twenty (20) single applications in a thirty (30) day period. If the Township receives more than one (1) consolidated application or twenty (20) single applications within a forty-five (45) day period, the submission, review, and approval deadline of Section 1502.H.17.d(2) shall be extended fifteen (15) days to allow the Township to complete its review.

f. Tolling: A Zoning Permit application tolled under Section 1502.H.17.e(3) shall count toward the total number of applications included in a consolidated application unless the application is withdrawn by the applicant. As the processing of applications is completed, the Township shall begin processing

previously tolled applications in the order in which the tolled applications were submitted, unless the applicant specifies a different order.

g. Permit Term: Approval of the Zoning Permit authorizes the applicant to operate and maintain small wireless facilities and any associated equipment for a period of not less than five (5) years, which shall be renewed for two (2) additional five (5) year periods if the applicant is in compliance with the criteria set forth in this Ordinance and the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021.

h. Removal: Within ninety (90) days of the end of the Zoning Permit term, or an extension of the Zoning Permit term, the applicant shall remove the small wireless facility and any associated equipment.

(1) Within sixty (60) days of suspension or revocation of a Zoning Permit due to noncompliance with this Ordinance and/or the Small Wireless Facilities Deployment Act, Pennsylvania Act 50 of 2021, the applicant shall remove the small wireless facility, and any associated equipment.

(2) Within ninety (90) days of the end of the Zoning Permit term, or an extension of the Zoning Permit term, the applicant shall remove the small wireless facility and any associated equipment.

18. Target Practice.

a. Participants shall only include the owner of the lot and the owner's occasional guests.

b. All firing stations and targets shall be located a minimum of two-hundred fifty (250) feet from any property line.

19. Temporary Retail Sales.

a. The property shall be located within a zoning district that allows retail sales.

b. The operator shall have received any business permits required by the Township.

c. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands.

d. Any structure shall meet applicable minimum setbacks.

e. A Zoning Permit under this Ordinance shall be required from the Township, which shall be displayed while the activity is open for business.

f. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.

20. Tent Hosting.

a. The operator of the Tent Hosting site shall reside on the property.

b. The Tent Hosting site shall be located on a property with a minimum lot area of five (5) acres.

c. The Tent Hosting site shall be located at least fifty (50) feet from any side or rear property line, and at least one hundred (100) feet from any front property line.

d. The Tent Hosting site shall be provided with a designated, fixed, and marked location for the tent. The tent site need not be improved with a tent pad or similar surfaced area.

e. Access to the Tent Hosting site shall be provided by an existing driveway or by a new entrance permitted by the local municipality or by the Pennsylvania Department of Transportation, as appropriate. Access to the Tent Hosting site shall be designed to allow for adequate maneuvering / turning space on the property to eliminate the need for any backing up / reverse maneuvering within any road right-of-way.

f. The Tent Hosting site shall be provided with access to on-lot septic and water facilities. The applicant shall provide confirmation from the municipal Sewage Enforcement Officer that the existing septic system has adequate capacity for the Tent Hosting use.

g. No ground fires shall be permitted. The Tent Hosting site shall be provided with an improved fire pit or comparable facility should the provision of camp fire facilities be proposed.

h. The Tent Hosting site shall be the only form of Short-Term Rental on the property. The Tent Hosting site shall not be permitted if any other form of Short-Term Rental is already permitted for the property.

i. All parking shall be hidden from view, through the use of landscaping or similar design features, from any public road right-of-way.

j. The operator of the Tent Hosting site must demonstrate that the Tent Hosting site will comply with the Highland Township Admissions Tax Ordinance of 1978, as amended .

21. Wind Turbine – Accessory Use.

a. A wind turbine as an accessory use shall be limited to one (1) wind turbine per lot.

b. All wind turbines shall be set back from each lot line a minimum distance equal to the total maximum height to the top of the extended blade. All wind turbine setbacks shall be measured from the center of the base of the turbine.

c. The audible sound from the wind turbine shall not exceed 50 A-weighted decibels, as measured at the exterior of a occupied principal building on another lot.

d. The owner of the facility shall completely remove all above ground structures within twelve (12) months after the windmill is no longer used to generate electricity.

e. A wind turbine shall not be climbable for at least the first twelve (12) feet above the ground level, unless it is surrounded by a fence with a minimum height of six (6) feet.

f. All wind turbines shall be set back from the nearest public street right of-way a minimum distance equal to the total maximum height to the top of the extended blade.

g. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.

h. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.

i. In a Residential District, the maximum total height above the ground level to the tip of the extended blade shall be ninety (90) feet. In other districts, the maximum height for a wind turbine approved under this section shall be one hundred fifty (150) feet.

j. New electrical wiring to the wind turbine shall be placed underground.

k. Contiguous property owners may construct one (1) wind turbine for use in common, provided that the required setbacks are maintained from the lot lines of non-participating landowners.

22. Wireless Communication Facility–Co-Location–Outside Public Right-of-Way

a. Location: An applicant may co-locate one (1) or more wireless communications facilities on existing poles, including but not limited to existing tower-based wireless communications facilities, telephone and/or electric utility poles, and light poles. Such facilities may also be co-located on buildings and structures. Multiple small wireless facilities proposed to be deployed at multiple locations shall be considered to be one (1) application for the purpose of this review and approval process.

b. Screening: Any related equipment that cannot be placed underground shall be screened through the use of landscaping or other decorative features.

c. Stealth Technology–Co-Location on Wireless Communication Tower: Any stealth technology employed on the existing wireless communication tower must be expanded to encompass the new Wireless Communication Facility to be co-located on said tower.

d. Stealth Technology–Co-Location on Other Towers, Poles, Structures, or Buildings: Stealth technology shall be employed to minimize the visual impact of the Wireless Communications Facility within the surrounding environment. Specific requirements are as follows.

(1) Buildings: Stealth technology shall be employed that encloses the Wireless Communications Facility in structure that is architecturally compatible with the host building.

(2) Poles and Other Structures: Stealth technology shall be employed such that the Wireless Communications Facility is installed either within the pole or structure, or flush on the external surface of the pole or structure.

e. Height: The following height requirements shall be applied.

(1) Co-Location on Existing Wireless Communications Tower: Co-Location on an existing Wireless Communications Tower shall not result in a Wireless Communications Tower height that exceeds that authorized by this Ordinance.

(2) Co-Location on Poles and Other Structures: Co-Location on other poles and other structures shall not result in the Wireless Communications Facility exceeding the height of the pole or structure.

(3) Co-Location on Buildings: Co-location on an existing building may result in the Wireless Communication Facility exceeding the building height by no more than ten (10) feet. However, in no case shall

the height of the Wireless Communication Facility exceed the maximum building height of the underlying Zoning District by more than five (5) feet.

f. Review Period: The timing requirements of Article 18 of this Ordinance notwithstanding, the review and approval period shall be those expressed in “Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment,” or subsequent rulemaking, by the Federal Communications Commission, and specifically as follows.

(1) Small Wireless Facility: Sixty (60) days from date of application. This time frame includes multiple deployments on existing poles and other structures outside of public right-of-way and within public right-of-way and on existing structures inside the public right-of-way per Section 1502.H.17 of this Ordinance.

(2) Applications for multiple deployments that contain small wireless facilities on existing structures outside of public right-of-way and small wireless facilities in any other location as regulated by this Ordinance: Ninety (90) days from date of application.

(3) Facility other than a small wireless facility: Ninety (90) days from date of application.

I. Uses Not Expressly Permitted.

1. The proposed use shall be of the same general character in terms of size, scale, intensity, and type of use as those uses specifically authorized in the underlying zoning district.

2. The applicant shall present testimony that evaluates the degree to which the proposed use is of the same general character of the underlying zoning district versus other zoning districts applied in the Township. In rendering its decision, the Township shall conclude that the proposed use achieves an equal or higher degree of consistency in terms of general character with the underlying district versus other zoning districts applied in the Township.

ARTICLE 16: OFF-STREET PARKING

Section 1601: Overall Requirements

- A. Parking Required: Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with the regulations of this Article.
- B. Location: Off-street parking spaces shall be located outside of the street right-of-way.
- C. Multiple Uses: Where a proposed lot contains or includes more than one (1) type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.

Section 1602: Number of Off-Street Parking Spaces Required

Off-street parking for individual uses shall be provided in accordance with the following standards.

- A. Agricultural Uses.
 - 1. Kennel: One (1) for every ten (10) dogs given the maximum boarding capacity of the facility, plus one (1) for every one and one-tenths (1.1) nonresident employees.
 - 2. Horse-Riding Academy: One (1) for every two (2) students given the maximum capacity of the facility, plus one (1) for every one and one-tenths (1.1) nonresident employees.
 - 3. Plant Nursery: One (1) for every one thousand (1,000) square feet of product display space for customers, plus one (1) for every one and one-tenths (1.1) nonresident employees.
 - 4. Stable, Non-Household: One (1) for every ten (10) horses given the maximum boarding capacity of the facility, plus one (1) for every one and one-tenths (1.1) nonresident employees.
 - 5. Wholesale Greenhouses: One (1) for every five thousand (5,000) square feet of product display space for customers, plus one (1) for every one and one-tenths (1.1) nonresident employees.
- B. Residential Uses.

1. Apartment Building: Two (2) per dwelling unit.
2. Boarding House: One (1) per each rental unit or bed.
3. Conversion Apartments: Two (2) per dwelling unit.
4. Conversion Apartments – Agricultural Barn: Two (2) per dwelling unit.
5. Dormitory: One (1) per every four (4) rental units or beds.
6. Duplex Dwelling: Two (2) per dwelling unit.
7. Group Home: One (1) per every two (2) residents plus one (1) per every non-resident employee.
8. Manufactured / Mobilehome Park: Two (2) per dwelling unit.
9. Single-Family Detached Dwelling: Two (2).
10. Townhouse (Rowhouse): Two (2) per dwelling unit.
11. Twin Dwelling: Two (2) per dwelling unit.

C. Commercial Uses.

1. Adult Use: One (1) for every thirty (30) square feet of total floor area, plus one (1) for every one and one-tenths (1.1) employees.
2. Amusement Arcade: One (1) for every two hundred (200) square feet of customer accessible floor area, plus one (1) for every one and one-tenths (1.1) employees.
3. Auditorium: One (1) for every four (4) seats given maximum capacity of the facility, plus one (1) for every one and one-tenths (1.1) employees.
4. Auto Service Station: Five (5) per every repair / service bay, plus one (1) for every four (4) fuel pumps, plus one (1) for every one and one-tenths (1.1) employees.
5. Auto/Vehicle, Boat or Mobile/Manufactured Home Sales: One (1) for every twenty (20) units displayed for sale, plus one (1) for every one (1) employee.
6. Auto/Vehicle Repair Garage: Five (5) per every repair / service bay, plus one (1) for every one and one-tenths (1.1) employees.

7. Bakery – Retail: One (1) for every three hundred (300) square feet of customer accessible floor area, plus one (1) for every one and one-tenths (1.1) employees.
8. Bed and Breakfast Inn: One (1) per every rental unit, plus two (2) for the dwelling unit, plus one (1) for every one and one-tenths (1.1) nonresident employees.
9. Betting Use: One (1) for every two hundred (200) square feet of customer accessible floor area, plus one (1) for every one and one-tenths (1.1) employees
10. Beverage Distributor: One (1) for every two hundred (200) square feet of customer accessible floor area, plus one (1) for every one and one-tenths (1.1) employees
11. Bus Maintenance / Storage Yard: One (1) for every one and one-tenths (1.1) employees
12. Camp: One (1) for every campsite, plus one (1) for every one and one-tenths (1.1) employees.
13. Car Wash: Two (2) for each stall or lane, plus one (1) for every one and one-tenths (1.1) employees.
14. Catering – Custom: One (1) for every one (1) employee.
15. Conference Center: One (1) for every four (4) persons given the maximum capacity of the facility, plus one (1) for every one and one-tenths (1.1) employees.
16. Construction Company or Tradesperson Headquarters: One (1) for every employee, plus one (1) visitor space.
17. Crafts or Artisan’s Studios: One (1) for every five hundred (500) square feet of customer accessible floor area.
18. Custom Printing, Copying, Faxing, Mailing, or Courier Service: One (1) for every five hundred (500) square feet of customer accessible floor area, plus one (1) for every one and one-tenths (1.1) employees.
19. Exercise Club: One (1) for every four (4) persons given the maximum capacity of the facility, plus one (1) for every one and one-tenths (1.1) employees.
20. Farm Equipment Sales: One for every one thousand (1,000) square feet floor area accessible to customers, plus one (1) for every one and one-tenths (1.1) employees.

21. Financial Institution with Drive-Through Service: One (1) for every two hundred (200) square feet of floor area accessible to customer, plus one (1) space for every drive-through lane, plus one (1) for every one and one-tenths (1.1) employees.
22. Financial Institution without Drive-Through Service: One (1) for every two hundred (200) square feet of floor area accessible to customer, plus one (1) for every one and one-tenths (1.1) employees.
23. Flea Market / Auction House: One (1) for every five hundred (500) square feet of product display space, plus one (1) for every one and one-tenths (1.1) employees
24. Funeral Home: One (1) per every five (5) seats within the room with largest capacity, plus one (1) for every one (1) employee.
25. Garden Center – Retail: One (1) for every four hundred (400) square feet of floor area accessible to customers, plus one (1) for every one and one-tenths (1.1) employees.
26. Golf Course: Two (2) for every golf hole, plus one (1) for every three hundred (300) square feet of pro-shop, snack-bar, or similar customer accessible space, plus one (1) for every one and one-tenths (1.1) employees.
27. Hotel / Motel: One (1) per every one (1) rental unit, plus the required parking spaces for every accessory component (such as restaurants), plus one (1) per every one and one-tenths (1.1) employees.
28. Laundromat: One (1) per every three (3) washing machines.
29. Laundry: One (1) for every five hundred (500) square feet of customer accessible space, plus one (1) per every one and one-tenths (1.1) employees.
30. Lumber Yard: One (1) for every one thousand (1,000) square feet of customer accessible space, plus one (1) per every one and one-tenths (1.1) employees.
31. Medical Marijuana Dispensary: One (1) for every two hundred (200) square feet of floor area accessible to customer, plus one (1) for every one and one-tenths (1.1) employees.
32. Motor Vehicle Racetrack: One (1) for every four (4) persons given the maximum spectator capacity of the facility.

33. Nightclub: One (1) for every thirty (30) square feet of total floor area, plus one (1) for every one and one-tenths (1.1) employees.
34. Office: One (1) for every three hundred (300) square feet of total floor area.
35. Pawn Shop: One (1) for every three hundred (300) square feet of floor area accessible to customers, plus one (1) for every one and one-tenths (1.1) employees.
36. Personal Services: One (1) for every one (1) work station where customers receive services, plus one (1) for every one and one-tenths (1.1) employees.
37. Propane Retail Distributor: One (1) for every one (1) employee.
38. Recording Studio – Music: Two (2) for every studio suite within the facility.
39. Recreation, Commercial Indoor: One (1) for every four (4) persons given the maximum capacity of the facility, plus one (1) for every one and one-tenths (1.1) employees.
40. Recreation, Commercial Outdoor: One (1) for every four (4) persons given the maximum capacity of the facility, plus one (1) for every one and one-tenths (1.1) employees.
41. Repair Service – Household Appliance: One (1) for every non-resident employee, plus one (1) customer space.
42. Restaurant with Drive-Through Service: One (1) for every two hundred (200) square feet of floor area accessible to customers, plus one (1) for every one (1) drive through lane
43. Restaurant without Drive-Through Service: One (1) for every two hundred (200) square feet of floor area accessible to customers.
44. Retail Store with Drive-Through Service: One (1) for every two hundred (200) square feet of floor area accessible to customers, plus one (1) for every one (1) drive through lane.
45. Retail Store without Drive-Through Service: One (1) for every two hundred (200) square feet of floor area accessible to customers
46. Self-Storage Development: One (1) for every thirty (30) storage units plus one (1) for every one and one-tenths (1.1) employees.

47. Target Range-Firearms: One (1) for every four (4) designated firing points, plus one (1) for every one and one-tenths (1.1) employees.

48. Tattoo or Body Piercing Establishment: One (1) for every four hundred (400) square feet of floor area accessible to customers, plus one (1) for every one and one-tenths (1.1) employees.

49. Tavern: One (1) for every thirty (30) square feet of total floor area, plus one (1) for every one and one-tenths (1.1) employees.

50. Theater, Indoor Movie: One (1) for every four (4) seats given maximum capacity of the facility, plus one (1) for every one and one-tenths (1.1) employees.

51. Vacation Rental: One (1).

52. Veterinarian Office: Four (4) for every one (1) veterinarian, plus one (1) for every one and one-tenths (1.1) employees.

D. Industrial Uses.

1. Building Supplies and Materials – Wholesale Sales: One (1) for every five hundred (500) square feet of floor area accessible to customers.

2. Distribution – Principal Use / Trucking Company: One (1) for every one and one-tenths (1.1) employees at peak operation.

3. Heavy Industrial Uses: One (1) for every one and one-tenths (1.1) employees at peak operation.

4. Industrial Equipment Sales, Rental, and Service: One (1) for every five hundred (500) square feet of floor area accessible to customers.

5. Junkyard: One (1) for every five hundred (500) square feet of floor area accessible to customers, plus one (1) for every one and one-tenths (1.1) employees at peak operation.

6. Light Industrial Uses: One (1) for every one and one-tenths (1.1) employees at peak operation.

7. Medical Marijuana Grower Processor: One (1) for every one and one-tenths (1.1) employees at peak operation.

8. Medical Marijuana Vehicle Delivery Service: One (1) for every one and one-tenths (1.1) employees at peak operation.
9. Mineral Extraction: One (1) for every one and one-tenths (1.1) employees at peak operation.
10. Package Delivery Service Distribution Center: One (1) for every one and one-tenths (1.1) employees at peak operation.
11. Packaging: One (1) for every one and one-tenths (1.1) employees at peak operation.
12. Photo Processing – Bulk: One (1) for every one and one-tenths (1.1) employees.
13. Printing or Bookbinding: One (1) for every one and one-tenths (1.1) employees at peak operation.
14. Recycling Center – Bulk Processing: One (1) for every one and one-tenths (1.1) employees at peak operation.
15. Research and Development, Engineering, or Testing Facility or Laboratory: One (1) for every one and one-tenths (1.1) employees.
16. Solid Waste Landfill: One (1) for every one and one-tenths (1.1) employees at peak operation.
17. Solid Waste Transfer Facility: One (1) for every one and one-tenths (1.1) employees at peak operation.
18. Transportation Equipment – Manufacturing: One (1) for every one and one-tenths (1.1) employees at peak operation.
19. Warehouse / Storage – Principal Use: One (1) for every one and one-tenths (1.1) employees at peak operation.
20. Waste to Energy Facility: One (1) for every one and one-tenths (1.1) employees at peak operation.
21. Welding: One (1) for every one and one-tenths (1.1) employees at peak operation.
22. Wholesale Sales: One (1) for every five hundred (500) square feet of floor area accessible to customers.

E. Infrastructure Uses.

1. Airport: One (1) for every two hundred (200) square feet of floor area accessible to passengers, plus one (1) per every one and one-tenths (1.1) employees.
2. Heliport: Two (2) for every helicopter pad.

F. Institutional Uses.

1. Academic Clinical Research Center: One (1) for every one and one-tenths (1.1) employees.
2. Assisted Living / Personal Care Home: One (1) per every four (4) patient beds plus one (1) per every one and one-tenths (1.1) employees.
3. Child Care Facility: One (1) space for every ten (10) children served by the facility, plus one (1) for every one and one-tenths (1.1) employees.
4. College or University: One (1) per every one and one-half (1.5) students living off-campus, plus one (1) per every one and one-tenths (1.1) employees, plus spaces required for any dormitory.
5. Group Day Care Center: One (1) for every twenty-five (25) clients, plus one (1) per every one and one-tenths (1.1) employees.
6. Hospital or Surgery Center: One (1) per every three (3) patient beds plus one (1) per every one and two-tenths (1.2) employees.
7. Hunting and Fishing Club: One (1) for every five hundred (500) square feet of floor area.
8. Membership Club: One (1) for every four (4) persons given the maximum capacity of the facility, plus one (1) for every one and one-tenths (1.1) employees.
9. Place of Worship: One (1) per every five (5) seats within the room with largest capacity.
10. Prison / Correction Institution: One (1) for every five hundred (500) square feet of floor area accessible to visitors, plus one (1) for every one and one-tenths (1.1) employees at peak operation.

11. Trade / Hobby School: One (1) for every two (2) students given the maximum capacity of the facility, plus one (1) for every one and one-tenths (1.1) employees.

12. Treatment Center: One (1) space for every ten (10) patients served by the facility given maximum capacity, plus one (1) for every one and one-tenths (1.1) employees.

13. U.S. Postal Service Facility: One (1) for every five hundred (500) square feet of floor area accessible to customers, plus one (1) for every one and one-tenths (1.1) employees at peak operation.

G. Public / Semi-Public Uses.

1. Community Recreation Center: One (1) per every two-hundred fifty (250) square feet accessible to patrons, plus one (1) per every one and one-tenths (1.1) employees.

2. Cultural Center: One (1) per every two-hundred fifty (250) square feet accessible to patrons, plus one (1) per every one and one-tenths (1.1) employees.

3. Emergency Services Station: One (1) for every one and one-tenths (1.1) employees at peak operation.

4. Environmental Education Center: One (1) for every five hundred (500) square feet of floor area accessible to visitors, plus one (1) for every one and one-tenths (1.1) employees at peak operation.

5. Government Facility: One (1) for every five hundred (500) square feet of floor area accessible to visitors, plus one (1) for every one and one-tenths (1.1) employees at peak operation.

6. Library: One (1) per every two-hundred fifty (250) square feet accessible to patrons, plus one (1) per every one and one-tenths (1.1) employees.

7. Museum: One (1) per every two-hundred fifty (250) square feet accessible to patrons, plus one (1) per every one and one-tenths (1.1) employees.

8. Nature Preserve: One (1) for every five hundred (500) square feet of floor area accessible to visitors, plus one (1) for every one and one-tenths (1.1) employees at peak operation.

9. Picnic Grove – Private: One (1) space for every five (5) persons at maximum capacity.

10. Public Park: Two (2) spaces for every one (1) acre.
11. School: One (1) per every four (4) students of age 16 or over plus one (1) per every one and one-tenths (1.1) employees.
12. Swimming Pool – Non-Household: One (1) per every fifty (50) square feet of water surface, plus one (1) per every one and one-tenths (1.1) employees.

H. Accessory Uses.

1. Accessory Dwelling Unit: One (1).
2. Agricultural Tourism Operation: One (1) customer space for every five hundred (500) square feet of floor area accessible to customers, plus one (1) customer space for every two (2) acres accessible: to outdoor activities or experiences for customers, plus one (1) for every one and one-tenths (1.1) nonresident employees.
3. Family Child Care: One (1) guest space plus one (1) for every one and one-tenths (1.1) nonresident employees.
4. Family Day Care: One (1) guest space plus one (1) for every one and one-tenths (1.1) nonresident employees.
5. Farm-Related Business: One (1) customer space for every five hundred (500) square feet of floor area accessible to customers, plus one (1) for every one and one-tenths (1.1) nonresident employees.
6. Group Child Care: One (1) guest space plus one (1) for every one and one-tenths (1.1) nonresident employees.
7. Group Day Care Center: One (1) guest space plus one (1) for every one and one-tenths (1.1) nonresident employees.
8. Home Occupation: Two (2) customer spaces plus one (1) for every one and one-tenths (1.1) nonresident employees.
9. Homestay: One (1).
10. Retail Sales of Agricultural Products: One (1) for every four hundred (400) square feet of floor area accessible to customers, plus one (1) for every one and one-tenths (1.1) nonresident employees.

11. RV Hosting: One (1).
12. Temporary Retail Sales: None, provided that use does not use parking that would result in the host property use not meeting its minimum parking requirement.
13. Tent Hosting: One (1).

Section 1603: General Regulations for Off-Street Parking

- A. General: Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.
- B. Existing Parking: Existing parking shall be subject to the following standards.
 1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
 2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
- C. Change in Use or Expansion: A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows.
 1. If an existing lawful use includes less parking than would be required if the use would be newly developed, then that deficit of parking shall be grandfathered for reuses of an existing building.
 2. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required.
- D. Continuing Obligation of Parking and Loading Spaces: All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used

for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

E. Location of Parking: Location of parking shall be subject to the following standards.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served.
2. An applicant may request Special Exception approval from the Zoning Hearing Board to provide the required parking in other locations. Such application shall be subject to the following standards.
 - a. A method of providing the spaces is guaranteed to be available during all of the years the use is in operation within three hundred (300) feet walking distance from the entrance of the principal use being served.
 - b. A written and signed lease shall be provided, if applicable.
 - c. The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

F. Reduction of Parking Requirements: An applicant may request Special Exception approval from the Zoning Hearing Board to authorize a reduction in the number of off-street parking space required to be provided for a use. Such application shall be subject to the following standards.

1. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
2. The applicant may request that a reduced number of parking spaces is justified because more than one (1) principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking shall be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
3. The applicant may request that parking needs be reduced or that off-site parking is feasible because the applicant agrees to make a long-term commitment to a shuttle service for residents or employees.

4. Reserved Area for Additional Parking: Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use. Any such reservation shall comply with the following standards.

a. The reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Township determines it is necessary.

b. If approved under Subsection a above, the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Township requirements.

c. The additional parking that is reserved under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land's release from the restriction, or until the Township may require that the land be developed as parking.

d. The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand he/she shall provide written notice to the property owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

Section 1604: Design Standards for Off-Street Parking

A. General Requirements.

1. Backing Onto a Street: No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.

2. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the movement or relocation of any other vehicle. The following uses are exempted from this requirement where it is

demonstrated that sufficient space in a garage and/or access driveway solely accessory to the use is available to meet the minimum parking space requirement for the use.

- a. Accessory Dwelling Unit
 - b. Conversion Apartment – Agricultural Barn
 - c. Homestay
 - d. Single-Family Detached Dwelling
 - e. Townhouse / Rowhouse
 - f. Twin Dwelling
 - g. Vacation Rental
3. Parking areas shall not be within a required buffer yard or street right-of-way.
 4. Separation from Street: Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
 5. Stacking and Obstructions: Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of ten (10) feet and a minimum length of twenty (20) feet, except the minimum sized rectangle shall be eight (8) feet by twenty-two (22) feet for parallel parking.
2. All required handicapped spaces shall be well-marked in compliance with the Americans with Disabilities Act. Such signs and/or markings shall be maintained over time.
3. All spaces shall be marked to indicate their location, except for those of a single-family detached or two-family dwelling.

C. Aisles: Parking spaces and aisles shall be designed and built-in conformance with the following.

1. Minimum Parking Aisle Width.
 - a. Two-Way Traffic: Twenty-four (24) feet.
 - b. One-Way Traffic: Eighteen (18) feet.
2. Traffic Circulation.
 - a. Parking aisles serving parking spaces arranged at a ninety degree (90°) angle to the parking aisles shall be designed as two-way aisles.
 - b. Parking aisles serving parking spaces arranged at any angle to the parking aisles of other than ninety degrees (90°) shall be designed as one-way aisles.
 - c. Parking spaces served by one-way aisles shall be oriented to enable head-in parking from the designated travel direction.

D. Accessways and Driveways: The width of a parking access drive or parking aisle at the public street right-of-way shall be the following.

1. Minimum Width.
 - a. One-Way Access Drive or Parking Aisle: Eighteen (18) feet.
 - b. Two-Way Access Drive or Parking Aisle: Twenty-four (24) feet.
2. Maximum Width.
 - a. One-Way Access Drive or Parking Aisle: Twenty-four (24) feet.
 - b. Two-Way Access Drive or Parking Aisle: Thirty (30) feet.
3. Access Drive or Parking Aisle width at the right-of-way of a State road shall be governed by PennDOT.

E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.

2. Except for landscaped areas, all portions of required parking, loading facilities, and driveways shall be surfaced with asphalt, concrete, porous paving materials, paving block, crushed stone, or other materials pre-approved by the Township.

a. However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in grass.

b. Where parking is placed above underground stormwater detention facilities, the Township may require that the structure can support the weight of emergency vehicles.

c. Curbing shall not be required in parking areas except where absolutely necessary to control storm water runoff.

3. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing

F. Lighting of Parking Areas: Parking areas shall comply with Section 1402.H.8.

G. Parking for Persons with Disabilities/Handicapped Parking.

1. Number of Spaces: Parking lots shall include the following number of ADA – Accessible Parking Spaces in accordance with the following table.

Total Number of Parking Spaces on the Lot	Required Minimum Number/Percent of ADA-Accessible Parking Spaces
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

2. Location: Accessible parking spaces shall be located where they would result in the shortest reasonable accessible distance to an accessible building entrance. Curb cuts shall be provided as needed to provide access from the accessible parking spaces.
3. Minimum Size and Slope: Minimum accessible parking space size and slope standards shall be in accordance with ADA regulations.
4. Paving: Accessible parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

H. Paved Area Setbacks (including Off-Street Parking Setbacks): Any new or expanded paved area serving a principal non-residential use shall be separated from a public street by a planting strip that meets the following requirements.

1. For parking lots with less than one hundred (100) parking spaces, the planting strip shall have a minimum width of fifteen (15) feet.
2. For parking lots with one hundred (100) or more parking spaces, the planting strip shall have a minimum width of twenty-five (25) feet.
3. At least ten (10) feet of the planting strip shall be outside of the existing street right-of-way.
4. The planting strip shall be maintained in grass or other attractive vegetative groundcover.
5. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow views by motorists under the leaf canopy.
6. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
7. Township-approved sidewalks, recreation paths and approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
8. The following shall be prohibited within the planting strip.

(1) Paving, except as allowed by Subsection 7 above, and except for street widenings that may occur after the development is completed.

(2) Fences.

(3) Parking, storage, or display of vehicles or items for sale or rent.

9. Where a sidewalk is not installed, this setback should include an unobstructed, generally level width running parallel to a street that is suitable for a person to walk.

I. **Parking Setback from Buildings:** Parking spaces serving principal non-residential buildings and apartment buildings shall be located a minimum of ten (10) feet from any principal building wall, unless a larger distance is required by another provision. This distance shall not apply at vehicle entrances into or under a building.

J. **Speed Bumps:** Any speed bumps, speed tables and similar raised areas to reduce speeds shall be maintained in a highly visible color or pavement marking and/or a sign that warns motorists of the raised pavement.

Section 1605: Off-Street Loading

A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.

B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Board of Supervisors may provide advice to the Zoning Officer on this matter as part of any plan review by such boards.

C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

Section 1606: Fire Lanes and Access

A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.

B. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.

C. The specific locations of fire lanes and fire equipment access are subject to approval by the Township, after review by local Fire Officials.

ARTICLE 17: SIGNS

Section 1701: General Regulations

The following regulations shall govern signs in all districts:

- A. No sign shall be erected, enlarged, or relocated until a Zoning Permit for doing so has been issued by the Zoning Officer, or unless specifically exempted from permitting by Section 1702. Applications shall be on forms provided by the Township. All applications shall include a scale drawing specifying dimension, materials, illumination, letter sizes, colors, location on land or buildings, means of installation on land or building, and all other relevant information.
- B. Signs, and the structure and equipment used in the erection and/or installation of such signs, shall be comprised of durable materials requiring little maintenance. All signs shall be permanently affixed to the ground or building, as appropriate, using generally accepted construction practices.
- C. No sign shall be located so as to interfere with the clear sight distance regulations of the Highland Township Subdivision and Land Development Ordinance. Temporary real estate, contractor, and yard / garage sale signs are excluded from this requirement.
- D. No sign shall be located within the right-of-way of any public or private street. Temporary real estate, contractor, and yard / garage sale signs are excluded from this requirement.
- E. Signs may be illuminated in accordance with the following standards.
 - 1. Where sign illumination is limited in this Ordinance to external illumination, the light bulb or the lens covering the light bulb shall be hidden from vehicular and/or pedestrian view by a vegetative screen or a fixture surrounding the light that directs the light to the sign face. Indirect illumination shall not be permitted that either directly or indirectly produces glare affecting neighboring residential properties or any adjoining street.
 - 2. Where sign illumination is not limited in this Ordinance to external illumination, the sign may employ internal illumination.

Section 1702: Signs Exempt from Permitting

The following types of signs are exempted from the permitting requirements of this Ordinance, provided the sign meets all other applicable requirements of this Section.

- A. Official street and traffic signs and any other signs required by law.
- B. Incidental Signs, provided that such signs are spaced at intervals of no less than one hundred (100) feet and do not exceed two (2) square feet in area.
- C. Real Estate Signs, provided the following standards are met:
 - 1. The maximum area on any side of the sign shall not exceed six (6) square feet.
 - 2. The total area of the sign shall not exceed twelve (12) square feet.
 - 3. Not more than two (2) signs are placed on a property under single ownership.
 - 4. Such signs shall be removed not more than five business days following the sale or rental of the premises.
- D. Contractors Signs, provided the following standards are met.
 - 1. The maximum area of any one side of the sign shall not exceed six (6) square feet.
 - 2. The total area of the sign shall not exceed twelve (12) square feet.
 - 3. Not more than one (1) such sign for each contractor, painter, or similar artisan shall be erected on any property under single ownership.
 - 4. The sign shall be removed within five (5) days of the completion of the work.
- E. Garage Sale Signs, provided the following standards are met.
 - 1. Such signs shall not be displayed for more than forty-eight (48) hours of each calendar month.
 - 2. The total area of such signs shall not exceed four (4) square feet
 - 3. Not more than two (2) signs shall be displayed for any sale event.
- F. Development Announcement Signs, provided the following standards are met.
 - 1. Sign illumination shall be limited to external illumination.
 - 2. Each side of the sign shall not exceed four (4) square feet.

G. Government Signs.

H. Flags, provided the following standards are met.

1. Such flags shall be installed in a manner that provides a minimum of seven (7) feet of clearance between the flag and any pedestrian walkway, including but not limited to public sidewalks.

2. Such flags shall be removed at the end of the advertised business day.

Section 1703: Prohibited Signs

The following types of signs and/or sign design features are prohibited in all districts.

A. Flashing signs.

B. Flashing and/or rotation lights.

C. Signs that resemble traffic control signs in terms of size, shape, or color.

D. Revolving, rotating, or otherwise moving signs. This prohibition shall not include feather signs or flags.

E. Animated signs, where a component of the sign structure is designed to physically move. This prohibition shall not include feather signs or flags.

F. Changeable copy signs, except when copy is changed manually. Electronic Message Center signs, when permitted in accordance with the standards of Section 1707, are excluded from this prohibition.

G. Portable signs, whether mounted on a trailer, vehicle, temporary base, or similar such devise.

H. Roof signs.

I. Streamers, pennants, inflatable, or lighter than air signs. This prohibition shall not include feather signs or flags.

J. Strings or light bulbs, search lights, or other lighting intended to attract attention to a nonresidential use, other than traditional holiday decorations.

Section 1704: Signs Permitted in All Districts

The following types of signs are permitted in all districts.

A. Off-Premise Directional Signs.

1. The maximum area of any one side of a sign shall not exceed ten (10) square feet.
2. The total area of the sign shall not exceed twenty (20) square feet.
3. The maximum height of the sign shall not exceed ten (10) feet.
4. Within the AP, LC, and RR Districts, sign illumination shall be limited to external illumination.
5. If three (3) or more off-premises directional signs are proposed on the same property, consolidation of the individual signs on a single off-premises directional sign shall be required. Compatibly designed business logos shall be required. In addition, the following size requirements shall be required.
 - a. The maximum area of any side of a consolidated off-premises directional sign shall not exceed six (6) square feet for each advertised use.
 - b. The total area of a consolidated off-premises directional sign shall not exceed twelve (12) square feet for each advertised use.
6. Where the applicant for an off-premise directional sign does not own the property where said sign is proposed, the property owner shall be a co-applicant for the zoning permit necessary to authorize said sign.

B. Public/Semi-Public Use Signs.

1. The maximum area of any side of the sign shall not exceed thirty-two (32) square feet.
2. The maximum area of all sides of the sign shall not exceed sixty-four (64) square feet.
3. If a freestanding sign is used, the maximum height of the sign shall not exceed ten (10) feet.
4. Sign illumination may include internal illumination.

5. Changeable copy may be permitted provided the changeable copy complies with the requirements of Section 1703.F.

6. Such signs may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 1707.

7. Where the standards of Section 1704 conflict with other standards of Article 15, the standards of Section 1704 shall control.

Section 1705: Signs Permitted In the AP, LC, RR, and SFR Districts

Within the AP, LC, RR, and SFR Districts, the following sign regulations shall apply.

A. Home Occupation Signs, provided that the following requirements are met:

1. The maximum area of any side of the sign shall not exceed four (4) square feet.
2. The total area of the sign shall not exceed eight (8) square feet.
3. Sign illumination shall be limited to external illumination.
4. The maximum height of a freestanding sign shall not exceed six (6) feet. Wall signs or projecting signs are permitted, provided that said sign does not extend above the eave of the building.

B For individual nonresidential uses of property other than Home Occupations, the following sign standards shall apply.

1. One (1) freestanding sign shall be permitted in accordance with the following requirements.
 - a. The maximum area of any side of a freestanding sign shall not exceed twenty (20) square feet.
 - b. The total area of a freestanding or projecting sign shall not exceed forty (40) square feet.
 - c. Any freestanding sign shall not exceed six (6) feet in height.
2. One (1) wall sign shall be permitted in accordance with the following requirements.

- a. The maximum area of a wall sign shall be eighty (80) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
- b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.

Section 1706: Signs Permitted in the C-MDR, V, I, and IO Districts

Within the C-MDR, V, I, and IO Districts, the following sign regulations shall apply.

- A. For a property with one (1) nonresidential use, the following sign standards shall apply:
 - 1. One (1) freestanding sign shall be permitted in accordance with the following requirements:
 - a. The maximum area of any side of a freestanding sign shall not exceed twenty (20) square feet.
 - b. The total area of a freestanding or projecting sign shall not exceed forty (40) square feet.
 - c. Any freestanding sign shall not exceed six (6) feet in height.
 - 2. One (1) wall sign shall be permitted in accordance with the following requirements:
 - a. The maximum area of a wall sign shall be eighty (80) square feet or twenty percent (20%) of the surface area of the wall, whichever is less.
 - b. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
 - 3. Where the nonresidential use is located at the intersection of two (2) public streets, excluding alleys, one (1) sign meeting the requirements of Section 1706.A.1 and one (1) sign meeting the requirements of Section 1706.A.2 may be erected along each street.
 - 4. The signs authorized in Sections 1706.A.1 above may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 1707.
- B. For a property with more than one (1) nonresidential use, the following sign standards shall apply:

1. One (1) freestanding sign shall be permitted in accordance with the following requirements:
 - a. The maximum area of any side of a freestanding sign shall not exceed thirty (30) square feet.
 - b. The total area of a freestanding or projecting sign shall not exceed sixty (60) square feet.
 - c. The freestanding sign shall not exceed eight (8) feet in height.
 - d. The freestanding sign shall be designed to accommodate signage for all nonresidential uses of the property.
2. One (1) wall sign shall for each nonresidential use be permitted in accordance with the following requirements:
 - a. The maximum area of each wall sign shall be thirty (30) square feet or fifteen percent (15%) of the surface area of the wall, whichever is less.
 - b. The cumulative area of all wall signs shall not exceed sixty (60) square feet or thirty percent (30%) of the surface area of the wall, whichever is less.
 - c. Wall signs shall not extend above the eave of the building and shall not be placed over windows.
3. Where the nonresidential use is located at the intersection of two public streets, excluding alleys, one (1) sign meeting the requirements of Section 1706.B.1 and one sign for each nonresidential use meeting the requirements of Section 1706.B.2 may be erected along each street.
4. The signs authorized in Sections 1706.B.1 above may include an Electronic Message Center component, provided that such component complies with the Electronic Message Center standards established in Section 1707.

Section 1707: Electronic Message Center Standards

Where authorized, Electronic Message Centers shall comply with the following standards.

- A. Where an Electronic Message Center is authorized, the Electronic Message Center shall be incorporated into an existing or proposed sign that complies with the sign type, sign height,

and sign area requirements of the underlying zoning district. Under no circumstances shall an Electronic Message Center be permitted to be incorporated into a nonconforming sign.

- B. The Electronic Message Center shall not exceed more than fifty percent (50%) of the total sign area of the sign into which the Electronic Message Center is being incorporated.
- C. No more than one (1) Electronic Message Center shall be permitted per property.
- D. The Electronic Message Center shall not employ streaming video.
- E. The Electronic Message Center shall not employ text or images which flash, pulsate, or scroll. The Electronic Message Center may include animated graphics.
- F. Each complete message must fit on one (1) screen.
- G. Any message on an Electronic Message Center shall have a minimum hold time of eight seconds.
- H. Message transitions on an Electronic Message Center shall occur instantly, and no transition graphics (for example, fades or dissolves) may be employed.
- I. The Electronic Message Center shall be equipped with a default mechanism that will freeze the message when a malfunction in the electronic programming occurs.
- J. Audio speakers on Electronic Message Centers are prohibited.
- K. Electronic Message Centers shall not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum of five hundred (500) nits (candelas per square meter) between dusk to dawn. The sign shall be equipped with an automatic dimmer control that produces a distinct illumination change from the higher allowed illumination level to the lower allowed illumination level for the time period between a half hour before sunset and a half hour after sunrise.
- L. The owner of every Electronic Message Center shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

ARTICLE 18 ADMINISTRATION AND ENFORCEMENT

Section 1801: Statement of Legislative Intent.

The following standards shall establish the means and processes by which the Highland Township Zoning Ordinance is administered. These provisions include, but are not limited to, the establishment, organization, function, and responsibilities of the Highland Township Zoning Hearing Board, the appointment and responsibilities of the Highland Township Zoning Officer, and the process for application and issuance of Highland Township zoning permits.

Section 1802: Zoning Officer.

For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office of the Township, shall be appointed. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any change of use which does not conform to this Ordinance. The Zoning Officer shall examine all applications for zoning permits, issue zoning permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for zoning permits with accompanying plans and documents, and make such reports as the Board of Supervisors may require.

Section 1803: Zoning Permits.

A. Requirements of Zoning Permits. A zoning permit shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof prior to the use or change in the use of a building, structure, or land and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or structure, or for a change in land use, until a zoning permit has been duly issued. No zoning permit shall be required in cases of normal maintenance and repairs which do not structurally change a building or structure.

B. Zoning permits for construction and for uses which are a special exception or variance to the requirements of this Ordinance shall be issued only upon written approval of the Zoning Hearing Board.

C. Zoning Permits for construction and for uses which are a conditional use shall be used only upon written approval of the Board of Supervisors.

D. Improvements Excluded from Zoning Permit Requirement. The following improvements to property are excluded from the requirement to obtain a zoning permit in accordance with Section 1803.A above.

1. Doghouses.

2. Nonpermanent or inflatable swimming pools that are installed at the beginning of the swimming season and removed at the end of the swimming season, and that do not exceed two hundred (200) square feet in size.
3. Swing sets.
4. Sheds of less than one hundred (100) square feet in area.
5. Tree houses for child-recreation purposes. Tree stands for hunting purposes.
6. Ground-mounted heating and air-conditioning equipment for a residential dwelling, and any concrete or similar pad associated with such installation.
7. Ramps or other features intended to meet accessibility needs to a given property.

C. Applications for Permits. The following elements of a zoning permit application shall be provided by the applicant.

1. A completed zoning permit application form. If the applicant is not the owner of the property, the signature of the owner is required on the application.
2. Application fee.
3. A site plan, drawn to scale, showing the following.
 - a. Actual shape and dimensions of the lot to be built upon.
 - b. Exact size and location of any buildings or structures existing on the lot.
 - c. Existing and proposed use of any buildings or structures existing on the lot.
 - d. Required building setback lines, per applicable section of this Ordinance.
 - e. The footprint and dimensions of any proposed building or structure, with its location on the lot accurately shown. Measurements of the distance from the proposed building or structure to the front, side and rear property lines must be shown.
 - f. Notes identifying the following.
 - (1) The zoning district within which the property is located.
 - (2) The use(s) of the proposed building(s) or structure(s).

(3) The number of families or dwelling units the building is designed to accommodate (if applicable).

g. Other information deemed necessary by the Zoning Officer in order to accurately depict the proposed activity.

h. North arrow.

i. Scale.

j. Title block, including applicant's name, owner's name, address of property, tax parcel number, name of plan preparer, and plan preparation date.

4. All applications with accompanying plans and documents shall become a public record after a zoning permit is issued or denied.

D. Issuance of Zoning Permits.

1. No zoning permit shall be issued until the Zoning Officer has certified that the proposed use of land, building, structure, addition, alteration, sign, or other design feature complies with all the provisions of this Ordinance, and until the Zoning Officer has completed the following.

a. Review to determine the completeness of the application submitted and compliance with this Ordinance.

b. Written determination of compliance or noncompliance with this Ordinance, including any conditions placed on a variance or special exception by the Zoning Hearing Board or on a conditional use by the Board of Supervisors.

c. Zoning permit card for display.

2. A zoning permit issued in error shall become null and void.

3. An approved zoning permit shall become void twelve (12) months from the date of issuance unless construction work has commenced or the change in use has been accomplished.

Section 1804: Appointment of Zoning Hearing Board.

The Highland Township Board of Supervisors shall, by resolution and in accordance with Section 903 of Municipalities Planning Code, appoint a Highland Township Zoning Hearing Board consisting of three (3) members and, in accordance with Section 903(b) of the Municipalities Planning Code, one (1) or more alternate members. Said Zoning Hearing Board shall have such duties, powers, jurisdiction, and authority as set forth in Article IX of the Municipalities Planning Code.

Section 1805: Membership of Zoning Hearing Board.

Members and alternative members of the Zoning Hearing Board shall be residents of Highland Township and shall hold no other elected or appointed office in Highland Township.

Section 1806: Organization of Zoning Hearing Board.

A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 908 of the Municipalities Planning Code.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

Section 1807: Zoning Hearing Board Expenditures for Services.

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 1806, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the Board of Supervisors.

Section 1808: Hearings of the Zoning Hearing Board.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

A. Public notice shall be given and written notice shall be given to the owner(s) of the subject land parcel(s), the applicant(s), the Zoning Officer, and all adjacent property owners to the subject land parcel(s), and any person who has made a written request for the same within fifteen (15) days of the scheduled hearing. Written notices shall be given at such time and in such manner as prescribed by the rules of the Zoning Hearing Board. In addition to the written notice provided for herein, a sign shall be conspicuously posted on the affected property at least one (1) week prior to a scheduled hearing date. Such sign(s) shall bear on its face, at a minimum, the name of the hearing body, the time and place of the hearing, and a phone number to contact the Zoning Officer to obtain additional information.

B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed, in writing, to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant, in writing or on the record. An applicant shall complete the presentation of his or her case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall ensure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his or her case-in-chief, provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Highland Township, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.

D. The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Zoning Hearing Board. However, the appellant or the applicant, as the case may be, in addition to Highland Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

E. The parties to the hearing shall be the Board of Supervisors, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the

Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the Zoning Hearing Board for that purpose.

F. The Chairperson or Acting Chairperson of the Zoning Hearing Board, or the hearing officer presiding, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and Highland Township. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer, or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

J. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

K. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days of the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

L. If the hearing is conducted by a hearing officer, and there has been no stipulation that his or her decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within forty-five (45) days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final

decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer.

M. Except for challenges filed under Section 916.1 of the Municipalities Planning Code where the Zoning Hearing Board fails to render the decision with the period required by this subsection, or fails to commence, conduct or complete the required hearing as provided in Subsection C of this section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing or on the record, to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day the Zoning Hearing Board could have met to render a decision in the same manner as provided in Subsection A of this section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

N. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 1809: Jurisdiction of Zoning Hearing Board.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters.

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code.

B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any Zoning Permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

C. Appeals from a determination by a municipal engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within any Highland Township land use ordinance.

D. Applications for variances from the terms of this Ordinance and the Highland Township Floodplain Management Ordinance, or such provisions within a land use ordinance, pursuant to Section 910.2 of the Municipalities Planning Code and Section 1810 of this Ordinance.

- E. Applications for special exceptions under this chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the Municipalities Planning Code and Section 1811 of this Ordinance.
- F. Appeals from the Zoning Officer's determination under Section 916.2 of the Municipalities Planning Code.
- G. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications specified in Article V or VII of the Municipalities Planning Code.

Section 1810: Variances.

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. Application for any variance shall be made to the Zoning Hearing Board through the Zoning Officer. The application shall include the submittal of an application form for a hearing before the Zoning Hearing Board, plus a plan drawing, including the same elements as those required in Section 1803.C of this Ordinance. The application shall provide information sufficient to evaluate conformance with the criteria for such variance as set forth in this section. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case.

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or other shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
- B. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards

as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance.

Section 1811: Special Exceptions.

A. Where the Board of Supervisors, in this Ordinance, has stated special exceptions to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria.

B. Applications for any special exception shall be made to the Zoning Hearing Board through the Zoning Officer. The Zoning Officer shall concurrently refer the matter to the Planning Commission for a report thereon as specified in this section.

C. All applications shall include the following.

1. The submittal of an application for a hearing form before the Zoning Hearing Board.
2. A plan drawing including the same elements as those required in Section 1803.C of this Ordinance.
3. Information of sufficient to evaluate conformance with the standards specified in the pertinent section of this Ordinance.

D. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in additions to those expressed in this chapter as it may deem necessary to implement the purposes of the Municipalities Planning Code, this Ordinance, and to anticipate and ameliorate any negative impacts on the health, safety, and welfare of citizens residing nearby as well as the general public.

E. In considering special exceptions, the Zoning Hearing Board shall utilize the following procedures.

1. The Zoning Hearing Board's decisions to approve or deny a special exception use shall be made only after public notices and hearing as set forth in Section 1808 of this Ordinance. Such approval shall apply only after public notice and hearing.
2. No approval shall be granted by the Zoning Hearing Board for any special exception use until said Board has just received and considered advisory reports thereon received from the Planning Commission with respect to the location of such use in relation to growth patterns within the Township and, wherever appropriate, with reference to the adequacy of the site plan design and the arrangement of buildings, driveways, access points, parking areas, off-street loading spaces, signage, lighting and any other pertinent features of a site plan.

3. The Planning Commission shall have thirty (30) days from the receipt of an application for hearing within which to file a report thereon. In the event that the Planning Commission shall fail to file its report within thirty (30) days, such application shall have deemed to have received a neutral review from said agency. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board.

Section 1812: Parties Appellant before the Zoning Hearing Board.

Appeals under Sections 909.1(a)(1), (2), (3), (4), (7), (8) and (9) of the Municipalities Planning Code may be filed with the Zoning Hearing Board, in writing by the landowner affected, any officer or agencies of the Township, or any person aggrieved. Requests for a variance under Section 910.2 of the Municipalities Planning Code and requests for a special exception under Section 912.1 of the Municipalities Planning Code may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

Section 1813: Conditional Use Hearings.

The Board of Supervisors shall conduct hearings and make decisions regarding conditional use applications in accordance with the following requirements

A. Public notice shall be given and written notice shall be given to the owner(s) of the subject land parcel(s), the applicant(s), the Zoning Officer, and all adjacent property owners to the subject land parcel(s), and any person who has made a written request for the same within fifteen (15) days of the scheduled hearing. Written notices shall be given at such time and in such manner as prescribed by the rules of the Board of Supervisors. In addition to the written notice provided for herein, a sign shall be conspicuously posted on the affected property at least one (1) week prior to a scheduled hearing date. Such sign(s) shall bear on its face, at a minimum, the name of the hearing body, the time and place of the hearing, and a phone number to contact the Zoning Officer to obtain additional information.

B. The Board of Supervisors may prescribe reasonable fees with respect to conditional use hearings before the Board of Supervisors. Fees for said hearings may include notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board of Supervisors, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. The first hearing before the Board of Supervisors or hearing officer shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed, in writing, to an extension of time. Each subsequent hearing before the Board of Supervisors or hearing officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his or her case-in-chief within one hundred (100) days of the first hearing. Upon the request of the applicant, the Board of Supervisors or hearing officer shall ensure that the applicant receives at least seven hours of hearings within the one hundred (100) days, including the first hearing. Persons opposed to the application shall complete the

presentation of their opposition to the application within one hundred (100) days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his or her case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Highland Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

D. The hearings shall be conducted by the Board of Supervisors, or the Board of Supervisors may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board of Supervisors. However, the appellant or the applicant, as the case may be, in addition to Highland Township, may, prior to the decision of the hearing, waive the decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final.

E. The parties to the hearing shall be the any person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other person, including civic or community organizations, permitted to appear by the Board of Supervisors. The Board of Supervisors shall have power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the Board of Supervisors for that purpose.

F. The Chairperson or Acting Chairperson of the Board of Supervisors, or the hearing officer presiding, shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. The Board of Supervisors, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and Highland Township. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors or hearing officer, or shall be paid by the person appealing from the decision of the Board of Supervisors if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

J. The Board of Supervisors or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except

upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

K. The Board of Supervisors or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board of Supervisors or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

L. If the hearing is conducted by a hearing officer, and there has been no stipulation that his or her decision or findings are final, the Board of Supervisors shall make his or her report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board of Supervisors prior to final decision or entry of findings, and the Board of Supervisors' decision shall be entered no later than thirty (30) days after the report of the hearing officer.

M. Where the Board of Supervisors fails to render the decision within the period required by this subsection, or fails to commence, conduct or complete the required hearing as provided in Subsection C of this section, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed, in writing or on the record, to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of said decision within ten (10) days from the last day the Board of Supervisors could have met to render a decision in the same manner as provided in Subsection A of this section. If the Board of Supervisors shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

N. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Board of Supervisors not later than the last day of the hearing, the Board of Supervisors shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 1814: Conditional Uses.

A. Where the Board of Supervisors, in this chapter, has stated conditional uses to be granted or denied by the Board of Supervisors, pursuant to express standards and criteria, the Board of

Supervisors shall hear and decide requests for such conditional uses in accordance with such standards and criteria.

B. Applications for any conditional use shall be made to the Board of Supervisors through the Zoning Officer. The Zoning Officer shall concurrently refer the matter to the Township Planning Commission for a report thereon as specified in this Ordinance.

C. All applications shall include the following.

1. The submittal of an application for a hearing before the Board of Supervisors.
2. A plan drawing including the same elements as those required in Section 1803.C of this Ordinance.
3. Information of sufficient detail to evaluate conformance with the standards specified in the pertinent section of this Ordinance.

D. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards in addition to those expressed in the Zoning Ordinance as it may deem necessary to implement the purposes of the Municipalities Planning Code and the Zoning Ordinance and to anticipate and ameliorate any negative impacts on the health, safety, and welfare of citizens residing nearby as well as the general public.

E. In considering conditional uses, the Board of Supervisors shall utilize the following procedures.

1. The Board of Supervisors' decisions to approve or deny a conditional use shall be made only after public notice and hearing as set forth in Section 1813 of this Ordinance. Such approval shall apply only after public notice and hearing.
2. No approval shall be granted by the Board of Supervisors for any conditional use until said Board has received and considered advisory reports thereon received from the Township Planning Commission with respect to the location of such use in relation to growth patterns within the Township, and, wherever appropriate, with reference to the adequacy of the site plan design and the arrangement of buildings, driveways, access points, parking areas, off-street loading spaces, signage, lighting and any other pertinent features of a site plan.
3. The Township Planning Commission shall have thirty (30) days from the receipt of an application for hearing within which to file a report thereon. In the event that the Township Planning Commission shall fail to file its report within thirty (30) days, such application shall be deemed to have received a neutral review from said agency. The Township Planning Commission may have representation at the public hearing held by the Board of Supervisors.

Section 1815: Time limitations.

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

B. All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

C. Unless otherwise specified or extended by the Zoning Hearing Board, a variance or special exception authorized by the Zoning Hearing Board shall become null and void if the applicant fails to obtain and maintain a zoning permit, as set forth in Section 1803 of this Ordinance, within twelve (12) months from the date of authorization of the variance or special exception.

D. Unless otherwise specified or extended by the Board of Supervisors, a conditional use authorized by the Board of Supervisors shall become null and void if the applicant fails to obtain and maintain a zoning permit, as set forth in Section 1803 of this chapter, within twelve (12) months from the date of authorization of the conditional use.

Section 1816: Preventive Remedies.

A. In addition to other remedies provided for herein, Highland Township may institute and maintain appropriate actions in law or in equity to restrain, correct or abate violations, to prevent unlawful construction, recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

B. Highland Township, its Zoning Officer or other officers or officials may refuse to issue any zoning permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any provisions of this Ordinance. This authority to deny any such zoning permits or approvals shall apply to any of the following applicants.

1. The owner or record at the time of such violation.

2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.

4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.

C. No zoning permit shall be issued nor shall any approval be granted to any applicant identified in Subsection B above, unless such applicant complies with the conditions which would have been applicable to the property at the time the applicant acquired an interest in such real property, unless Highland Township waives such condition.

Section 1817: Enforcement Notice.

A. The Zoning Officer is hereby authorized and directed to enforce the provisions of this Ordinance and to institute civil enforcement proceedings as provided for in Section 1818 of this Ordinance when acting within the scope of his or her employment.

B. If it appears that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested, in writing, by the owner of record.

C. An enforcement notice shall state the following.

1. The name of the owner of record and any other person against whom Highland Township intends to take action.

2. The location of the property in violation.

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. That the owner of record or other person against whom Highland Township intends to take action has fifteen (15) days to commence steps to comply with this chapter and thirty (30) days within which to complete such steps to be in compliance with this Ordinance, unless such times are extended, in writing, by the Zoning Officer, for cause shown.

5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the Zoning Officer.

6. That the failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.

D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Zoning Officer and Highland Township shall have the responsibility of presenting its evidence first.

E. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

Section 1818: Enforcement Remedies.

A. Any person, partnership or corporation who or which has violated any of the provisions of this Ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by Highland Township, shall pay a judgment of not more than five hundred dollars (\$500), plus all court costs, plus reasonable attorney fees incurred by Highland 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 Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, Highland 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 Magisterial District Judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the Magisterial District Judge, and thereafter, each day that the violation continues shall constitute a separate violation.

B. The Court of Common Pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

C. Nothing contained herein shall be construed or interpreted to grant to any person or entity, other than Highland Township, the right to commence any action for enforcement pursuant to this section.

D. All judgments, costs, and reasonable attorney fees collected for the violation of this chapter shall be paid over to Highland Township.

Section 1819: Fees.

In accordance with Section 617.3(e) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall prescribe reasonable fees with respect to the administration of this Ordinance and with respect to hearings before the Zoning Hearing Board and the Board of Supervisors. Such fee schedule shall be adopted by resolution of the Board of Supervisors, and may be amended from time to time.

ARTICLE 19: AMENDMENTS

Section 1901: Procedure

The Township Board of Supervisors may, from time to time, amend, supplement or repeal any of the regulations and provisions of this ordinance after public notice and hearing. Before the public hearing, each proposed amendment, except those coming from the Township Planning Commission, must be referred to the Township Planning Commission for its recommendations at least thirty (30) days prior to the hearing on such amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Township Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At least thirty (30) days prior to the hearing on the ordinance amendment by the Township Board of Supervisors, the Township shall submit the proposed ordinance or amendments to the Adams County Office of Planning and Development for recommendations. Amendment procedures shall be in compliance with Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 1902: Procedure for Curative Amendments

The procedure for curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Section 609.1 and Section 609.2.

Section 1903: Publication, Advertisement, and Availability of Ordinance

A. Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed ordinance or amendment once in a newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included, the following shall occur.

1. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

2. An attested copy of the proposed ordinance shall be filed in the Adams County Law Library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

B. In the event that substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Township Board of Supervisors shall, at least ten (10) days prior to enactment, advertise in a newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Section 1904: Zoning Amendment Application Requirements

The Township Board of Supervisors shall have the power to enact, by resolution, zoning change application requirements for those requesting a zoning change of a land area in the Township from one zoning classification to another zoning classification.

ARTICLE 20 INTERPRETATION

Section 2001: Interpretation, Purpose and Conflict

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

Section 2002: Validity

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or of any other part.

Section 2003. Severability

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance know ledge that any part would be declared invalid.

Section 2004: Repealer

The pre-existing Highland Township Zoning Ordinance, as amended, is hereby replaced as it applies to Highland Township, as provided in the Pennsylvania Municipalities Planning Code, by this new Township Zoning Ordinance. Any Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance are hereby repealed.

**ARTICLE 21:
ADOPTION**

Section 2101: Effective Date

Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of Highland Township hereby enacts and ordains into an Ordinance the attached document this date of _____. This Ordinance shall become effective in 5 calendar days.

Section 2102: Adoption

IN WITNESS WHEREOF, the present Ordinance has been duly enacted, and ordained this ____ day of ____, 20__.

**HIGHLAND TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST

BY: _____
Jason Stitt, Chair

(SEAL) _____
Robin Keller
Secretary / Treasurer

Bill Baldwin

Cody Young

Appendix A

Zoning Map

Appendix B

Table of Uses

Uses	Zoning District							
	AP	LC	RR	SFR	CMDR	V	I	IO
Agricultural Uses								
Agribusiness	P	SE					SE	SE
Crop Farming	P	P	P	P			P	P
Forestry	P	P	P	P	P	P	P	P
Horse Riding Academy					P	P	P	
Kennel	SE	SE			SE		SE	SE
Livestock / Poultry Farming	P	P	P	SE		SE	P	P
Plant Nursery	P	P	P	P			P	P
Sewage Sludge / Biosolids – Land Application	P		SE	SE	P	P	P	P
Stable – Non-Household	P				P		P	
Wholesale Greenhouse	P	P	P				P	P
Residential Uses								
Apartment Building					SE			
Boarding House					SE			
Conversion Apartments	SE	SE	SE		SE	SE		SE
Conversion Apartments – Agricultural Barn	SE	SE	SE	SE				SE
Dormitory					SE			
Duplex Dwelling					P			
Group Home	P	P	P	P	P	P	P	P
Lot Averaging Development		CU						CU
Manufactured / Mobilehome Park					CU			
Single-Family Detached Dwelling	P	P	P	P	P	P		P
Townhouse / Rowhouse					P			
Twin Dwelling					P	P		
Commercial Uses								

Uses	Zoning District							
	AP	LC	RR	SFR	CMDR	V	I	IO
Adult Use								CU
Amusement Arcade					P			
Amusement Park / Waterpark					P			
Animal Cemetery					P		P	P
Auditorium					P		P	P
Auto Service Station					SE	SE		
Auto / Vehicle / Boat / Manufactured Home Sales					P	SE		
Auto / Vehicle Repair Garage					SE	SE		
Bakery - Retail					P	P	P	P
Bed and Breakfast Inn	P	SE			P	P	P	SE
Betting Use							CU	CU
Beverage Distributor					P	SE	P	P
Bus Maintenance / Storage Yard					P		P	P
Camp	P	P			P		P	P
Car Wash					P			
Catering – Custom					P	P	P	P
Conference Center					P	P	P	P
Construction Company / Tradesperson Headquarters					P	SE	P	
Crafts / Artisan Studio					P	P	P	P
Crematorium							SE	SE
Custom Printing / Copying / Faxing / Mailing / Courier Service					P	P	P	P
Exercise Club					P	P	P	P
Farm Equipment Sales					P	P	P	P
Financial Institution with Drive-Through Service					P		P	P
Financial Institution without Drive-Through Service					P	P	P	P
Flea Market / Auction House					P	P	P	P
Funeral Home					P	P	P	P
Garden Center – Retail					P	P	P	

Uses	Zoning District							
	AP	LC	RR	SFR	CMDR	V	I	IO
Golf Course		P	P	P	P	P	P	P
Hotel / Motel						P		P
Laundromat					P	P	P	P
Laundry – Commercial or Industrial					P		P	P
Lumber Yard					P		P	
Medical Marijuana Dispensary					SE			
Motor Vehicle Racetrack								CU
Nightclub					SE			
Office					P	P	P	P
Parking Lot – Principal Use							SE	
Pawn Shop					P			
Personal Service					P	P	P	P
Propane Retail Distributor					CU		CU	CU
Recording Studio - Music					P		P	P
Recreation – Commercial Indoor					P	SE	P	P
Recreation – Commercial Outdoor					P		P	P
Repair Service – Household Appliance					P		P	P
Restaurant with Drive-Through Service					P		P	P
Restaurant without Drive-Through Service					P	P	P	P
Retail Store with Drive-Through Service					P		P	P
Retail Store without Drive-Through Service					P	P	P	P
Self-Storage Development					P		P	P
Target Range					P	P	P	P
Tattoo / Body Piercing Establishment					P			
Tavern					SE	SE	SE	SE
Theater – Indoor Movie					P		P	P
Vacation Rental		SE						SE
Veterinarian Office					P		P	P

Uses	Zoning District							
	AP	LC	RR	SFR	CMDR	V	I	IO
Industrial Uses								
Building Supplies / Materials – Wholesale Sales					P		P	P
Distribution – Principal Use							P	P
Gas or Oil Wells	SE	SE			SE	SE	SE	SE
Heavy Industrial Uses							SE	SE
Industrial Equipment Sales					P		P	P
Junkyard							SE	SE
Light Industrial Uses					SE		P	P
Liquid Fuel Storage – Bulk							SE	SE
Medical Marijuana Grower / Processor							SE	
Medical Marijuana Vehicle Delivery Service							SE	
Mineral Extraction								CU
Package Delivery Service Distribution Center							SE	SE
Packaging					P		P	P
Photo Processing – Bulk					P		P	P
Primary Solar Energy System (PSES)	SE	SE						SE
Printing / Bookbinding					P		P	P
Recycling Center – Bulk Processing					CU		P	P
Research and Development / Engineering / Testing Facility or Laboratory					P		P	P
Solid Waste Landfill								CU
Solid Waste Transfer Facility								CU
Transportation Equipment – Manufacturing					P			
Warehousing / Storage – Principal Use							P	P
Waste to Energy Facility								CU
Welding					P		P	P
Wholesale Sales					P		P	P
Wind Turbines – Principal Use	SE						SE	P

Uses	Zoning District							
	AP	LC	RR	SFR	CMDR	V	I	IO
Infrastructure Uses								
Airport							CU	CU
Heliport							SE	SE
Public Utility Facility	SE	SE	SE	SE	SE	SE	SE	SE
Small Wireless Facility – Tower-Based – Inside Public Right-of-Way	P	P	P	P	P	P	P	P
Wireless Communication Facilities–Tower-Based– Outside Public Right-of-Way					SE		SE	
Sewage Treatment Plant	CU	CU	CU	CU	CU	CU	CU	CU
Institutional Uses								
Academic Clinical Research Center					SE		SE	
Assisted Living / Personal Care Home				SE	P	P	P	P
Cemetery	P	P	P	P	P	P	P	P
Child Care Facility	SE	SE	SE		P	P	P	SE
College / University					P	P	P	P
Group Day Care Center	SE							
Hospital / Surgery Center					P	SE	P	P
Prison / Correctional Institution							SE	SE
Trade / Hobby School					P		P	
Treatment Center								SE
U.S. Postal Service Facility					P	P	P	P
Public / Semi-Public Uses								
Community Recreation Center				P	P	P	P	P
Cultural Center	SE	SE			P	P	P	SE

Uses	Zoning District							
	AP	LC	RR	SFR	CMDR	V	I	IO
Emergency Services Station		SE			P	P	P	SE
Environmental Education Center	P			P	P	P	P	
Government Facility	SE	SE	SE	SE	P	P	P	SE
Hunting / Fishing Club	P	P	P	P	P		P	P
Library				P	P	P	P	P
Membership Club					P	P		P
Museum	SE	SE			P	P	P	SE
Nature Preserve	P			P	P	P	P	P
Picnic Grove - Private					P	SE	P	
Place of Worship	SE	SE	SE	SE	P	P		SE
Public Park		P	P	P	P	P	P	P
School	P	P	P	P	P	P	P	P
Swimming Pool – Non-Household		P	P	P	P	P	P	P
Accessory Uses								
Accessory Dwelling Unit	P	P	P	P	P	P	P	P
Accessory Solar Energy System (ASES)	P	P	P	P	P	P	P	P
Agricultural Tourism Operations	CU	CU						CU
Bee Keeping	P	P	P	P	P	P	P	P
Composting	SE	SE						SE
Family Child Care	P	P	P	P	P	P	P	P
Family Day Care	P							
Farm-Related Business	SE	SE		SE	P		P	SE
Groundwater / Spring Water Withdrawal	SE	SE	SE	SE	CU	CU	CU	SE
Group Child Care	P	P	P		P	P	P	P
Group Day Care	P							
Home Occupation	SE	SE	SE	SE	P	P	P	SE
Homestay	SE	SE						SE

Uses	Zoning District							
	AP	LC	RR	SFR	CMDR	V	I	IO
No-Impact Home-Based Business	P	P	P	P	P	P	P	P
Outdoor Storage / Display					P	P	P	P
Retail Sales of Agricultural Products	P	P	P	P	P	P	P	P
RV Hosting		SE						SE
Small Wireless Facility–Co-Location–Inside Public Right-of-Way	P	P	P	P	P	P	P	P
Stable	P	P	P	P				P
Target Practice	P	P	P	P				P
Temporary Retail Sales					P	P	P	P
Tent Hosting		SE						SE
Warehousing / Storage – Accessory Use					P		P	
Wind Turbine – Accessory Use	P			P	P	P	P	
Wireless Communication Facility–Co-Location–Outside Public Right-of-Way	P	P	P	P	P	P	P	P
Uses Not Expressly Permitted Elsewhere in this Ordinance	CU	CU	CU	CU	CU	CU	CU	