

TOWNSHIP OF CECIL

Washington County Pennsylvania



Unified Development Ordinance Ordinance No.5-00, May 17, 2000 (As Amended October 8, 2007)

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PART 1
Title, Purpose, and Interpretation

- Section 101. Title
 - Section 102. Authority
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SECTION 101. TITLE

This Chapter shall be known and cited as the “Cecil Township Unified Development Ordinance.”

SECTION 102. AUTHORITY

This Chapter is adopted pursuant to authority of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, and the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended. Whenever any provision of this Chapter refers to or cites a section of the above acts and that section is later amended or superseded, this Chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 103. COMMUNITY DEVELOPMENT OBJECTIVES

This Chapter is adopted to promote an orderly plan of development according to an established Comprehensive Plan, including data on existing conditions, statements concerning the proposed plan, and evaluation of implementation techniques. Such material shall be considered legislative history and shall be utilized when necessary to establish policy in the interpretation of this Chapter. It is the purpose of these regulations to prescribe certain common restrictions applicable within each zoning district throughout the municipality. The zoning regulations and districts set forth in this Chapter are created in accordance with the Land Use Plan Goals and Objectives contained in the Comprehensive Plan of the Township. Those Land Use Plan Goals and Objectives constitute, along with the following, the Township’s Statement of Community Development Objectives.

- A.** Protect and promote the public health, safety, and general welfare.
- B.** Guide future growth and development in accordance with Comprehensive Plan policies.
- C.** Secure adequate light, air, convenience of access, and safety from fire, flood, and other danger; prevent undue concentration of population; prevent congestion in the public ways.
- D.** Provide for adequate transportation, pedestrian movement, water, sewerage, schools, parks, and other public improvements in the Township.
- E.** Restrict development in areas prone to flooding.

- F. Restrict the kind and intensity of uses, and encourage the elimination of non-conforming uses of land and structures.
- G. Provide for performance standards for the emission of noise, gases, heat, vibration, or particulate matter into the air or ground or across lot lines.
- H. Protect and conserve the value of land, building, and other improvements upon the land, and minimize the conflicts among the uses of land and buildings.
- I. Protect the character and social and economic stability of the Township and encourage the orderly and beneficial development of the Township.
- J. Establish reasonable standards of design and procedures for subdivision and land development, in order to further the orderly layout and use of land, and ensure proper legal descriptions, documentation and monumentation of subdivided land.
- K. Ensure that public facilities are available and will have a sufficient capacity to serve proposed subdivisions or land development.
- L. Prevent the pollution of air and watercourses; ensure the adequacy of drainage facilities; safeguard the water table; and encourage the wise use and management of natural resources in order to preserve the community and value of the land.
- M. Preserve the natural beauty and topography of the Township and ensure appropriate development with regard to these natural features.
- N. Provide for open space through efficient design and layout of the land.
- O. Promote cooperation with neighboring municipalities, where subdivision of land affects properties adjacent to the Township boundary, for the uniform benefit and protection of all affected properties.
- P. Administer these regulations by defining the powers and duties of administrative bodies and officials, and the manner and form of making, filing, and processing of applications.

This section shall be considered, together with all the provisions of this Chapter, when appraising the “spirit of the ordinance” as a guide to its interpretation. Nothing herein shall be interpreted as providing limitations on specific controls delineated in subsequent sections of this Chapter.

SECTION 104. RELATIONSHIP TO COMPREHENSIVE PLAN

It is the intent of the Board of Supervisors that this Chapter implement the planning policies adopted by the Board for the Township, as reflected in the Comprehensive Plan and other planning documents. While the Board reaffirms its commitment that this Chapter and any amendment to it be in conformity with adopted planning policies, the Board hereby expresses its intent that neither this Chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

SECTION 105. INTERPRETATION

A. Provisions of Chapter Declared to be Minimum Standards

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Where any provision of this Chapter imposes restrictions different from those imposed by any other provision of this Chapter or any other ordinance, rule, regulation, or provision of law, whichever provisions are more restrictive or impose higher standards shall control.

B. Conflict with Private Provisions

This Chapter is not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of this Chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Chapter shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose more restrictive duties and obligations, or higher standards than the requirements of these regulations or the determination of the Board of Supervisors in approving a subdivision or in enforcing this Chapter, and such private provisions are not inconsistent with this Chapter or determination there under, such private provisions shall be operative and supplemental to these regulations and determinations made there under.

SECTION 106. ESTABLISHMENT OF CONTROLS

A. New Uses and Structures

In all districts, after the effective date of this Chapter, any new building or other structure on any tract of land shall be constructed and used only in accordance with the applicable regulations specified herein.

B. Existing Uses and Structures

In all districts, after the effective date of this Chapter, any existing building, structure, use, or tract of land, legal prior to the adoption of this Chapter, and not in conformity with the regulations for the district in which it is located, shall be deemed non-conforming and subject to regulations for non-conforming buildings, structures, uses, and land. A situation that did not constitute a lawful, nonconforming situation under the previously adopted zoning and subdivision ordinances does not achieve lawful nonconforming status under this Chapter merely by repeal of the Zoning Ordinance and Subdivision and Land Development Ordinance.

C. Effect of Date of Adoption on Newly Issued Permits

All buildings for which permits have been obtained and the construction of which or a portion of which has been begun, or for which a contract or contracts have been let pursuant to a permit issued prior to the effective date of this Chapter, may be completed and used in accordance with the plans on which said permit was granted. All permits for structures or uses issued prior to the adoption of this Chapter, if such construction or use does not conform to the provisions of this Chapter, are declared void ninety (90) days from the effective date of this Chapter unless:

1. Start of construction, as defined by this Chapter, shall have been commenced or use implemented; or
2. Written contracts have been entered into pursuant to said permit by which substantial legal rights have accrued.

D. Uses Permitted

Any use that is not specifically permitted in a district is prohibited in that district. No land or building shall be devoted to any use other than those listed as permitted uses in the zoning

district in which the land or building is located, except for uses lawfully established prior to the effective date of this Chapter, Conditional Uses as approved by the Board of Supervisors, and uses approved by the Zoning Hearing Board, subject to any special restrictions and conditions specified in this Chapter or by the respective Boards.

E. Fees

Every application filed pursuant to the provisions of this Chapter shall be subject to an application fee as established by the Board of Supervisors, who shall determine a schedule of fees, charges, and expenses by resolution, and shall determine a collection procedure for special permits, variances, amendments and other matters pertaining to this Chapter. Said schedule of fees shall be posted in the office of the Zoning Officer. The Board shall be empowered to re-evaluate the fee schedule and make necessary alterations. Such alterations shall not be considered an amendment to this Chapter, and may be adopted at any public meeting of the Board of Supervisors. All such fees, payable to "Cecil Township Supervisors," shall be paid into the Township treasury, and no application shall be accepted or acted upon unless the Township receives payment. The owner of the property subject of the application and, if different, the applicant, shall be jointly and severally liable for the payment of the fee. The failure to fully pay any such fee or required deposit when due shall be grounds for refusing to process an application and for denying and revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or required deposit relates.

SECTION 107. SEVERABILITY

The provisions of this Chapter are severable, and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts, or provisions of this Chapter. It is hereby declared to be the intent of the Board of Supervisors that this Chapter would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

SECTION 108. REPEALS, EFFECTIVE DATE

All previously enacted Zoning Ordinances and Subdivision and Land Development Ordinances of the Township are hereby repealed. This Ordinance #_____, shall become effective on _____, 20___. Passed by the Board of Supervisors of the Township of Cecil, Washington County, Pennsylvania on the ____ day of _____, 20__.

Thomas A.

Casciola, Chairman
Attest:

Sandra Novelli, Secretary

PART 2

Definitions

Section 201. Interpretation
Section 202. Definitions

SECTION 201. INTERPRETATION

A. Regulation Interpretation

The interpretation of the regulations of this Chapter is intended to be such that, whenever these requirements are at variance with any other lawfully adopted rules, regulations, and ordinances, as particularly refer to area and bulk regulations that impose higher standards, the more restrictive requirements shall govern.

B. Language Interpretation

For the purpose of this Chapter, certain grammatical forms and words shall assume a wider interpretation than assumed in common usage. The following constitutes a complete listing:

1. All present and future tenses shall be interchangeable.
2. All genders shall be interchangeable.
3. The singular and plural shall be interchangeable.
4. The word “shall” is always mandatory.
5. The word “regulations” shall refer only to the controls imposed by this Chapter and shall be interpreted strictly.
6. The word “standards” shall refer only to statements imposed by this Chapter and shall be interpreted broadly.
7. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
8. The word “lot” includes the words “plot,” “parcel,” and “tract.”
9. The words “used” or “occupied” include the meaning “intended, arranged, or designed to be used or occupied.”

SECTION 202. DEFINITIONS

Throughout this Chapter, the following words and phrases shall have particular meaning as assigned by this Section.

ABANDONMENT -- To cease or discontinue a use or activity without the intent to resume, but excluding temporary or short-term interruption to a use or activity during remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ACCESSORY USE, STRUCTURE, OR BUILDING – A use, structure, or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, structure, and/or building.

ADMINISTRATOR – The person qualified and officially appointed by the Township to manage the grading and excavation section.

ADULT ARCADE -- Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images characterized by the depiction of nudity or sexual conduct, as defined by this Chapter.

ADULT BUSINESS -- An adult arcade, adult bookstore or adult video store, adult nightclub, adult movie theater, adult live theater, or sexual encounter center, as defined by this Chapter.

ADULT BOOKSTORE or ADULT VIDEO STORE -- Any commercial establishment which offers, for sale or rental to the public, books, publications, films, video tapes, or other media which depict nudity or sexual conduct, as defined by this Chapter. Establishments dedicating less than five (5) percent of display area or less than five (5) percent of the inventory of subject items, shall not be considered to be adult bookstores or adult video stores.

ADULT NIGHTCLUB -- Any establishment, including private clubs, which serves food and/or beverages, whether or not the consumption of alcohol is allowed on the premises, and which offers entertainment, either live or recorded, exhibiting nudity or sexual conduct, as defined in this Chapter, or which provides service by waitpersons who exhibit nudity or sexual conduct, as defined by this Chapter.

ADULT MOVIE THEATER -- Any movie theater, including mini-theaters, which show films rated “X” by the Motion Picture Coding Association of America or where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions depicting sexual conduct, as defined in this Chapter, are shown for public viewing.

ADULT LIVE THEATER -- Any commercial establishment which features live shows for public viewing in which all or some of the performers display nudity or engage in sexual conduct, as defined in this Chapter.

AGRICULTURE – Growing or producing for use on the lot or for sale domestic livestock, farm grains, feeds or hay, fruits, nursery stock, vegetables, dairy products, poultry, eggs, or other crops or produce typical of farm activity in the County of Washington. Includes related use of equipment and structures necessary for the foregoing purposes. Also includes uses of farm animals for recreational purposes, such as riding stables and riding lessons.

ALLEY – A public thoroughfare which affords only a secondary means of access to an abutting property and which is not intended for general traffic circulation.

ALTERATION – Any change, addition, or modification in construction, or any change in the structural members of a building, such as load-bearing walls, columns, beams, or girders.

ANTENNA – Any device designed to transmit or receive wave signals to or from any source whatsoever.

APARTMENT – One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

APARTMENT HOTEL – A building consisting of guest rooms or suites of rooms which are occupied more or less permanently, wherein the occupants are furnished so-called hotel services, including dining room and/or maid service.

APPLICANT – A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

ARCHITECTURAL DETAIL – Any projection, relief, cornice, column, change of building material, window, or door opening on any building.

AS-BUILT PLANS – Plans and profiles prepared by an engineer or surveyor showing the exact location, size, grade, and depth of all public improvements after completion, including Y-branches and laterals for future house connections.

AUTHORIZED AGENT – person or individual having legal power of attorney for another person or company.

AUTOMOBILE AND GASOLINE SERVICE STATION – Any premises used for supplying gasoline and oil, tires, accessories, and services for automobiles, at retail, directly to the motorist, including the making of minor repairs but not including such major repairs as complete recapping or retreading of tires, spray painting, body and fender repair, axle repair, frame repair, exhaust repair, brake repair, or major engine overhaul. Services such as washing and waxing of motor vehicles in an incidental one-bay washing facility, conduction of State safety and emissions inspections, and the operation of a convenience store are included in this definition only if retail sale of petroleum products is a part of the operation.

AUTOMOTIVE REPAIR – Any land, building, structure, or premises used for the general repair, engine rebuilding or reconditioning of motor vehicles, collision service such as body, frame, and fender straightening and repair, and painting of motor vehicles.

AUTO SALVAGE YARD – Any lot, land, or structure or parts thereof, used for the storage, accumulation, recycling, sealing, or processing of junk or abandoned vehicles, or parts thereof, whether or not for sale. The accumulation or storage of two (2) or more vehicles or parts thereof shall be construed to be an auto salvage yard.

AWNING – A temporary or permanent structure extending out and over the upper part of a door, window, or porch and serving as protection from sun or precipitation. Distinguished from a canopy by the lack of structural supports attached to the ground.

BANNER – A graphic composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow movement caused by the atmosphere.

BASEMENT OR CELLAR – That portion of the building that is underground but having at least half its clear height below the average grade of the adjoining ground. A basement shall be considered a story if more than half its clear height is above the average grade of the adjoining ground.

BED & BREAKFAST ESTABLISHMENT – An owner-occupied dwelling unit providing overnight accommodations and breakfast to the public for compensation for ten (10) or more days in a twelve-month period.

BEDROCK – The natural rock layer, hard or soft, in place at ground surface or beneath unconsolidated surface deposits.

BEST MANAGEMENT PRACTICE (BMP) – Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from Regulated Earth Disturbance activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance.

BILLBOARD – An off-premises sign, owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign, that directs attention to a product or service not associated with the primary use, business, or activity conducted on the premises where such sign is located.

BLOCK – A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

BOARD OF SUPERVISORS –The elected governing body of the Township of Cecil, Washington County, Pennsylvania.

BUFFER AREA – A landscaped area within which no structure or building is permitted except a wall or fence, of a certain depth specified by this Chapter, which is planted and maintained in shrubs, bushes, trees, grass, ground cover or other natural landscaping material, consisting of a mix of types and sizes of plant material which, within three (3) years of planting, meets the standard of providing a compact year-round visual screen.

BUILDING – Any structure, with walls and a roof, designed, built, and used for the shelter, protection, or enclosure of persons, animals, or property, and which is permanently affixed to the land. A building is also a structure.

BUILDING HEIGHT – The vertical distance from the average finished grade (as measured around the entire perimeter of the building) to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and peak for gable, hip, or gambrel roofs. The following shall not be included in calculating height: chimneys, spires, towers, domes, masts, mechanical penthouses, and aerials.

BUILDING LINE – See **SETBACK LINE**.

BUILDING PERMIT – A permit issued by Cecil Township stating that a proposed construction or improvement complies with the provisions of this Chapter and such other parts of the Township Code of Ordinances as may be applicable. (Also known as Zoning Permit).

CANOPY – A temporary or permanent structure extending out and over the upper part of a door, window, or porch, and having structural supports attached to the ground, and serving to protect from sun and precipitation.

CARTWAY – The paved area of a street between the curbs, including travel lanes and parking areas, but not including shoulders, curbs, sidewalks, or swales. If curbs are lacking and parking is restricted to the shoulders, the cartway is defined as the travelway.

CEMETERY – Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery, for which perpetual care and maintenance is provided.

CHANGEABLE COPY – Letters, numerals, or other copy that may be manually affixed to and/or removed from a sign on a temporary basis.

COLLEGE OR UNIVERSITY – A public or private institution providing full- or part-time education beyond the high school level and including any lodging rooms or housing for students or faculty. A business or trade school is not considered a college or university (See **COMMUTER COLLEGE**).

COMMERCIAL USE – An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMISSION – The duly authorized Cecil Township Planning Commission, as appointed by the Board of Supervisors.

COMMON OPEN SPACE – A parcel or parcels of land, or an area of land or an area of water, or a combination of land and water within a development site designed and intended for the dedication to, and use and enjoyment of residents of a development, but not including streets and areas set aside for public utilities.

COMMUNICATIONS FACILITY -- Any communications antenna or communications tower, as defined by this Chapter, which is operated by any agency or corporation, including a public utility regulated by the Public Utility Commission (PUC) or any agency or franchisee of Cecil Township, or any police, fire, emergency medical or emergency management agency, but not including satellite dish antennae, defined as parabolic dishes designed for “receive-only” viewing of satellite programs for private viewing, or radio and TV antennae, defined as freestanding or building-mounted antennae located on residential property designed to enhance radio or television reception for the residents of the dwelling.

COMMUNICATIONS TOWER -- Any structure, whether freestanding or attached to a building, designed to support multiple communications antennae, including monopole, self-supporting, and guyed towers, and one or more of the following mounts for antennae: rotatable platform, fixed platform, multi-point, side arm and pipe mounts for microwave dishes.

COMMUNICATIONS ANTENNA -- Any structure designed for transmitting or receiving radio, television, or telephone communications, including omni-directional or whip antennae, directional or panel antennae, and microwave dish antennae, which may be mounted on an existing building or on a communications tower, and including the accessory equipment cabinet necessary to operate the antenna.

COMMUNITY RESIDENTIAL FACILITY – A State licensed residential facility providing a place for residence for more than four (4): foster children, disturbed children, mentally retarded persons, or physically handicapped persons, and including the required number of staff and live-in supervisors who provide service for such residents on a twenty-four (24) hour a day basis. For the purpose of this definition, a child is any person under the age of eighteen (18). This definition does not include rest homes, convalescent homes, homes for the elderly, homes for adjudicated delinquents, or other court-sentenced individuals.

COMMUNITY RESIDENTIAL HOME – A State licensed residential facility providing a place for residence for not more than four (4): foster children, disturbed children, mentally retarded persons, or physically handicapped persons, and including not more than one (1) live-in supervisors who provide service for such residents on a twenty-four (24) hour a day basis. For the purpose of this definition, a child is any person under the age of eighteen (18). This definition does not include rest homes, convalescent homes, homes for the elderly, homes for adjudicated delinquents, or other court-sentenced individuals.

COMMUTER COLLEGE – A public or private institution providing full-time or part-time education beyond the high school level and not including lodging rooms or housing for students or faculty.

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

COMPREHENSIVE PLAN – A plan adopted by the Cecil Township Board of Supervisors for the future development of the Township, pursuant to State law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. The document shall include all components identified in Section 301 of the Pennsylvania Municipalities Planning Code.

CONDITIONAL USE – A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare. The same as a Special Exception, except that it falls under the jurisdiction of the Township Board of Supervisors. Express standards and criteria are set forth in the specific zoning district. Additionally, the governing body has the opportunity to thoroughly examine the proposal and to impose any other reasonable safeguards necessary to implement the intent of this Chapter and to protect the general welfare.

CONDOMINIUM – The individual ownership of a dwelling unit within a multi-family or two-family dwelling, together with an interest in the common land and building areas and the underlying land.

CONSERVATION EASEMENT – An area or strip of land which shall remain in a natural state, in perpetuity, free from improvement except for access road crossings, and trails.

CONSTRUCTION PLANS – The maps, drawings, and textual descriptions accompanying a subdivision plat and showing the specific location and design of public improvements to be installed in the subdivision in accordance with the requirements of this Chapter as a condition of plat approval.

CONTRACTOR'S OFFICE – Any building or structure used as the permanent place of business for a general contractor or tradesman, but not including the storage of construction equipment, material, and company vehicles.

CONTRACTOR'S YARD – Any developed or vacant land used as a place of storage for a general contractor or tradesman, including the storage of construction equipment, material, and company vehicles.

CONTROL FACILITY – A method of controlling stormwater runoff by slowing, dampening, or retarding of runoff flows entering the natural drainage pattern or storm drainage system by temporarily holding water on a surface area such as a detention basin, parking lot, swale, or within the drainage system itself, and releasing the water at a controlled rate of discharge.

COUNTY – The County of Washington, Pennsylvania.

COUNTY PLANNING COMMISSION – The County Planning Commission of the County of Washington.

COURT ADJUDICATED FACILITY – A State licensed facility providing a place for residence for more than four (4) individuals, whether minors or adults, and including the required number of staff and live-in supervisors who provide service for such residents on a twenty-four (24) hour a day basis. For the purpose of this definition, a resident is any individual serving a court ordered period of detention. This definition does not include prisons. Persons convicted of an offense of a violent nature are prohibited from residing in a court adjudicated facility.

COURT ADJUDICATED HOME – A State licensed residential facility providing a place for residence for not more than four (4) individuals, whether minors or adults, and including the required number of staff and live-in supervisors who provide service for such residents on a twenty-four (24) hour a day basis. For the purpose of this definition, a resident is any individual serving a court ordered period of detention. Persons convicted of an offense of a violent nature are prohibited from residing in a court adjudicated home.

COVENANT – A private legal restriction on the use of land contained in the deed to the property.

CUL-DE-SAC – A minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

CULVERT – A drain, ditch, or conduit, not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk, or public way.

CUT – A portion of land surface or area from which earth has been removed by excavation. The difference in elevation between a point on the original ground and designated point of lower elevation on the final grade.

DAY CARE CENTER – A facility, licensed by the Commonwealth, located within a building not used for dwelling purposes, for the care, during part of a twenty-four (24) hour day, of children under the age of sixteen (16), handicapped persons, or elderly persons.

DAY CARE HOME – A facility, licensed by the Commonwealth, located within a dwelling for the care, on a regular basis during part of a twenty-four (24) hour day, of not more than seven (7) children under sixteen (16) years of age, excluding care provided to children who are relatives of the provider, and which meets all standards required by this Chapter.

DEDICATION – The setting apart of land, or interests in land, for use by the public, by ordinance, resolution, or the recording of a plat.

DENSELY POPULATED RESIDENTIAL AREA – A group of three or more residential dwellings located adjacent to each other, across from one another, or where three dwellings occupy an area not exceeding one acre in size, or where each dwelling occupies an individual lot or parcel that cannot be further subdivided to create additional conforming lots in that particular Zoning District.

DENSITY – A measure of the number of dwelling units permitted per acre.

DENSITY, GROSS – The number of dwelling units per acre of the total land to be developed, including public rights-of-way.

DENSITY, NET – The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public rights-of-way and other public land.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) – The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments, and/or agencies, as may from time to time be established, or such Department or Departments as may, in the future, succeed it.

DEPARTURE – See **WAIVER**.

DESIGNATED FLOOD PLAIN DISTRICTS – Those floodplain districts specifically designated in this Chapter as being inundated primarily by the one hundred year flood. Included are be areas identified as Floodway District (FW), Flood Fringe District (FF), and the Approximated Flood Plain District.

DETENTION POND – An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

DEVELOPER – The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land. An option or contract can be conditioned on Township approval.

DEVELOPMENT – Any modification of the natural landscape above and below ground or water, on a particular site, including but not limited to the division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; the placement of mobile homes; or the mining, dredging, filling, grading, paving, excavation, or disturbance of land, including within flood hazard areas. Any use or extension of the use of land.

DOMESTIC PETS – Animals such as dogs and cats which normally and customarily reside in or at a family household. Excluded are any animals considered farm animals or exotic animals.

DRAINAGE – The removal of surface water or groundwater from land by drains, grading, or other means, including runoff controls to minimize erosion and sedimentation during and after construction or development.

DRAINAGE FACILITY – Any ditch, gutter, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of carrying, diverting, or controlling surface water or groundwater.

DRAINAGE RIGHT-OF-WAY – The lands required for the installation of storm sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY – A private roadway providing access to a street or highway.

DWELLING – Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or are occupied for living purposes, not including hotels and motels or boarding and lodging houses.

DWELLING, SINGLE-FAMILY – A residential building containing one (1) dwelling unit and which is the only principal structure on the lot, and is separated by open space around the entire perimeter.

DWELLING, TWO-FAMILY – A residential building containing two (2) independent dwelling units, each having a separate entrance, and which is the only principal building on the lot.

DWELLING, MULTI-FAMILY – A residential building or portion thereof containing three (3) or more dwelling units, including triplexes, fourplexes, garden apartments, highrise apartments and townhouses.

DWELLING, TOWNHOUSE (ROW HOUSE) – A multi-family residential dwelling no more than three (3) stories in height which contains at least three (3) or more single family attached dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the foundation to the roof, with open space on at least 2 sides.

DWELLING, GARDEN APARTMENT – A multi-family residential building no more than three (3) stories in height containing five (5) or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

DWELLING UNIT – A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitary facilities. The term shall not include recreational vehicles.

EASEMENT – An authorization or grant by a property owner to specific person(s) or to the public to use land for specific purposes, where the ownership of such easement is retained by the granting party.

ELEVATION – (1) A point or series of points (contours) which are a common distance above sea level or other alternate fixed point of reference. (2) A fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

ENGINEER – A registered professional engineer in the Commonwealth of Pennsylvania.

ENGINEERING SPECIFICATIONS – The engineering criteria of the Township regulating the installation of any public improvement or facility. In the absence of such Township engineering criteria, the applicable standards of the Washington County Subdivision and Land Development Ordinance shall apply.

ENGINEERING, GEOLOGIST – A person who holds a degree in geology from an accredited college or university and who has training and experience in the field of engineering geology.

E.P.A. – The U.S. Environmental Protection Agency

EROSION – The removal of surface materials by the action of natural elements.

ESCROW – The arrangement for the handling of instruments or money not to be released by the Township until specific conditions are met.

ESSENTIALLY DRY SPACE – A building space that will remain dry during flooding except for the passage of some water vapor or minor seepage, rendering the structure substantially impermeable to the passage of water.

ESSENTIAL SERVICES – The erection, construction, alteration, or maintenance, of gas, electrical, and communication facilities; steam, fuel, or water transmission or distribution systems; and collection, supply, or disposal systems. Such systems may include poles, wires, mains, drains, sewers, pipes, sewage treatment plants, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories. This definition is not intended to include private commercial enterprises such as cellular communications facilities, but only those public facilities necessary for the health, safety, and general welfare of the community.

EVERGREEN – A plant having foliage that remains on the plant throughout the year.

EXCESSIVE SLOPE – Defined as one of the following groups: those slopes as identified on the USDA-SCS soil group map as steep slopes of 25% or more or those slopes identified on the topographic survey prepared by a land surveyor registered in the Commonwealth of Pennsylvania as any area over a 100 foot horizontal distance, the slope exceeds 25% from the top to bottom of the break in grade. Said break in grade must be at least a change in grade of 5% before consideration. All areas over 25% must be outlined on the topographic plan.

EXCAVATION – Any act by which earth, sand, gravel, rock, mineral substances, or organic substances, other than vegetation, is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting there from.

EXOTIC ANIMALS – Those animals or creatures of a foreign origin, or animals which are not ordinarily brought into a typical household or family environment, or those animals considered wild in nature or found wild in nature, and not normally domesticated.

FACADE – Any side of a building below the eaves that is visible from any abutting right-of-way.

FAMILY – An individual; two or more persons related by blood or marriage living together; or, one or more persons maintaining, wholly or partly, other persons, not to exceed four unrelated individuals, all of whom live together in one household, but not embracing clubs, fraternities, boarding or rooming houses or other groups of individual persons living together. A family may also include domestic servants and gratuitous guests. The foregoing restrictions do not apply to persons with disabilities as defined in the Fair Housing Act, 42 U.S.C. 3601, et. seq.

FARM – Any parcel of land containing at least ten (10) acres of contiguous ground used for agriculture, as defined by this Chapter.

FENCE – A structure, including entrance and exit gates or openings, designed and constructed for enclosure, screening, protection, confinement, or privacy.

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

FLOOD – A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) – A map or maps prepared under the National Flood Insurance Program by the Federal Emergency Management Agency (FEMA).

FLOODPLAIN – The channel proper and the areas adjoining any wetland, lake, or watercourse, including floodway fringe areas, which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe, and is shown on the FIRM maps.

FLOODPROOFING – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD, REGULATORY BASE – That flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one-hundred year period, as shown on the FIRM map(s).

FLOODWAY – The channel of a river or stream, and areas adjoining the channel, which are reasonably required to carry and discharge the flood water of such river or stream. For purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

FLOODWAY FRINGE – Those portions of the flood hazard area lying outside the floodway as shown on the FIRM map(s).

FLOOR AREA, GROSS – The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the exterior walls.

FLOOR AREA, NET – The gross floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, etc., but including corridors, storage areas, and other areas not accessible to the public.

FRESHEN – The detachment and movement of soil fragments by water, wind, ice, or gravity, including such processes as gravitational creep.

FRONTAGE – The side of a lot abutting a street or way and regarded as the front of the lot. The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way. All sides of a lot adjacent to streets shall be considered frontage. For lots which do not abut a street, frontage shall be defined as the side of the lot through which the lot has access to a street.

FRONTAGE ROAD – A local road or auxiliary road parallel to an arterial, established for control of access and providing access to abutting property and adjacent areas. Also called a marginal access street.

GARAGE, PRIVATE – A detached accessory building, or a portion of the principal building, used for storing or parking of passenger vehicles, recreational vehicles, and boats of the occupants of the premises and wherein not more than one space is rented for parking to a person not resident on the premises.

GARAGE, PUBLIC OR COMMERCIAL – A principal or accessory building, other than a private or storage garage, used for parking or temporary storage of passenger vehicles.

GARDEN APARTMENTS – A multi-family residential building not more than three stories in height containing three or more dwelling units which share a common entrance.

GOVERNING BOARD – refers to the Cecil Township Board of Supervisors.

GRADE – The mean elevation of the ground adjoining a building on all sides as referenced from the centerline of the adjacent street(s).

GRADE, FINISHED – The elevation of the finished surface of the ground adjoining a structure after final grading and normal settlement.

GRADING – Any excavation or filling or combination of any act with earth, sand, gravel, or rock is placed, pushed, dumped, pulled, transported or moved to a new location above or below the natural surface of the ground, including the conditions resulting from any Excavation or Fill. The plowing of, stripping of, or timbering of land for agricultural purposes shall not be considered as grading.

GRADING PERMIT – shall mean any permit required under this ordinance.

GREENHOUSE – A permanent building with roof and sides constructed largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale. A private greenhouse carries the same definition, but cultivation is strictly for personal enjoyment.

HAZARD – shall mean a danger or potential-danger to life, limb, or health, or an adverse effect or potential adverse effect to the safety, use, or stability of property, waterways, public ways, structures, utilities, and storm sewers, including stream pollution.

HAZARDOUS WASTE – Any garbage, refuse, or sludge from an industrial or other waste water treatment plant; sludge from a water supply treatment plant or air pollution control facility; and other discarded material including solid, liquid, semi-solid or contained gaseous material resulting from municipal, commercial, industrial, institutional, mining or agricultural operations, and from community

activities or any combination of the above; but not including solid or dissolved materials in sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 88); or source, special nuclear, or by-product material as defined by the U.S. Atomic Energy Act of 1954, as amended (68 Stat. 923), which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or total population; or
- Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The term “hazardous waste” shall not include coal refuse as defined in the Act of September 24, 1968 (P.L. 1040, No. 310), known as the Coal Refuse Disposal Control Act. Hazardous waste shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to and in compliance with a valid permit issued pursuant to the Act of June 22, 1937 (P.L. 1987, No. 395), known as “The Clean Streams Law.”

HAZARDOUS WASTE DISPOSAL – The deposit, injection, dumping, spilling, leaking, or otherwise placing of hazardous waste, as defined by this Part, into or onto the land or water.

HAZARDOUS WASTE STORAGE – The containment, whether temporary or permanent, of any hazardous waste, as defined by this Part, whether or not the storage is outside or inside of an enclosed building or structure and whether or not the storage is the principal use on the property or is accessory to the authorized principal use on the property.

HAZARDOUS WASTE TRANSPORTATION – The collection, hauling, or removal from the site of any hazardous waste, as defined by this Part, by any mode of transportation, for any purpose, within or through Cecil Township.

HAZARDOUS WASTE TREATMENT – The recovery, reduction, detoxification, neutralization, conversion, reuse, or any other method of processing excluding incineration, designed to change the chemical composition or physical form of any hazardous waste.

HEIGHT OF STRUCTURES (Other than buildings) – The vertical distance measured from the average finished grade (as measured around the entire perimeter of the building) to the highest point of the structure. (See **BUILDING HEIGHT** and **SIGN HEIGHT**)

HELIPORT – Any area of land, water, or structure (whether or not designated or set off as such) used or intended to be used for the landing or takeoff of helicopters.

HISTORIC STRUCTURE – Any structure that is:

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

HOME OCCUPATION – A business use having a service characteristic, conducted completely within a dwelling unit, carried on by any member of the immediate family residing on the premises, allowing one additional employee not residing on the premises, clearly incidental and secondary to the use of the dwelling for residential purposes, which does not alter the exterior of the property in any way. A home occupation is an accessory use, contributing either entirely or partly to the livelihood of a person living in the dwelling.

HOME OFFICE – A home occupation, as defined above, including, but not limited to, an office of an attorney, architect, engineer, or similar recognized profession or the office of a realtor, insurance agent, investment counselor, manufacturer’s representative, broker, or similar profession. A home office differs from a home occupation in that customers or clients do not visit the premises, no one who is not a resident of the dwelling is employed on the premises, and approval as a Special Exception from the Zoning Hearing Board is not required.

HOMEOWNERS ASSOCIATION - a community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

HOSPITAL – An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of, a licensed physician. Types of hospitals include general, mental, chronic disease, and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer, and the like.

HOTEL – A building in which lodging is offered with or without meals principally to transient guests and that provides a common entrance, lobby, halls, and stairways.

HOUSE OF WORSHIP – Includes any or all of the following: church, cathedral, temple, manse, rectory, parish schools or similar buildings incidental to the particular use; convents and other buildings for the housing of students, teachers, communicants, and domestic or maintenance employees; but not including business offices (except administrative offices housed within the structure), rescue missions, or the occasional use for religious purposes of properties not regularly so used.

ILLUSTRATIVE SITE PLAN – A topographic and boundary survey of property zoned Special District, proposed for development which includes a written description of the various categories of the proposed land uses, but which does not show the precise locations of proposed buildings; the major street network proposed to provide access to the areas proposed for development, but not necessarily the streets or driveways internal to the proposed development sites; and the location of the site with respect to surrounding properties and the existing street network. The plan shall be in sufficient detail to show compliance with all applicable requirements, standards, and criteria of this Chapter regarding Illustrative Site Plans.

IMPROVEMENTS – Any permanent structure that becomes part of, placed upon, or is affixed to real estate, which serves the purpose to render land suitable for the use intended, including, but not limited to, grading, paving, curbing, and installation of street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and street trees; (2) Any physical construction, and all modifications of the natural landscape, above and below ground or water, on a particular site.

IMPROVEMENTS, PRIVATE – Those improvements, done at the option of the property owner, intended to benefit that property owner, their heirs, or assigns.

IMPROVEMENTS, PUBLIC – Those improvements, either required by municipal ordinance or regulations, or installed at the option of the property owner, which are proposed or required to be, turned over to a public entity, for the permanent use and benefit of current and future property owners.

INCIDENTAL – Being likely to ensue, as a chance or minor consequence.

INDUSTRIAL USE – Those uses of economic activity including, for example, forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.

INFRASTRUCTURE – The fixed public works and facilities necessary in a community, such as sewers, water systems, and streets.

INSPECTOR – The Township Engineer or his authorized representative whose duty it is to administer compliance with approved plans and permits.

INSTITUTIONAL USE – Public and quasi-public land uses which enhance the community's quality of life, including schools, churches, libraries, or hospitals, but not including such uses as utility plants or public garages.

ITEM OF INFORMATION – A word, a group of initials, a logo, an abbreviation, a number, a symbol, or a geometric shape.

JUNK VEHICLE – any self-propelled, fuel powered vehicle, that has any part of the body missing, broken windshield, wheel or wheels off, motor out, transmission out, or missing any part that prevents the vehicle from moving on its own power. Also included are any other mobile equipment that has parts missing that is pulled, or towed by another fuel powered vehicle. This shall not apply to farm vehicles or equipment.

JUNK YARD – Any lot, land, or structure, or parts thereof, used for the storage, accumulation, recycling, or processing of scrap metals (other than auto salvage), (see **AUTO SALVAGE YARD** for vehicle scrap and parts) or other material, whether or not for sale. The accumulation or storage of any material or discarded material not reasonably needed for the immediate personal use of the owner or possessor shall be construed to be a junk yard.

KENNEL – An establishment where more than three (3) dogs or four (4) cats older than six (6) months, or other birds and animals, are housed, groomed, bred, boarded, trained, and/or sold, all for a fee or compensation.

LAND DEVELOPMENT –

- The improvement of one lot or contiguous lots, tracts, or parcels of land for any purpose involving:
 - A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants; or
 - The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.
- A subdivision of land.

- Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

LANDSCAPE PLAN - A plan prepared by a registered architect, engineer, or land surveyor, or a site plan preparer acceptable to the Township, identifying each tree and shrub by size and type, and location for planting. The Plan shall include a planting diagram and any necessary reports to show method of planting, mulching, and grass plantings.

LAND USE CATEGORY – A category of land use, including residential, commercial, and industrial, which is shown on a subdivision plat for properties zoned Special District, within an approved Illustrative Site Plan and which indicates the intended use and establishes the applicable zoning regulations for development of a lot or tract within the Illustrative Site Plan.

LEWD MATERIAL -- Any material or performance in which all of the following elements are present:

- Considered as a whole, by the average person, applying the contemporary community standards of Cecil Township, there is appeal to the prurient interest in sex; and
- Depiction, description, or representation, in a patently offensive way, of sexual conduct, as defined in this Chapter; and
 - Taken as a whole, there is a lack of serious literary, artistic, political, educational, or scientific value.

LOADING SPACE, OFF-STREET – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

LOT – A parcel of land intended to be separately owned, developed, or otherwise used as a unit. A parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, or by group dwellings and their accessory buildings, together with such open spaces as are required, having at least the minimum area required for the lot in the zone in which such lot is located and having its principal frontage on a public or approved private street or way.

LOT AREA –The total horizontal area within the lot lines of a lot, excluding any street rights-of-way.

LOT, BUILDABLE AREA – That portion of a lot bounded by the required front, rear, and side yards.

LOT, CORNER – A lot located at the intersection of two or more streets, the interior angle of such intersection not exceeding 135 degrees. A lot abutting a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than 135 degrees in front of the lot. On a corner lot, the rear lot line shall be opposite the side of the house considered to be the front. The owner or developer of a corner lot may, prior to issuance of a building permit, specify which street line shall be the front lot line, unless front lot lines are established for abutting properties.

LOT COVERAGE – The ratio of the covered ground floor area of all buildings on a lot to the total area of the lot. Accessory buildings and covered porches shall be included, but projecting eaves on any structure shall not.

LOT DEPTH – The average horizontal distance between the front and rear lot lines. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

LOT, FLAG – A lot approved with less frontage on a public street than is normally required, where a narrow panhandle access corridor leads to the bulk of the lot located behind lots or parcels with normally required street frontage (See Part 6, Section 613.B.10. for illustration).

LOT, INTERIOR – A lot with only one frontage on a street.

LOT LINE, FRONT – On an interior lot, the line separating the lot from the street right-of-way; on a corner or through lot, the line separating the lot from either street right-of-way. When a lot or building site is bounded by a public street and one or more alleys, private street easements, or private streets, the front lot line shall be the nearest right-of-way line of the public street.

LOT LINE, REAR – The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the side of the house considered to be the front.

LOT LINE, SIDE – Any lot line other than a front lot line or rear lot line.

LOT OF RECORD – A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Washington County; or a lot or parcel described by metes and bounds, legally defined and duly recorded in the Office of the Recorder of Washington County.

LOT, THROUGH – A lot other than a corner lot with frontage on more than one street. On a through lot, both street lot lines shall be deemed front lot lines.

LOT WIDTH – The horizontal distance between the side lot lines, measured at the building setback line.

MAJOR EXCAVATING, GRADING, OR FILLING – Any operation (other than work in connection with the foundation for a structure) involving:

- Material alteration of the ground surface so as to affect streets, recreation sites, and other public facilities or physically affect private property within one thousand feet of the intended operation; or
- A volume of earth movement exceeding an average of one-half of a cubic yard per square foot of site area or sixteen thousand cubic yards, whichever is the lesser; or
- A change in ground elevation exceeding fifteen feet.

MAINTENANCE GUARANTEE – Any security that may be required and accepted by a governmental agency to assure that public improvements accepted by the Township will function as required for a specific period of time.

MANUFACTURED HOME – A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and which is constructed after January 1, 1981, and which exceeds nine hundred fifty (950) square feet of occupied space. Also known as a modular home.

MARGINAL ACCESS STREET – A local or auxiliary road parallel to an arterial road, established for the control of access and providing access to abutting properties and adjacent areas.

MARQUEE – A permanent structure, other than a roof, attached to, supported by, and projecting from a building, providing protection from the elements.

MASTER PLAN OF STREETS – The classification of streets contained in the Cecil Township Comprehensive Plan.

MOBILE HOME – A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or two or more units, designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.

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

MOBILE HOME PARK – A tract of land under single, joint, or common ownership so designated and improved to contain two or more mobile home lots for non-transient use.

MODULAR HOME – See **MANUFACTURED HOME**.

MONUMENT – A concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

MUNICIPALITIES PLANNING CODE – Act of Assembly of July 31, 1968, P.L. 805, and as may be hereinafter amended.

NON-CONFORMING LOT – A lot which lawfully existed prior to the adoption or amendment of this Chapter, but which fails by reason of such adoption or amendment to conform to the lot requirements of the district in which it is located.

NON-CONFORMING STRUCTURE – Any structure that does not meet the limitations on size and/or location on a lot for the district in which such structure is located, and which legally existed prior to the adoption or amendment of this Chapter.

NON-CONFORMING USE – A use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

NUDITY -- The showing of the human male or female genitals, pubic areas, or buttocks with less than a fully opaque covering, or the showing of the female breasts with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

***NURSING, CONVALESCENT, OR REST HOME** – An institution, licensed by the Commonwealth, for the long-term care of patients requiring skilled, intermediate, or institutional personal care, but not including facilities for major surgery or treatment for narcotics addiction.*

OBSTRUCTION – Any wall, dam, embankment, dike, pile, abutment, projection, excavation, channel, swell, rectification, culvert, building, fence, stockpile, fill, refuse, structure, or matter in, along, across or projecting into any channel, watercourse, swell, or flood-prone area which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or which is placed where the flow of water might carry the same downstream to the damage of life or property. Also included are any of the above listed items which impede the flow of vehicular or pedestrian traffic in legitimate rights-of-ways.

OCCUPANCY PERMIT – A certificate signed by an official of Cecil Township stating that the occupancy and use of land, building, or structure referred to therein complies with the provisions of this Chapter and all other building and local codes as may be applicable.

OPEN SPACE LAND – Land that is restricted in use for public or private recreational purposes, or undisturbed land from a subdivision not intended to be sold, that is to be left undeveloped, with the intent to be turned over to a home-owners association.

OUTDOOR STORAGE – The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

OWNER – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land. A legal power of attorney from the title holder of record will suffice to establish a proprietary interest.

PARKING LOT – An area appropriate in size to accommodate the required vehicular parking for the applicable land use(s), together with driveways and access aisles, located completely out of the public right-of-way, and set back from such right-of-way as required by this Chapter.

PARKING SPACE – An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one (1) passenger motor vehicle or appropriately part of a street or connected with a street or alley by a surfaced driveway affording adequate ingress and egress.

PERCOLATION TEST – A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

PERENNIAL – In connection with landscaping, a plant having a life span of more than two (2) years.

PERIMETER CONSERVATION EASEMENT – A strip of land around a development that is to remain in its natural state

PERFORMANCE GUARANTEE – Any security, including performance bonds, escrow accounts, or other similar surety agreements, which may be accepted by a municipality to assure that public improvements to be accepted by the Township as part of an application for development, will be satisfactorily completed.

PERSON – An individual, partnership, corporation, or other legally recognized entity.

PERSONAL CARE BOARDING HOME – A facility, licensed by the Commonwealth and located within a dwelling, where room and board is provided for a period exceeding twenty-four (24) hours to more than three (3) but no more than twelve (12) permanent residents, sixty-two (62) or more years of age, who are not relatives of the operator, and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet, and medication prescribed for self-administration, but who are not in need of hospitalization or skilled or intermediate nursing care. Twenty-four (24) hour supervision by qualified staff shall be provided by the sponsoring agency, with no more than four (4) staff persons on any shift.

PERSONAL SERVICES – Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, such as beauty shops, barber shops, watch repair, shoe repair, tanning and nail salons, etc.

PLACES OF PUBLIC ASSEMBLY – Buildings and indoor or outdoor facilities including, but not necessarily limited to, banquet halls, auditoriums, and conference centers, and including any kitchens for the preparation of food to be consumed on the premises.

PLACES OF WORSHIP – Structures and other indoor or outdoor facilities used for public worship and related educational, cultural, and social activities.

PLANNED RESIDENTIAL DEVELOPMENT –An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNING COMMISSION – The Planning Commission of Cecil Township.

PLAT – The map or plan of a subdivision or land development, whether preliminary or final.

PLAT, PRELIMINARY – A tentative subdivision plan or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

PLAT, FINAL - A complete and exact subdivision plan or land development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

PLAT, SKETCH – An informal subdivision plan or land development plan, not necessarily drawn to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed development.

PORCH – A roofed, open area, which may be screened, usually attached to or part of, and with direct access to or from, a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than fifty percent (50%).

PRINCIPAL BUILDING – The building in which the primary use on the lot is conducted. With regard to school, recreational, or other uses of property which may include several buildings in which activity occurs, the Planning Commission shall determine whether or not each building shall be classified as a “principal building.”

PRINCIPAL USE – The primary use to which the premises are devoted, and the main purpose for which the premises exists, as distinguished from a secondary or accessory use.

PRISON – A County, State or Federal institution which houses violent convicts or a combination of violent and non-violent offenders.

PRIVATE – Any establishment or use limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

PRIVATE STREET – see Street, Private

PUBLIC – Of, or pertaining to, buildings, structures, uses or activities belonging to, or affecting, any duly authorized governmental body, which is available for common or general use by all.

PUBLIC GROUNDS – Parks, playgrounds, and other public areas; and sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the Board of Supervisors, Planning Commission, or Zoning Hearing Board, intended to take testimony, and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING – A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388 No. 84) known as the Sunshine Act.

PUBLIC NOTICE – Normally, notice published once each week for two consecutive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication not less than seven days prior to the date of the hearing. Public notice shall be made according to the regulations, requirements, or guidelines which most closely apply to the type of meeting or hearing being held or cancelled.

PUBLIC SERVICE FACILITY – Buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures used by a public utility or a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, water and sewerage services.

PUBLIC USES – Public parks, schools, fire and police stations, libraries, museums, zoological gardens and parks, city and town halls, county courthouses, utility complexes, fairgrounds, and administrative and cultural buildings and structures, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials for public service facilities.

PUBLIC UTILITY – Any person, firm, or corporation duly authorized to furnish electricity, gas, steam, telephone, water, or sewerage service to the public under public regulation.

RADIO OR TV ANTENNA – A freestanding or building-mounted antenna designed to enhance radio or television reception for the area users.

RECREATION, INDOOR – Any indoor athletic activity, such as, but not limited to, swimming pools, track and field facilities, soccer fields, gymnasiums or skating rinks (ice or roller).

RECREATIONAL ENTERPRISE – Establishments for the pursuit of sports and similar recreational activities, including but not limited to tennis courts, bowling alleys, miniature golf, golf, skating rinks, and stables, but not including game machines or other devices providing entertainment not related to sports.

RECREATIONAL VEHICLE – A vehicle primarily designed as temporary living quarters for recreation, camping, or travel, either with its own motor power or mounted on or towed by another powered vehicle.

REPLACEMENT COSTS – The sum of money required to reconstruct a structure identical to the one in question.

REGULATED EARTH DISTURBANCE ACTIVITY – Earth disturbance activity of one acre or more with a point source discharge to surface waters or the Borough's storm sewer system, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, or during any stage of, a larger common plan of development. This only includes road maintenance activities involving 25 acres or more of earth disturbance.

RESEARCH ACTIVITIES – Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering.

RESIDENTIAL AREA – Any property or parcel of land in any zoning classification on which exists a legally occupied dwelling.

RESIDENTIAL BUILDING LOT – Any single lot or parcel of ground on which is anticipated to be built a residential dwelling.

RE-SUBDIVISION – Any subdivision or transfer of land, laid out on a plat which has been approved by the Board of Supervisors which changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.

RETAIL SALES – Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL SALES, OUTDOOR – The display and sale of products and services primarily outside of a building or structure.

RIGHT-OF-WAY – (1) The right of one to pass over or use the property of another; (2) A strip of land, either defined or undefined by metes and bounds, acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, sidewalk, walkway, crosswalk, railroad, electric or other utility transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses, for public or private purposes.

RUNOFF – The portion of rainfall, melted snow, irrigation water, and any other liquid that flows across ground surface and is eventually returned to streams.

SATELLITE DISH ANTENNA – A parabolic dish antenna designed for “receive-only” private viewing of satellite programs.

SCHOOL, PRIMARY OR SECONDARY – An institution primarily engaged in academic instruction for all or part of grades K through 12, and recognized or approved by the State.

SCHOOL, TRADE OR BUSINESS – A school with a curriculum which is focused upon certain skills required in business, trade, or the arts, including secretarial skills, instrumental music, dancing, barbering, hairdressing, or other technical trades which require knowledge of special machinery.

SEAT – For purposes of determining the number of off-street parking spaces required for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

SEDIMENTATION – The depositing of earth or soil transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

SELF-STORAGE FACILITY – A building or group of buildings in a controlled access and fenced compound that contains various sizes of individual, compartmentalized, and controlled access stalls and/or lockers leased to the general public for a specified period of time for the dead storage of personal property.

SEPTIC TANK – A water-tight receptacle that receives the discharge of sewage from a building, sewer, or part thereof, and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

SETBACK – The required minimum horizontal distance between the building line and the related front, side, or rear property line, or along a private or public street, in which no building or accessory structure may be located above ground, except as otherwise provided in this Chapter. (excludes nominal roof overhangs, chimneys, unenclosed porches and stoops, and porch or entrance roofs not exceeding six feet in depth).

SETBACK LINE – A line established generally parallel with and measured from the property line defining the limits of a yard in which no building, other than a permitted accessory structure, may be located. Also known as a building line.

SEWAGE DISPOSAL SYSTEM, PUBLIC – A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

SEWERS, ON-SITE (PRIVATE) – A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SEXUAL CONDUCT -- Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations or descriptions of acts of masturbation, excretory functions, homosexuality, sodomy, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be female, breasts.

SEXUAL ENCOUNTER CENTER -- A business or commercial enterprise that, as one of its primary business purposes, offers, for any form of consideration, either physical contact in the form of wrestling or tumbling between persons of the opposite sex or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

SHOULDER – The area of a road right-of-way between the moving traffic lanes and curb which is used for emergency stopping of vehicles or for parking.

SIDEWALK – That portion of the road right-of-way which is improved for the use of pedestrian traffic.

SIGHT DISTANCE – The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as differentiated for local, collector, or arterial streets.

SIGHT TRIANGLE – A triangular-shaped portion of land established at street intersections, defined by lines of sight between points at a given distance from the intersection of street centerlines, in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN – Any surface, fabric, or device bearing lettered, pictorial, or sculptured matter designed to convey information visually and exposed to public view; or any structure, vehicle, or medium (including billboard or poster panel) designed to carry the above visual information, or to attract attention. The term SIGN does not apply to a religious, patriotic, fraternal, national or cultural symbol, if unaccompanied by lettering, when applied to a cornice, wall, tower or spire of a structure.

SIGN AREA – The entire area within a single, continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the

sum of the area of the smallest rectangle or other geometric figure encompassing each other of said letter or devices. The calculation for a double-faced sign shall be the area of one face only. If a sign has two or more faces that are supported by the same poles or structures but are not parallel, the area of the sign is the largest of all faces visible at one time.

SIGN, DESIGNATION – A ground sign that identifies an office park, industrial park, apartment development, subdivision development, or shopping center.

SIGN, DIRECTIONAL – A street sign, providing information for the convenience of the public such as the location of exits, entrances, and parking lots, which is limited in size to four (4) square feet and no more than four (4) feet from ground to top of sign.

SIGN, GROUND – A street sign supported by one or more uprights, posts, or bases placed upon or affixed to the ground and not attached to any part of a building.

SIGN, GROSS SURFACE AREA – The area of the face of a sign shall be computed as follows: (a) the smallest square, circle, rectangle, triangle, or combination of four (4) or fewer such shapes within a single perimeter that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly incidental to the display itself; and (b) the gross surface area of a freestanding sign with more than one face is computed by adding together the area of all sign faces visible from any one point; and when two (2) sign faces of identical size and shape are placed back to back, so that both faces cannot be viewed from any point at the same time, and such sign faces are part of the same sign structure and are not more than thirty (30) inches apart, the gross surface area of sign is computed by measurement of one of the faces. The area of a freestanding wall, which supports the sign display, on which an identification sign for a residential development is mounted shall not be considered in the calculation of gross surface area of sign.

SIGN HEIGHT – The vertical distance measured from the average finished grade level to the highest point of the sign. The ground level used in determining the height shall be exclusive of any filling or mounding solely for the purpose of locating the sign.

SIGN, ILLUMINATED – Any sign illuminated by electricity, gas, or other artificial light, including reflecting or phosphorescent.

SIGN, OFF-PREMISES – Any sign unrelated to a business or profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

SIGN, PORTABLE – A street sign that is not permanently attached to the ground or a building, or designed to be permanently attached to the ground or a building.

SIGN, PROJECTING – Any sign suspended from or supported by a building, and extending outward therefrom more than eighteen (18) inches.

SITE – A lot, tract, or parcel of land, or a series of lots, tracts or parcels of land which are adjoining where grading work is continuous and performed at the same time.

SLOPE – The face of an embankment or cut section. Any ground surface that creates an angle with the plane of the horizon, usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL SURVEY – Shall mean "Interim Soils Survey Report Volume II, U.S. Department of Agriculture, Soil Conservation Service, 1984 and the Greene and Washington Counties Soil Interpretations, U.S. Department of Agriculture, Soil Conservation Service, 1974."

SOILS ENGINEER – A person registered by the Commonwealth of Pennsylvania as a professional engineer and who has training and experience in the branch of soils engineering.

SOLID WASTE – Shall mean all, or combinations of ashes, garbage, refuse, radioactive material, combustible demolition materials, and industrial waste such as food processing wastes, wood, plastics, metal scrap, etc.

SPECIAL EXCEPTION – An authorized use that may be granted only by the Zoning Hearing Board in accordance with express standards and criteria specified in this Chapter, plus in accordance with any additional criteria applied to determine that the impact of the proposed use on the environment and adjacent properties and streets is equal to or less than any use specifically listed in the district

START OF CONSTRUCTION – The first placement of permanent construction of a structure other than a mobile home on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure other than a mobile home without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, start of construction means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, start of construction is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed, including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities, is completed.

STORAGE SHED – A structure on a residential lot or residentially occupied parcel, designed and used for the storage of personal and household items, not exceeding twelve (12) feet by sixteen (16) feet in area and not exceeding nine (9) feet height. A storage shed shall not have provisions for a door capable of accommodating an automobile, truck, trailer, boat, or recreational camper.

STORM WATER COLLECTION/ CONVEYANCE SYSTEM – Natural or engineered structures which collect and transport storm water through or from a drainage area to the point of-final outlet, including but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.

STORMWATER MANAGEMENT PLAN – A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours, and topography.

STATE WATER QUALITY REQUIREMENTS – As defined under state regulations – protection of *designated* and *existing* uses (See 25 Pa. Code Chapters 93 and 96), including:

- A. Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishery” or “potable water supply,” which are listed in 25 Pa. Code, Chapter 93. These uses must be protected and maintained under state regulations.

- B. “Existing uses” are those attained as of November 1975, regardless of whether they have been designated in Chapter 93. Regulated Earth Disturbance activities must be designed to protect those uses and to maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After Regulated Earth Disturbance activities are complete, these characteristics can be impacted by the addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface areas from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway to protect against these impacts.

STORY – That part of a building between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of a building between the surface of any floor and the surface of the next floor above. A basement or cellar shall be considered a story if more than half its clear height is above the average grade of the adjoining ground.

STREET – A right-of-way, whether public or private, improved or unimproved, used or intended to accommodate vehicular traffic.

STREET, ARTERIAL – A system of streets and roads which form an integrated network of continuous routes primarily for through traffic. The arterial system is stratified into “major” and “minor” categories.

STREET, ARTERIAL, MAJOR – Serves corridor traffic movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel, or connects major population centers in rural areas or serves major centers of activity and highest traffic volume corridors with the longest trip desires in urban areas.

STREET, ARTERIAL, MINOR – Links other cities, towns, and traffic generators, and provides a substantial amount of interstate and inter-county service in rural areas; or interconnects and augments with the principal arterials to provide service to trips of moderate length for intra-community continuity in urban areas.

STREET, COLLECTOR – A system of streets and roads which generally serve travel of primarily intra-area and intra-county importance with approximately equal emphasis on traffic circulation and land access service. The collector system is generally further stratified into major and minor categories. The system collects and distributes traffic between arterial and local systems.

STREET, HALF OR PARTIAL – A street, generally parallel with and adjacent to a property line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.

STREET, LOCAL – A system of streets and roads that primarily provides local access service and access to higher order systems.

STREET, MARGINAL ACCESS – A street, parallel with and adjacent to, an arterial street, providing access to abutting properties and control of intersections with the arterial street.

STREET, PRIVATE – A local street that is not dedicated or accepted for public use or maintenance that provides vehicular and pedestrian access.

STREET, PUBLIC – A street owned and maintained by a public entity to provide vehicular and pedestrian access.

STREET, STUB – A temporary dead-end street intended to be extended at a later date.

STRUCTURAL ALTERATION – Any change to a structure which rearranges the structural parts, changes the means of ingress or egress, enlarges the floor area of building or height of structure or building or moves it from one location or position to another.

STRUCTURE – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. A structure is not necessarily a building, except as further defined by that term. This definition is intended to include signs.

SUBDIVISION – The division or resubdivision 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, or transfer of ownership for building or lot development provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street, easement of access or any residential dwelling, shall be exempted.

SUBDIVISION, MAJOR – Any subdivision not classified as a minor subdivision or plat adjustment.

SUBDIVISION, MINOR – The subdivision of land into not more than four (4) parcels located on an existing improved street that does not involve installation of improvements as required by this Chapter, extension of utilities, frontage on an arterial or collector street, adverse effect to the development of the remaining parcel, adverse effect to adjoining properties, or conflict with the Township’s Comprehensive Plan, this Chapter, or other State, County, or Township ordinances, laws, or regulations.

SUBDIVISION, PLAT ADJUSTMENT – A subdivision limited to any of the following purposes:

- Adjustment of property lines between parcels where no new parcels are created and no new public improvements are necessary.
- Consolidation of several lots into a single lot or tract.
- Final survey corrections of property lines for townhouses and other attached dwellings after construction when the perimeter boundaries of the original parcel are in conformance with the previously recorded plan.

SUBSTANTIALLY COMPLETED – Where, in the judgment of the municipal engineer, at least 90% of those improvements required as a condition for final approval (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code) have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

SURVEYOR – A licensed surveyor registered by the Commonwealth of Pennsylvania.

SWALE – A low-lying stretch of land characterized as a depression used to carry surface water runoff.

SWIMMING POOL – A pool, pond, lake, or open tank containing at least eighteen (18) inches of water at any point or containing 150 cubic feet of water, and maintained by the owner or manager, including a hot tub or spa.

TEMPORARY USE – A use, intended for limited duration, to be located in a zoning district as allowed by Special Exception by the Zoning Hearing Board.

TERRACE – A natural embankment between a building and its lot lines. The height of a terrace shall be the difference in elevation between the lot line and the finished grade at the line of the building.

TOPSOIL – Surface and subsurface soils, normally fertile and rich in organic matter of humus debris, usually found in the uppermost soil layer called the “A” Horizon.

TOWNHOUSE – A type of multi-family residential building which contains at least three but not more than eight dwelling units, each for exclusive use by a single family, each of which has a separate entrance directly from the outside, and each of which is attached to another dwelling unit by continuous vertical walls without opening from basement to roof.

TOWNSHIP – The Township of Cecil, Washington County, Pennsylvania.

TOWNSHIP (FOR Approval Process) – refers to the Cecil Township Board of Supervisors, or any individual or commission or agent or agency so designated by the Cecil Township Board of Supervisors.

TOWNSHIP ENGINEER – A person or company duly appointed by the Township officials to act in that capacity.

TRAILER – A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.

TRANSFER OF OWNERSHIP OR CONTROL -- (1) The sale, lease, or sublease of the business; (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

UNDEVELOPED LAND – Any lot, tract, or parcel of land which has not been graded for a specific intended use or purpose, or in any other manner prepared for the construction of a building or other improvement.

UNENCLOSED STRUCTURE – any structure which does not have its sides or foundation substantially constructed of a solid and continuous material such as block, brick, concrete, removable or permanent glass panes , siding, tile or wood so as to shelter the structure or its foundation.

UNIT – A part of the property, structure, or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to an easement or right-of-way leading to a public street or way, and including a proportionate undivided interest in the common elements assigned to the property, structure, or building.

USE – The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

USE, LESS RESTRICTIVE – A use which is more severe in terms of effects and impacts on adjacent and neighboring properties, such as a steel manufacturing plant use would be considered more severe (less restrictive) than a typical laboratory or printing service use in the I-1 District.

USE, MORE RESTRICTIVE – A use which is considered milder in terms of effects and impacts on adjacent and neighboring properties, such as a professional office use would be considered less severe (more restrictive) than a gasoline service station use in the C-1 District.

VARIANCE – A modification, granted by the Zoning Hearing Board, of the strict terms of the relevant zoning regulations of this Chapter where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Chapter would result in unnecessary and undue hardship, and result in serious practical difficulties.

VEHICLE, JUNKED OR ABANDONED – Any self-propelled vehicle which is not reasonably capable of being repaired or put into good running condition within 96 hours, or which exhibits defects listed under Chapter 10, Section 302 of the Township Code of Ordinances.

VETERINARY ANIMAL HOSPITAL – A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured small animals, and those which are in need of medical attention, and generally operated by a licensed veterinarian.

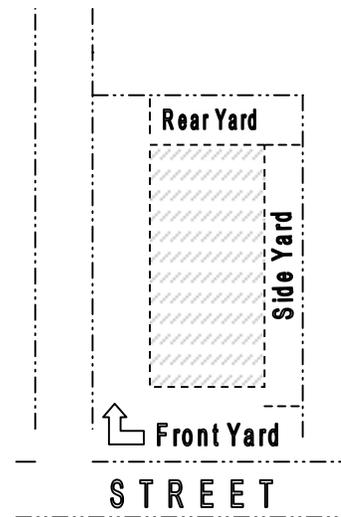
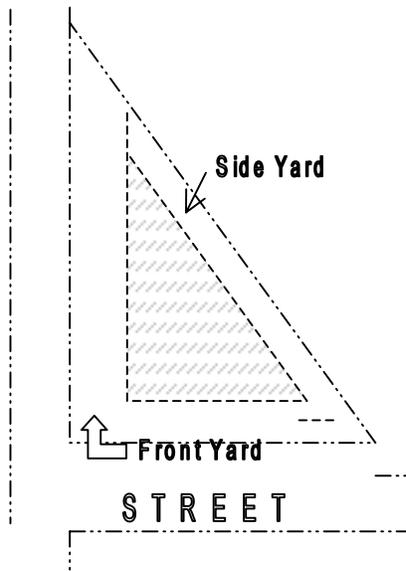
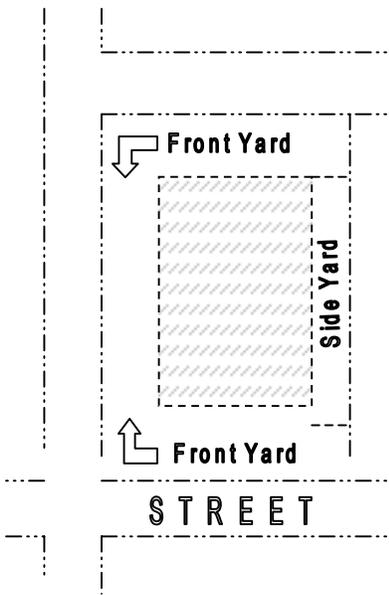
VIEWING BOOTH -- A partitioned portion of a room, or other enclosure, which is available for viewing films, movies, videos, or visual reproductions of any kind describing or depicting nudity or sexual conduct, as defined in this Chapter, or for viewing persons who appear in a state of nudity or semi-nudity or who offer performances or presentations characterized by nudity or sexual conduct, as defined by this Chapter.

WAIVER – a deviation from a specific standard in Parts 5, 6, or 7 of the Unified Development Ordinance, dealing with Subdivision, Land Development, Design Standards, Improvement Standards, and Required Improvement Securities, to be investigated and approved on a case-by-case basis by the Board of Supervisors. Same definition applies to DEPARTURE.

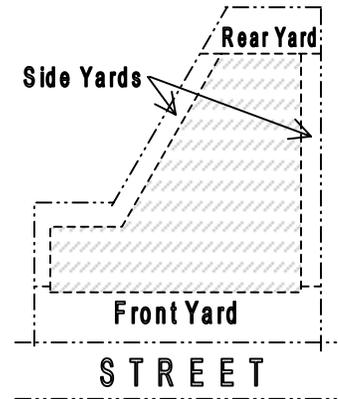
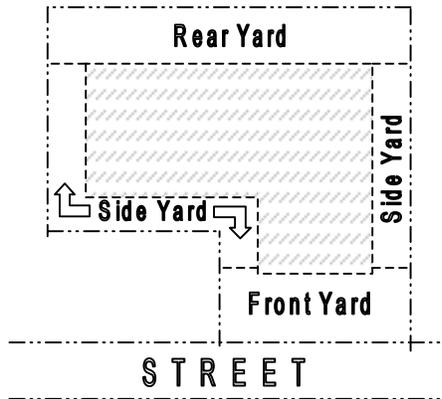
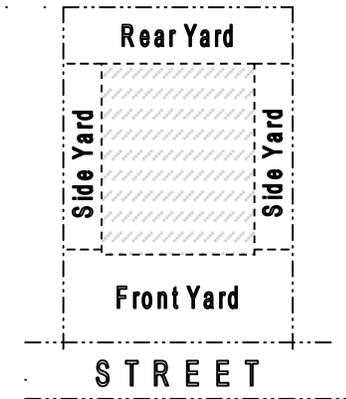
WATERCOURSE – Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has an undefined or definite channel bed, and banks, including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

WETLAND – Any area declared by the appropriate state or Federal agency to be a wetland.

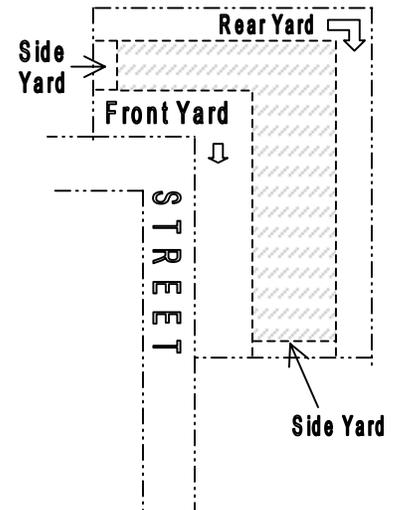
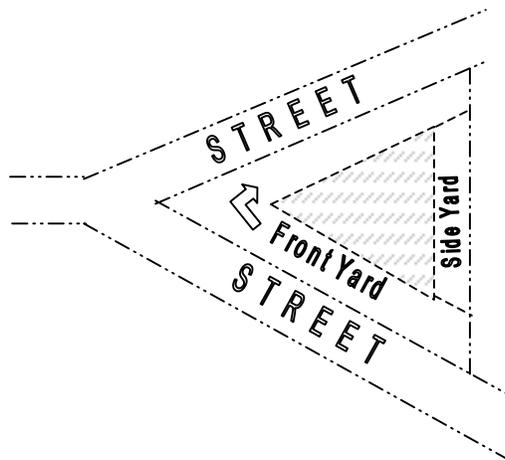
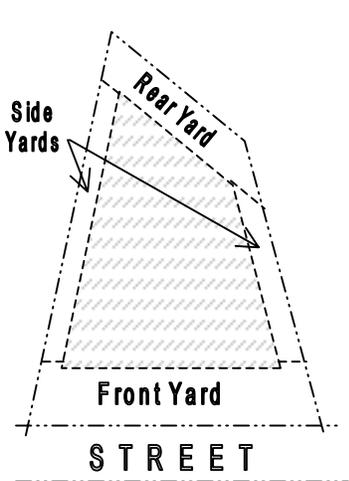
WATER FACILITY – Any water works, water supply works, water distribution system, or part thereof, designed, intended, or constructed to provide or distribute potable water.



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



F.

ODD-SHAPED LOT EXAMPLES
REQUIRED YARDS

WHOLESALE – Business establishments that generally sell commodities and material in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

YARD – An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the required setback or building line.

YARD, FRONT – A yard across the full width of the lot extending from the front property line to the front setback line, generally parallel and adjacent to the street right-of-way line (See illustration above).

YARD, REAR – A yard extending the full width of the lot between the rear setback line and the rear property line (See illustration above).

YARD, SIDE – A yard between the side setback line and side property line and extending from the front setback line to the rear setback line (See illustration above).

ZONING – A police power measure, enacted by the governing body of local governments, in which the community is divided into districts or zones within which permitted and special uses are established as regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts.

ZONING HEARING BOARD – The Zoning Hearing Board of Cecil Township, Washington County, Pennsylvania.

ZONING MAP – The Official Zoning District Map of the Township of Cecil, Washington County, Pa., as approved by the Cecil Township Board of Supervisors, including all amendments. This map indicated the Zoning Districts and other relevant information and which is a part of this Chapter by reference. The map shall be signed by the Township Supervisors and shall bear the seal of the Township.

ZONING PERMIT – See Building Permit definition.

ZONING OFFICER – An official of the Township responsible for the general administration of zoning regulations, the issuance of building permits, the determination of individual permit fees, and filings of zoning citations in front of the District Justice.

PART 3

Authority of Administrative Bodies and Officials

Section 301. Board of Supervisors
Section 302. Planning Commission
Section 303. Zoning Hearing Board
Section 304. Director of Planning
Section 305. Zoning Officer

SECTION 301. BOARD OF SUPERVISORS

A. Authority

The Board of Supervisors shall have, among others, the following powers:

1. Adopt and amend the Township Comprehensive Plan.
2. Adopt or amend an Official Map, Zoning Ordinance, Subdivision and Land Development Ordinance, Unified Development Ordinance, Building Code, and Housing Code, in accordance with other Township ordinances and the laws of the Commonwealth.
3. Appoint a Zoning Hearing Board, Planning Commission, BOCA Appeals Board, and Director of Planning in accordance with the prescribed rules of the Pennsylvania Municipalities Planning Code.
4. Hear and render final decisions or otherwise approve applications for subdivision, rezoning, Conditional Use, Planned Residential Development, site plans, land development plans, and Municipal Curative Amendment.
5. Grant or deny requests for modifications to otherwise applicable zoning or subdivision regulations within a Planned Residential Development.
6. Hear appeals from the determination of the Zoning Officer or the Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to application for subdivision or land development.
7. Grant waivers from the requirements for subdivisions and land developments contained in Parts 5, 6, 7, and 10 of this Chapter.
8. Prescribe, by resolution, reasonable fees with respect to the administration of this Chapter and with respect to the scheduling of required hearings.

B. Conduct of Business

The Township Board of Supervisors, in considering conditional use applications, is required to observe the procedural requirements set forth in Part 4, Section 403 of this Chapter. In considering proposed changes in the text of this Chapter or in the zoning map, the Board acts in its legislative capacity and must proceed in accordance with the requirements of Part 4, Section 402 of this Chapter.

SECTION 302. PLANNING COMMISSION

A. Appointment of Members

The membership of the Commission shall consist of five residents of the Township appointed by the Board of Supervisors. Their terms of office shall be for four years and shall be so fixed that no more than two members shall be re-appointed or replaced during any calendar year. Vacancies may be filled only for the unexpired term.

B. Removal of Members

Planning Commission members may be removed from office upon failure to attend more than three (3) advertised meetings during the course of the any 12-month period; for malfeasance, misfeasance, or nonfeasance in office; or for other just cause. The removal shall be by a majority vote of the Board of Supervisors taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

C. Conduct of Business

The Commission shall elect its own Chairman and Vice-Chairman and create and fill such other offices as it may determine necessary. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter by-laws and regulations to govern its procedures consistent with Township ordinances and the laws of the Commonwealth. The Commission shall keep a full record of its business and shall annually provide a written report of its activities to the Board of Supervisors by March 1. Details of required conduct of business are included in the Cecil Township Planning Commission Rules of Procedure.

D. Authority

The powers and duties of the Planning Commission shall include those required or allowed by the Pennsylvania Municipalities Planning Code, including those outlined below:

1. Prepare the comprehensive plan for the development of the municipality and present it for the consideration of the Board of Supervisors.
2. Maintain and keep on file records of its actions, such records to be kept in the possession of the Board of Supervisors.
3. Make recommendations to the Board of Supervisors concerning the adoption or amendment of an official map.
4. Provide recommendations to the Board of Supervisors concerning proposed amendments to this Unified Development Ordinance.
5. Prepare, recommend, and administer regulations for Planned Residential Developments and subdivision and land developments.
6. Prepare and present to the Board of Supervisors a recommended building code and housing code and provide recommendations concerning proposed amendments.

7. Prepare and present to the Board of Supervisors a recommended Capital Improvements Program.
8. Review and provide recommendations to the Board of Supervisors concerning any subdivision, land development, and application for rezoning or conditional use.
9. Hold public hearings and meetings.
10. Promote public interest in, and understanding of, the comprehensive plan and planning.
11. Review the zoning ordinance, subdivision and land development ordinance, official map, provisions for planned residential development, and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan.
12. Review and provide recommendations to the Board of Supervisors on all site plans submitted for the erection of a building, structural alterations to a building, or change in use of a building, for all land uses except single-family dwellings, their accessory structures, and signs.

SECTION 303. ZONING HEARING BOARD

A. Appointment of Members, Election of Officers

The Township Supervisors shall continue to appoint a Zoning Hearing Board consisting of three (3) members who are residents of the Township, and who hold no other office in the municipality. The terms of office of each member shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. Appointments to fill vacancies shall be only for the unexpired portion of the term. Such appointment shall be effected within thirty (30) days of the date upon which the vacancy first occurs. At least one but no more than three citizens of the Township may be appointed to serve as alternate members of the Board for terms of office of three (3) years. Alternates shall hold no other office in the Township. The Board shall, at its first meeting of each year, elect one (1) member of the Board to serve as Chairman and one (1) member of the Board to serve as Vice Chairman until their successors have been appointed.

B. Removal of Members

Any Zoning Hearing Board member (including alternates) may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by a majority vote of the Board of Supervisors, taken after the member has received 15 days' advance notice of the intent to take such a vote. Grounds for removal shall include the failure of a Zoning Hearing Board member to attend three meetings within any 12-month period. A hearing shall be held in connection with the vote if the member shall request it in writing.

C. Hearings and Records

Hearings of the Board shall be held at the call of the Chairman, or at the call of any two (2) members of the Board, and at such other times as the Board may determine. Conduct of the hearings may be governed by rules and regulations adopted by the Board, and must be in accordance with the provisions of this Chapter and the Pennsylvania Municipalities Planning Code. The Chairman or, in his absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be open to the public. The Board

shall keep a record of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

D. Authority

The Board shall have all the powers and duties prescribed by the Pennsylvania Municipalities Planning Code, including hearing of Variances, Special Exceptions, Appeals, and challenges to the validity of the Township Zoning Map, as described below. The Board shall:

1. Approve, approve with modifications, or deny any application for a variance from the terms of this Chapter pursuant to the procedures and standards for variances set forth in Part 4, Section 404.A., except those modifications sought from PRD (Planned Residential Development) regulations set forth in Part 10 and those waivers requested from the subdivision and land development control requirements set forth in Parts 5, 6, and 7, the responsibility for which rests with the Board of Supervisors.
2. Hear and decide applications for uses by Special Exception specifically authorized by this Chapter, in accordance with procedures contained in Part 4, Section 404.B of this Chapter. The Board may approve a use by Special Exception following a public hearing conducted in accordance with the procedures specified in the Pennsylvania Municipalities Planning Code and only if all applicable requirements of this Chapter and the express standards and criteria specified for the use have been met.
3. Hear and decide applications for the expansion of a nonconforming structure or use in accordance with procedures contained in Part 4, Sections 404.B and 404.C of this Chapter. The Board may approve expansion of a nonconforming use following a public hearing conducted in accordance with the procedures specified in the Pennsylvania Municipalities Planning Code.
4. Consider issuance of a temporary permit for a non-conforming structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the community, in accordance with procedures contained in Part 4, Section 404.D of this Chapter.
5. Consider appeals from any person or Township official aggrieved or affected by any provision of this Chapter or by any determination of the Zoning Officer or other Township official, in accordance with procedures contained in Part 4, Section 404.E of this Chapter.

E. Administrative Powers for Decisions

In exercising the above mentioned powers, the Board may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed, and may make such order, requirement, decision, or determination as in its opinion should be made. Notice of such decision shall be provided to all interested parties.

SECTION 304. DIRECTOR OF PLANNING

A. Establishment of the Department of Planning

There is hereby established a Department of Planning in the Township of Cecil, which shall have all the powers and duties conferred upon it by law and any other powers vested in it by law or ordinance. Authority is granted by the Pennsylvania Municipalities Planning Code for the appointment by the Board of Supervisors of a Director of Planning, who shall be charged with administration of the Department and who shall have those duties specifically conferred by this Chapter.

B. Authority

The duties of the Director of Planning are set forth as follows:

1. Recommend governmental measures affecting land use, public utilities, community facilities, housing, transportation, and such studies authorized by the Municipalities Planning Code to control and guide community development and renewal.
2. Direct the preparation and updating of the Township Comprehensive Plan and all ordinances enforced by the Township, as well as other functions of a Planning Department outlined in the MPC that may be assigned by the Township Supervisors.
3. Prepare proposed amendments to the Unified Development Ordinance, at the request of the Township Supervisors or upon recommendation from the Planning Commission.
4. Provide recommendations to decision-making bodies on requests for rezoning and applications for subdivision approval, land developments, conditional uses, special exceptions, temporary uses, and variances.
5. Conduct reviews of all site plans, referring said plans to the Township Engineer when deemed necessary, and provide recommendations to the Planning Commission and Board of Supervisors.
6. Provide technical and staff review assistance to Township Planning Commission, any existing Advisory Planning Councils, Zoning Hearing Board, and Board of Supervisors.
7. Meet with prospective applicants regarding application content and procedures for review.
8. Monitor development trends in the Township and maintain computerized record keeping and GIS systems.
9. Coordinate long-range planning activities.
10. Coordinate grant applications.
11. Assemble data for preparation and updating of Capital Improvements Program.
12. Coordinate with Federal, State, and County agencies regarding Township development activities.
13. Monitor expiration of subdivision and land development approvals and expiration of performance bonds posted for approved plans.
14. Prepare annual report of building permit trends, and Planning Commission and Zoning Hearing Board activities for submission to the Board of Supervisors.

15. Provide assistance to the Zoning Officer in the administration of zoning regulations.
16. Attend meetings of the Planning Commission, Advisory Planning Council, Zoning Hearing Board, and Board of Supervisors.
17. Keep the Township fee schedule current with costs incurred by the Township and receive all required zoning and subdivision fees.
18. Supervise the updating of Township maps.
19. Keep a record of all correspondence, reports, plans, and documents concerning each development application to the Township.

C. Delegation of Authority

The jurisdiction and authority of the Director of Planning may be delegated to his or her designee except as prohibited by law.

SECTION 305. ZONING OFFICER

A. Authority

The duty of administering and enforcing the provisions of this Chapter is hereby conferred in part upon the Zoning Officer who shall have such powers as are conferred by this Chapter or any other Township ordinance or according to law.

B. Duties of the Zoning Officer

The duties of the Zoning Officer are set forth as follows:

1. Examine all applications for permits.
2. Issue permits only for construction and uses in accordance with the regulations of this Chapter and other applicable ordinances as may be subsequently amended.
3. Record and file all applications for permits, along with the accompanying plans, in the Township Building.
4. Issue permits for uses by Special Exception only after such uses and buildings are approved by the Zoning Hearing Board in accordance with the regulations of this Chapter.
5. Issue necessary stop work orders.
6. Inspect, record, and periodically examine non-conforming uses, buildings, and signs.
7. Upon the request of the Board of Supervisors, Planning Commission, or the Zoning Hearing Board, present such facts, records, and similar information on specific issues to assist such body in reaching its decision.
8. The Zoning Officer shall have the power to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.

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PART 4
Zoning Applications, Approvals, and Permits

- Section 401. Applications
- Section 402. Ordinance Amendment and Rezoning Application
- Section 403. Conditional Use
- Section 404. Variance, Special Exception, Nonconforming Expansion, Temporary Use, and Appeal
- Section 405. Site Plan Review
- Section 406. Building Permits and Occupancy Permits

SECTION 401. APPLICATIONS

Applications submitted pursuant to this Chapter shall be handled in accordance with the procedures set forth below:

A. Location and Form of Filing

Applications shall be filed at the Township Municipal Building, 3599 Millers Run Road, Cecil, PA 15321, on forms supplied by the Township for that purpose, in such duplicate numbers as required herein for each application type, and accompanied by the requisite filing fee for the type of application filed, as set forth in the Township fee schedule adopted and amended, from time to time, by the Board of Supervisors.

B. Filing Deadlines

1. Applications Requiring Public Hearings and Meetings

An application requiring a public hearing or meeting will not be scheduled for such hearing or meeting unless filed, in proper form and number and containing appropriate fees and all required information, according to the following schedule:

Hearing/Meeting Body	Procedure	Minimum Number of Days Prior to Hearing/Meeting by Which Application Must be Filed
Board of Supervisors	Rezoning, Ordinance Amendment	30
Board of Supervisors	Conditional Use	30
Board of Supervisors	Modification for PRD	21
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Zoning Hearing Board	Variance, Special Exception, Temporary Use, Appeal	21

Applications will be placed on the respective agenda on a first-filed-first-scheduled basis. All public hearings and meetings to consider applications filed pursuant to this Chapter shall be scheduled, unless otherwise ordered by the relevant body, at the same time as the regular meetings of such body.

2. Applications Not Requiring Public Hearings and Meetings

Applications not requiring a public hearing or meeting (building permits, road encroachment permits, etc.) shall be filed and processed on a first-filed-first-processed basis.

3. Late Submittal of Supporting Documentation

Whenever supplemental data in connection with a previously filed application is required by the Township or offered by the applicant, it shall be submitted at least fifteen (15) days prior to the date on which it is to be considered at a hearing or meeting. The filing of such data shall, in the discretion of the body reviewing the application, be cause to delay a requested hearing or meeting.

4. Waiving Deadlines

Deadlines may be waived due to emergency, unique, or unforeseen circumstances at the discretion of the body reviewing the application.

SECTION 402. ORDINANCE AMENDMENTS AND REZONING APPLICATIONS

A. Purpose

The purpose of this Section is to provide standards and procedures for making amendments to the text of this Chapter and/or the Zoning Map. This amendment process is not intended to relieve particular hardships or to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

B. Submission Requirements for Rezoning Applications

The following material must accompany each application for rezoning:

1. Eight (8) copies of an area map prepared by an engineer, surveyor, or other competent party showing all lots and streets in the area to be rezoned and within the surrounding one-quarter-mile radius.
2. A complete list of all property owners within 300 feet of the exterior limits of the property, indicating name, address, city, state, and zip code.
3. An application signed by all registered owners of the property requested to be rezoned or, if application is made by an agent other than an attorney, a written power of attorney must be included.
4. The required application fee as set forth in the Township fee schedule, as revised.
5. A narrative statement on how the proposed amendment is consistent with the Comprehensive Plan.

C. Public Hearings on Ordinance Amendments and Rezoning Applications

1. Before voting on the enactment of an amendment or decision to rezone, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Planning Commission, the Board shall submit such proposed amendment to the Planning Commission for recommendations at least thirty (30) days prior to the public hearing.
2. If, after any public hearing upon an amendment, the proposed amendment is changed substantially, or is revised to include land not previously affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before voting on the amendment.
3. At least thirty (30) days prior to the public hearing on the amendment, the amendment shall be submitted to the Washington County Planning Commission for recommendations.

D. Required Public Notice

1. Proposed amendments to this Chapter text or the Zoning Map shall not be enacted unless the Township has caused notice of the proposed enactment to be published. Such notice shall include the time and place of the meeting at which passage will be considered, and a reference to a place within the municipality where copies of the proposed amendment may be examined. The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the municipality not more than sixty (60) days or less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all provisions in reasonable detail.
2. In the event substantial changes are made in the proposed amendment, the Board of Supervisors, before voting upon the enactment, shall, at least ten (10) days prior to enactment, re-advertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the changes.
3. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points along the tract deemed sufficient by the municipality to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

E. Standards for Text or Rezoning Amendments

In deciding whether to adopt or deny any proposed amendment, or to adopt some modification of the Planning Commission's recommendation, the Board of Supervisors shall consider, among other factors, the following:

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time;
2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;
3. Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted;

4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and
5. Whether the proposed amendment reflects responsible standards for development and growth.

F. Additional Criteria for Rezoning to SD (Special Development) abutting Southpointe

1. The traffic generated by the proposed use of the property can be accommodated by the existing transportation network.
2. The proposed use of the property can be accommodated by the existing capacity of the Canonsburg Sewage Treatment Plant or the applicant shall demonstrate that agreements have been made to upgrade the capacity to accommodate the development.
3. The proposed rezoning will not result in any negative environmental, visual or other impacts on adjoining residential property.
4. The proposed rezoning will preserve the rural atmosphere of the adjoining properties which are zoned R-1.
5. The topography of the site proposed for rezoning is such that there are visual buffers from adjoining residential properties.
6. The topography of the site proposed for rezoning is such that the site is easily accessible from the transportation network serving Southpointe, including the I-79 Interchange.
7. Priority will be given to those sites that are visible from Interstate 79 and/or from other nonresidential portions of the Southpointe development to the extent feasible.
8. Expansion of nonresidential zoning classifications in the vicinity of Southpointe should follow the North-South alignment of the Interstate 79 corridor.

SECTION 403. CONDITIONAL USES

A. Purpose

Conditional uses are those uses that, because of their potential adverse impact upon the immediate neighborhood and the Township as a whole, require a greater degree of scrutiny of site characteristics and impacts to determine their suitability in a given location. As such, the determination of conditional uses as appropriate shall be contingent upon their meeting a set of specific standards, below, and the weighing, in each case, of the public need and benefit against the local impact, giving consideration to the proposals of the applicant for mitigating adverse impacts through special site planning, development techniques, and contributions to the provision of public improvements, rights-of-way, and services. The Board of Supervisors has the opportunity to impose any reasonable safeguards necessary to implement the intent of this Chapter, and shall present the application for review and recommendation by the Planning Commission before holding a public hearing on the matter.

B. Submission Requirements for Conditional Use Applications.

The following material must accompany each application for conditional use:

1. Twelve (12) copies of a vicinity map prepared by an engineer, surveyor, or other competent party showing all lots and streets in the area and within the surrounding one-quarter-mile radius.
2. Twelve (12) copies of a site plan of the property showing the following:
 - a. Location and size of all existing and proposed structures;
 - b. Location and dimensions of building lines, right-of-way lines, setbacks, and easements;
 - c. Elevation contours sufficient to determine existing and proposed drainage;
 - d. Layout of drives and other traffic features on opposite side of street and adjacent properties;
 - e. Location of septic facilities and sanitary sewer lines;
 - f. Location of parking and loading areas, open space, existing and proposed landscaping, refuse and service areas, and signs.
3. A complete list of all property owners within 300 feet of the exterior limits of the property, indicating name, address, city, state, and zip code.
4. An application signed by all registered owners of the property or, if application is made by an agent other than an attorney, a written power of attorney must be included.
5. The required application fee as set forth in the Township fee schedule, as revised.
6. A narrative statement describing the proposed Conditional Use, including an evaluation of the effects of such elements as noise, glare, odor, fumes, vibration, and generated traffic upon adjoining property, and the relationship of the proposed use to the Comprehensive Plan.

C. Additional criteria for a Traditional Neighborhood Design (TND) Development in a Special Development (SD) District.

1. Supplementary plan submission requirements in addition to section B above
 - a. Twelve (12) copies of a conceptual plan with propose features and existing site features and uses that will remain. These features should include but are not limited to building outlines, street and alley's, transit stops, drives and parking areas, pedestrian and bicycle paths, parks or other public amenities, method of trash removal, proposed utilities service, landscape and buffering and or any other information deemed necessary by the township for evaluation.
 - b. Identification of architectural style of the Traditional Neighborhood Development and accompanying site design styles. The design style of the TND shall be conveyed with drawings of typical proposed building elevations including dimensions of building height and width and façade treatment.
 - c. A conceptual report of the proposed covenants and agreements regarding the build out of the development. The report should describe the development objectives and strategies along with supporting information on pre and post construction
 - d. A copy of the proposed draft of the Covenants, agreements, responsibilities and the like which will be conveyed to the Home Owners Association upon completion of the development.

- e. A traffic impact study may be required if the proposed development is outside of or was not included as part of the original Special Development (SD) design and traffic study. The traffic study should include an analysis of background conditions and projected conditions. Estimated trips to be produced or attracted by the proposed land use and any corrective measures to be taken if applicable.
 - f. If the application for conditional use approval contains all the information required by Section 504 for approval of a preliminary plan (major subdivision or land development), conditional use approval and preliminary approval of a subdivision or land development may be considered simultaneously. If all requirements of Section 504 for preliminary approval have not been met at the time of application for conditional use approval, conditional use approval shall be subject to submission of applications for preliminary approval and final approval of a major subdivision or land development that demonstrates compliance with the plan granted conditional use approval and all conditions attached thereto.
2. A TND shall propose a mixture of at least four (4) distinct dwelling types: single family, two family (duplex), townhouses (or row), and multiple family residential units, then the following standards shall apply to and be incorporated in order to facilitate the development of a traditional neighborhood design (or “TND”):

Single-family homes are described as traditional style and patio style units. Duplex units are described as two family attached and are considered as two (2) units. Townhouses and row houses are described as a multi-family residential dwelling no more than three (3) stories in height which contain at least three (3) or more single family attached dwelling units, each of which are separated from the adjoining unit or units by a continuous, vertical wall extending from the foundation to the roof, with open space on at least 2 sides.

- a. Buildings shall be oriented with the main body of the structure and front entrance facing toward the street. Garages of single-family traditional style homes shall be located to the rear and accessed by a lane or alley system. A maximum of ninety percent (90%) of all duplex units shall be permitted a front entrance garage, provided that the front face of the garage of the unit utilizing a front entrance garage is located a minimum of eighteen (18’) feet from the front property line. The remaining percentage of duplex units shall utilize a front entrance garage with the front face of the garage located at least eighteen (18’) feet behind the front of the main structure. All patio style units may have a front attached garage with side entrance, but in no case shall patio style units have a garage door facing toward the street. Single family dwellings shall make up between thirty three to forty percent (33% to 40%) of all residential dwelling units of which a minimum of twenty-two (22%) percent shall be traditional style design, in addition Duplex housing shall make up at least 15% of all units.
- b. No garage of any unit shall extend past the front face of any dwelling or principal building, except for patio and duplex units.
- c. Buildings shall not be oriented to front toward a parking lot.
- d. Single-family units shall have covered porches with a minimum depth of six feet. (6’). Of the single-family unit porches, a minimum of sixty five percent (65%) shall extend along the entire front face of the building, a minimum five percent (5%) shall be incorporated as wrap around. A maximum of twenty percent (20%) of single-family units shall be permitted to have porches extending fifty percent (50%) of the front face and a maximum ten (10%) percent may have a covered stoop. A minimum of fifty-percent (50%) of duplex units shall have full-length covered front porches of at least six foot (6’) in depth. A minimum Twenty-five percent (25%) of duplex

- units shall have covered porches of at least six (6') feet in depth and twelve (12') feet in length. The remainder shall have at minimum, covered stoops.
- e. The front facade of a building shall face a street or open space and shall be emphasized through vertical alignment of windows, proportions, entrance treatments, details and like materials on all sides. The design of visible exposed side and rear elevations shall be compatible with the design of the front façade. Unarticulated and windowless walls are prohibited.
 - f. All buildings shall incorporate special entries, porches, doors, and lighting based on the details, scale and proportion appropriate to the selected architectural style. Front porches or stoops with individual entrances with walkway shall be designed to provide direct access to the public sidewalk. The front door/entrance shall be highly visible from the street.
 - g. The building elevations of multi-family dwellings, townhouse or row dwellings shall contain a minimum of three façade features to provide visual interest. Features considered to add visual interest include shutters, window boxes, decorative tiles or brick, awnings, balconies, wainscoting, porches, columns, etc. Other features may be proposed but must achieve the same intent.
 - h. Building offsets, rooflines and porches shall be varied among townhouse or row dwelling units. No more than two adjacent dwelling units in any townhouse or row building shall have the same front wall plane and shall include a visual structural break in the roofline.
 - i. The exterior of buildings shall be articulated through the use of columns, cornices and rakes proportioned and detailed consistent with principles based on traditional architectural styles.
 - j. Fences, walls and hedges shall be permitted in the fronts of residential properties to signal the separation of public and private space. Fences in front of residential units, located between the street right-of-way and the front building line, shall not exceed three feet (3') in height. Fences located on any portion of the lot behind the front building line shall not exceed six feet (6') Piers, gateways, trellises and similar features may have a maximum height of nine ft. (9').
 - k. Exterior walls of buildings and structures shall be constructed with natural materials including; brick, stone, wood siding, and roofs shall be covered with slate, wood, metal or dimensional asphalt/fiberglass shingles. Other similar faux materials may be proposed, provided they meet or will create the same effect as materials listed, are proposed for architectural impact as opposed to economy and shall be subject to township approval.
 - l. Chimneys shall be of masonry or stone construction when proposed for any building. If approved as a modification, faux elements resembling masonry or stone may be used.
 - m. Community Center.
 - (1) A community center is required for all developments.
 - (2) The square footage allocated to a community center building shall be provided at a rate 15 square feet per dwelling unit, or a minimum of 3500 sq. ft, whichever is greater. The building shall be provided for recreational, social, educational and cultural activities adding to the quality of life and enjoyment of residents of the TND and shall be developed as part of the first phase of development. Subsequent phases shall not be approved until completion of community centers. Community Center shall be turned over to the Homeowners' Association upon completion.
 - (3) Architectural features for the community center shall relate to the design of the neighborhood residential units and include varied massing, roof dormers, hips, gables, balconies, and porches to break up the visual massing of the building façade.

- (4) On Street Parking shall be provided.
 - (5) Employee or staff off street parking shall be located to the rear or side for the structure and be subject to the standards outlined elsewhere in Cecil Township's Unified Development Ordinance.
- n. Sidewalks/Trails: A pedestrian path system of sidewalks and walking/biking trails, as approved by the township, shall be designed to connect residential areas, commercial areas, civic buildings, community center, parks and open space. Sidewalks shall be located on both sides of all streets, except alleys, and shall be a minimum of five ft. (5') in width and located between the edge of the right-of-way and the dedicated linear tree strip. Crosswalks shall be provided at each intersection and be not less than ten ft. (10') in width. Such crosswalks shall be identified from the driving surface through the use of brick pavers, pressed concrete or other similar treatment. Painted designations alone are not acceptable. "Yield to Pedestrians in Crosswalk" signs shall be required at every crosswalk. Walking/biking trails shall be a minimum of eight ft. (8') in width. The surface, at a minimum, shall be crushed stone aggregate. Trails and sidewalks shall be completed for each phase of development.
 - o. Street trees: All streets shall have street trees on both sides. Street trees shall be located consistently along streets to create rhythm and uniformity in the streetscape, and shall be planted a maximum of thirty ft. (30') on center, or per a township approved landscaping plan. Street trees shall be located in the five (5') foot dedicated linear green space, between the curb and sidewalk.
 - p. Street lighting: Light standards for all streets and off-street parking areas shall be coordinated in the same "lighting family" to present a consistent character throughout the TND neighborhood. Further, lighting shall meet the requirements of the township's Unified Development Ordinance, or per an approved lighting plan.
 - q. Common open space and parks: Common open space and parks are required in all TNDs'. Parks shall be designed with pedestrian connections, to include shaded areas, benches, playground equipment, formal gardens and plantings, and open grass areas to provide opportunities for unrestricted play. The amount of area required for open space/park area shall be determined by the size of the development, density, adjacent similarly usable and accessible areas, and shall be presented in the form of a plan by the developer, to be reviewed and approved by the township, as part of subdivision/site plan approval. At a minimum one (1) acre of park area shall be required for one through 100 units, 2 acres of park area shall be required for 101 through 199 units, 3 acres of park area shall be required for 200 through 299 units, four (4) acres for units 300 through 399 units, etc. Wetlands, flood plains, slopes exceeding five percent (5%) and cemeteries shall not count toward the minimum required acreage for park area. No finished grade of park area shall exceed a five (5%) percent slope.
 - r. Mailboxes: Due to the compact design of the TND, mailboxes shall be located on the façade of the single family dwellings, duplexes, and row or townhouse dwellings (when permitted by the U.S. Postal Service) or in common kiosk or covered enclosed shelters.
 - s. All multi-family dwelling units shall have a private rear yard patio or upper floor terrace. Garages associated with multi-family dwellings shall either be integral to the structure or orientated to the rear and accessed by a lane or alley system. Outdoor parking for multi-family buildings shall be located to the rear of the buildings.
 - t. Streets shall be interconnected in a pattern that may be in a grid or other pattern that supports the development of a traditional plan with front streets and a lane or alley system. Streets shall have a minimum cartway of twenty feet (20') and an additional minimum of nine ft. (9') paved area for parking on each side. Cul-de-sacs and cul-de-sac streets are prohibited. Pavement and design specifications shall be according to

Part 6 of the Unified Development Ordinance, unless specifically detailed or modified in this -TND section.

- u. Alleys or lanes are required, to serve all single family units with rear garages and they must provide a minimum of thirty three foot (33') right-of-way and a sixteen foot (16') cart lane, with same specifications as required for all new township streets (Part 6 of the Unified Development Ordinance).
- v. A "Main Street" shall be provided for any TND with intermixed or adjacent retail/commercial businesses. A minimum of two hundred fifty feet (250') of Main Street shall have a right-of-way of seventy feet (70'), featuring a ten foot (10') wide landscaped median barrier with paved crosswalks.
- w. On street parallel parking may be permitted on new streets within the TND, provided that no on-street parking spaces are located in any area necessary to maintain a clear sight triangle at street intersections. A minimum fifty ft. (50') road R/W is required for proposed parking on one side of a street. A minimum sixty ft. (60') road R/W is required for proposed parking on both sides of the street. . A landscaped break shall be included along each side of a street that has parallel parking so as not to have more than eight (8) contiguous parallel parking spaces, or 200 ft. of contiguous parallel parking spaces. The area of the break shall be the equivalent of one parallel parking space, and shall be angled on the ends to accommodate vehicular maneuvering. Streets having single-family dwellings facing each other, or single-family dwellings facing duplexes may only have parking on one side of the street. Paved parallel parking spaces shall be nine foot (9') in width, twenty-four foot (24') in length and shall be designed to the same specifications as required for streets in Part 6 of the Unified Development Ordinance. Curbing shall be concrete on all streets except alleys and inlets shall direct water per the approved storm water management plan.
- x. Minimum Building Separation, Area and Parking Requirements:

(1) Traditional Style single family homes:

- 1. Minimum lot size
 - a. Width, at the front building line forty two feet (42')
 - b. Depth one hundred feet (100')
- 2. Front setback
 - a. Minimum Eleven feet (11')
- 3. Side yard
 - a. Minimum fifteen feet (15') between buildings
 - b. Minimum five feet (5') from property line.
- 4. Rear Yard
 - a. Minimum five feet (5') from property line
- 5. Minimum parking requirements
 - a. Three (3) off street spaces and one (1) on street.
 - b. The garage apron will count as one (1) parallel off street space even if part of the apron is in the alley right-of-way provided the parking space does not encroach into the cartway and flared ends are incorporated into the apron for ease of parallel parking.

(2) Patio Style single family homes:

- 1. Minimum lot size
 - a. Width at the front building line seventy feet (70')
 - b. Depth one hundred feet (100')
- 2. Front setback - Fifteen feet (15')
- 3. Side setback – Eight feet (8')
- 4. Rear setback – forty feet (40')

5. Minimum parking requirements - Four (4) off street spaces per dwelling unit.
- (3) Duplex Style homes:
1. Minimum lot size
 - a. Width at the front building line one hundred fourteen feet (114')
 - b. Depth one hundred twenty five feet (125')
 2. Front setback - Eighteen feet (18')
 3. Side setback – Ten feet (10')
 4. Rear setback – forty feet (40')
 5. Minimum parking requirements - Four (4) off street spaces per dwelling unit.
- (4) Townhouses:
1. Minimum lot size
 - a. Lot width at the building line may vary
 - b. Depth one hundred feet (100)
 2. Front setback - Ten feet (10')
 3. Side setback – Ten feet (10')
 4. Rear setback – Eighteen feet (18')
 5. Minimum parking requirements - Four (4) off street spaces per dwelling unit.
- (5) Multi-Family Style homes or non-residential buildings erected as row buildings along a street:
1. Front setback
 - a. Minimum Ten feet (10)
 2. Side Setback - Minimum fifteen feet (15') between buildings.
 3. Rear setback – Minimum eighteen feet (18')
 4. Minimum parking requirements - Four (4) off street spaces per unit
- (6) Multi-Family Style homes designed as apartment style living whether situated along a street or in groups or clusters on a parcel or parcels but not specifically oriented to a main street.
1. Front setback
 - a. Minimum twenty five feet (25')
 - b. Minimum face to face, if not facing street, seventy five feet (75')
 2. Side setback
 - a. Minimum twenty five feet (25') between buildings
 3. Rear setback
 - a. Minimum fifty feet (50') between buildings.
 4. Minimum parking requirements
 - a. Three (3) Off street
 - b. Two (2) internal (parking garage integral to dwelling) and one (1) in parking lot of building.
- y. Typical architectural features such as bay or bow windows, gutters, chimneys, windowsills, may encroach a maximum of four feet (4') into any setback. Uncovered balconies, stoops, and above grade porches or stoops may encroach a maximum of

six feet (6') into the front setback only and in no case shall they be closer than five feet (5') to the front property line. Steps and ramps for accessibility to above ground porches or stoops are permitted to encroach further into the front building line but in no case shall they be closer than two feet (2') to the property line. Bump-outs, for interior floor space, where floor joist and exterior walls are pushed out from the main structure are not permitted in any case to protrude over any building setback line.

3. Common Open Space Land

Private common property in the TND is a parcel or parcels of land together with the improvements thereon for use and enjoyment of which are shared by the owners or occupants of the individual dwelling units within the TND.

Where common open space and facilities are proposed, the developer shall establish a property owners association(s) in accordance with the requirements of the Municipalities Planning Code, 53 P.S. §10101 et seq., and the Uniform Planned Communities Act, 68 Pa.C.S.A. §5101 et seq., and operating under recorded covenants and deeds for the primary purpose of maintaining the common open space and facilities, including streets, drives, service and parking areas, utility systems and networks, recreational and open space land. In addition, passive common open space shall be deed restricted or placed within a trust or conservancy to prohibit future subdivision or development, except for agricultural, passive recreational, parks, equestrian and existing cemetery uses which may be permitted with the approval of the Supervisors.

4. Perimeter Buffer Easement.

A perimeter Buffer Easement shall be established as provided for in Part 10 Section 1002.B.4

5. Modifications.

The Supervisors shall consider whether proposed waivers or modifications in any requirements of this Section or the Chapter will make for a more attractive and harmonious planned development. If such modifications, in the judgment of the Supervisors, constitute a more beneficial use of the site for the affected/future residents and the public interest, than provided for under the requirements of this Section or Chapter or the zoning district in which the site of the planned development is located, the Supervisors, in their sole discretion, may grant the modifications as part of the TND approval process.

6. Applicability of Other Provisions

Unless otherwise specifically stated or modified by the supervisors, TND's must comply with all other related provisions of the township's Unified Development Ordinance.

D. Required Public Notice

Decisions on proposed conditional uses shall not be rendered unless the Township has caused notice of required public hearing to be published once each week for two successive weeks in a newspaper of general circulation within the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

E. Hearings on Conditional Use Applications

Before rendering a decision on a Conditional Use application, the Board of Supervisors shall hold a public hearing thereon, within sixty (60) days of the date of the applicant's request for a hearing, pursuant to public notice. The application shall be submitted to the Planning Commission for review and recommendations prior to the public hearing. Should the Planning Commission not provide a recommendation, the Board of Supervisors may act without such recommendation.

F. Standards for Conditional Uses

The Board of Supervisors shall review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards, as well as more specific development criteria listed in the district proposed for location of each use, and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact listed as a Conditional Use within the specific zoning district involved;
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Township's Comprehensive Plan and this Chapter;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing neighboring uses;
5. Will be served adequately by essential facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services;
6. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
8. Will have vehicular approaches to the property which shall be designed so as not to create interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of significant importance.

G. Decision

The Board of Supervisors shall render a written decision on the application within 45 days after the last hearing before the Board, approving or denying the conditional use. In denying the use, conclusions based on any provisions of any ordinance, rule, or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. In approving a conditional use, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter. Such conditions shall be expressly set forth in the ordinance or order

granting the conditional use. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Chapter. As part of a Conditional Use approval, the Board may, with recommendations from the Planning Commission and the Township Engineer, approve the final land development plan for the Conditional Use. Other than approval of the final land development plan, where applicable, the landowner shall not claim any approval of the plans or other materials submitted, nor shall any approval of plans or other materials be implied by the Board of Supervisors in their approval of the use.

H. Time Limitations on Conditional Uses

A conditional use granted by the Board of Supervisors automatically expires without written notice to the applicant if no application for an Occupancy Permit to commence a use or no building permit to undertake the work described in the decision granting the conditional use has been submitted within twelve (12) months of said decision, unless the Board extends the time period upon written request of the applicant received prior to its expiration or unless the Board specifically grants a longer period of time in its decision. The maximum extension permitted shall be one (1) 12-month extension.

SECTION 404. VARIANCE, SPECIAL EXCEPTION, NONCONFORMING EXPANSION, TEMPORARY USE, APPEAL

A. Variances

1. Purpose

The variance procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of sections of this Chapter not relating to subdivision requirements. When such hardships may be more appropriately remedied, if at all, pursuant to other provisions of this Chapter, the variance procedure is inappropriate. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming uses of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Upon appeal from an order or determination of the Zoning Officer or upon application, the Zoning Hearing Board shall have the power to vary or adjust the strict application of rules and requirements in accordance with the provisions of the Pennsylvania Municipalities Planning Code, provided that the following findings are made where relevant in a given case:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
- 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 the zoning ordinance 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 appellant.
- 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 or 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.

2. Conditions on Variances

In granting the variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary, to implement the purposes of this Chapter. Such conditions shall be expressly set forth in the ordinance or order granting the variance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Chapter.

3. Effect of Grant of Variance

The grant of a variance shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by ordinances of the Township.

4. Time Limitations on Variances

A variance granted by the Zoning Hearing Board automatically expires without written notice to the applicant if no application for an Occupancy Permit to commence a use or no building permit to undertake the work described in the decision granting the variance has been submitted within twelve (12) months of said decision, unless the Board extends the time period upon written request of the applicant received prior to its expiration or unless the Board specifically grants a longer period of time in its decision. The maximum extension permitted shall be one (1) 12-month extension.

B. Special Exceptions

1. Purpose

Upon application, in accordance with the provisions of this Chapter and the rules of procedure of the Zoning Hearing Board, the Board shall hear and decide applications for uses by Special Exception specifically authorized by this Chapter. The Board may approve a use by Special Exception following a public hearing conducted in accordance with the procedures specified in the Pennsylvania Municipalities Planning Code and only if all applicable requirements of this Chapter and the express standards and criteria specified for the use have been met. In any case, Board shall consider the following standards:

- a. Such use shall comply with the Land Use Plan Goals and Objectives contained in the Comprehensive Plan of the Township and the statement of intent for the district in which it is to be located.
- b. If in a commercial, industrial, or special development district, such use shall comply with the performance standards specified in Part 16 of this Chapter.
- c. Such use shall have no greater impact on the environment or adjacent properties than those uses permitted by right in the district in which the use is to be located.

- d. Such use shall involve processes and products equivalent to the processes and products listed in the permitted uses by right for the district in which the use is to be located.

- 1. Conditions on Special Exceptions

In granting a use by Special Exception, the Board may attach reasonable conditions and safeguards necessary to protect the public health, safety, and welfare. Violation of such conditions and safeguards, when made a part of the terms under which the Special Exception is granted, shall be deemed a violation of this Chapter.

- 2. Effect of Grant of Special Exception

The grant of a Special Exception shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by ordinances of the Township.

- 3. Time Limitations on Special Exceptions

A Special Exception granted by the Zoning Hearing Board, whether subject to conditions or not, automatically expires without written notice to the applicant if no application for an Occupancy Permit to commence a use or no building permit to undertake the work described in the decision granting the Special Exception has been submitted within twelve (12) months of said decision, unless the Board extends the time period upon written request of the applicant received prior to its expiration or unless the Board specifically grants a longer period of time in its decision. The maximum extension permitted shall be one (1) 12-month extension.

C. Nonconforming Expansions

Upon application, in accordance with the provisions of this Chapter and the rules of procedure of the Zoning Hearing Board, the Board shall hear and decide Special Exception applications for the expansion of a nonconforming structure or use. The Board may approve the expansion of a nonconforming use following a public hearing conducted in accordance with the procedures specified in the Pennsylvania Municipalities Planning Code and only if all applicable requirements of this Chapter have been met. Regulations regarding nonconforming situations are set forth in Part 18 of this Chapter.

D. Temporary Uses

- 1. Temporary Permits

A temporary permit may be authorized by the Township for a short- term activity or use which it deems beneficial to the public health or general welfare, or for which it deems necessary to promote the proper development of the community, provided that such use or activity are otherwise permitted uses in that district.

- 2. Temporary Structures

Permits for temporary structures shall be issued for a period not to exceed one (1) year and shall be limited to temporary real estate sales offices for approved developments in any zoning district and temporary construction or business offices in the Commercial, Industrial, Business Park Planned Development or Special Development districts, and shall be permitted only during construction of an approved development. Temporary structures shall be located on the site of the approved development and shall not be any closer than twenty (20) feet to any property or right-of-way line. Temporary structures shall be located so as not to interfere with construction activities. A stone parking area for at least four (4) cars shall be provided and shall be removed upon termination of the temporary use.

E. Appeals

1. Appeals

Any person or Township official aggrieved or affected by any provision of this Chapter or by any determination of the Zoning Officer or other Township official may file an appeal in a timely fashion as provided for by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

2. Challenges to Zoning Ordinance or Zoning Map Validity

Any person aggrieved by a use or development of land of another person which is authorized by this Chapter or the Cecil Township Zoning Map, or any amendment thereto, or any landowner who, on substantive grounds, desires to challenge the validity of this Chapter or the Cecil Township Zoning Map or any amendment thereto, shall submit their challenge in writing to the Zoning Hearing Board in accordance with Section 916.1 of the Pennsylvania Municipalities Planning Code stating the substantive grounds for the challenge.

F. Submission Requirements for variances, special exceptions, nonconforming expansions, temporary uses, and appeals.

The following material, where applicable, must accompany each application:

1. Eight (8) copies of a land development plan showing all structures on the property in question, their distances from property and/or rights-of-way lines, and all setbacks, easements, and parking and drive areas.
2. A complete list of all property owners within 300 feet of the exterior limits of the property, indicating name, address, city, state, and zip code.
3. An application signed by all registered owners of the property or, if application is made by an agent other than an attorney, a written power of attorney must be included.
4. Six complete sets of plans for any structure to be erected, along with a completed building permit application.
5. The required application fee as set forth in the Township fee schedule, as revised.

G. Required Public Notice

1. The Township shall cause notice of the required public hearing to be published once each week for two successive weeks in a newspaper of general circulation within the municipality. Such

notice shall state the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days, from the date of the hearing.

2. Written notice of the scheduled public hearing shall be given to the applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance, and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as prescribed by ordinance or, in the absence of ordinance provision, by rules of the Zoning Hearing Board.
3. Written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

H. Public Hearings

Public hearings conducted by the Zoning Hearing Board shall be conducted in accordance with all requirements of Section 908 of the Pennsylvania Municipalities Planning Code, including the following:

1. A public hearing shall be held within sixty (60) days after the date of submission of an application for variance, special exception, nonconforming expansion, temporary use, or appeal, unless the applicant has agreed in writing to an extension of time.
2. The hearing shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
3. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
4. The chairman or acting chairman of the 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.
5. 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.
6. The 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 the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing the decision of the Board, if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
7. The 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 offered 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.

I. Decision

1. The 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 45 days after the last hearing before the Board of 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 this act or on any ordinance, rule, or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days after the date of the applicant's request for a hearing, 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. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
2. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the 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.

J. Appeals from Zoning Hearing Board Decision

Appeals from the decision or findings of the Zoning Hearing Board shall be filed in the Washington County Court of Common Pleas within thirty (30) days of issuance of a decision or finding by the Board, or, in the case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given.

SECTION 405. SITE PLAN REVIEW APPLICATIONS

A. Purpose

Proposed uses of property, except individual single-family detached dwellings, residential accessory uses, and signs, unless referred to the Planning Commission by the Zoning Officer, shall be in accordance with a site plan approved by the Township. Site plan applications must be submitted no later than one month (30 days) prior to the Planning Commission's regularly scheduled meeting for review at that meeting. The application must be signed by all registered owners of the property or, if application is made by an agent other than the Owner, a written power of attorney must be included.

B. Submission Requirements for Site Plan Applications

1. Site plans (8 copies), drawn to scale, shall be prepared by an engineer, surveyor, architect, or landscape architect registered in the Commonwealth. Such plans shall show the exact size, shape, and dimension of the lot, tract, or parcel to be built upon. All property data and existing contours and features on the property shall be based on a current sealed and signed survey prepared by a surveyor registered in the Commonwealth. Minor site plans, such as simple additions which do affect parking, or minor changes to an existing legally occupied site, may be exempted from requiring an engineer or architect prepared plans at the discretion of the Township.
2. Contours, present and proposed, shall be shown at five (5) foot intervals. Contours at two (2) foot intervals may be required by the Planning Commission.
3. Site plan features shall include a location map, north point, bar scale, date of preparation, location and size of proposed buildings, location of building setback lines, street rights-of-way, easements within the site and in adjacent street rights-of-way, driveway entrances and circulation features within the site, parking facilities (detailed as to stall arrangement and size), loading docks, stormwater management controls, landscaping, utility connections, and ground signs.
4. Location shall be shown of all 100-year flood plains as identified by the U.S. Department of Housing and Urban Development's Flood Boundary and Floodway Map for Cecil Township. Shown also shall be areas of steep slope of 25% or greater, and landslide-prone soils as identified by the Soil Conservation Service and/or County Conservation District.
5. Submitted along with the site plan shall be a plan for managing stormwater runoff during and after construction and minimizing soil erosion and sedimentation, consistent with the requirements of this Chapter.
6. The following textual information shall be included on the site plan:
 - a. Proposed site coverage, paved area, and green area.
 - b. Area and bulk regulations for the district in which the property is located.
 - c. Gross square foot floor area of each floor of the building, the height of the building, the uses proposed for the building, and the parking spaces required for each use.
 - d. Cubic yards of earth to be moved on site, removed from the site, or moved to the site, if the total cubic yards exceed 500, exclusive of foundation excavation.

C. Action on the Application

1. After review by the Planning Commission, the Board of Supervisors may grant approval of the site plan with no conditions, or with conditions after citation of the ordinance section relied on for conditions. Conditional site plan approval may also be granted subject to the receipt of approvals or permits required from other governmental units; however, no actual development, construction activities, or use of land shall commence until all such required approvals or permits have been obtained, and copies filed with the Township Zoning Officer.
2. Any engineering consideration involved in the review of the plan shall be subject to review by the Township Engineer, who shall submit written comments to the Commission. In

addition, the Township Engineer may require of any applicant a soil engineer's report to determine foundation or soil conditions in those areas deemed necessary.

D. Minor Adjustments

During the development of the site, the Board of Supervisors may authorize adjustments to a site plan when such adjustments appear necessary in light of considerations first discovered during actual development. Such minor adjustments shall be limited to the following:

1. Altering the location of any one structure or group of structures by not more than ten (10) feet or one-fourth (1/4) of the distance shown on the approved site plan between such structure or structures and any other structure, vehicular circulation element, or boundary of the site plan, as long as any requirement of this Chapter is not violated.
2. Altering the location of any circulation element by not more than ten (10) feet or one-fourth (1/4) of the distance shown on the approved site plan between such circulation element and any structure.
3. Altering the location of any open space by not more than twenty (20) feet.
4. Altering any final grade by not more than ten percent (10%) of the originally approved grade.
5. Altering the location of landscaping elements by not more than twenty (20) feet, or type of landscaping elements without reduction of total number.

E. Major Adjustments

Any adjustment to a site plan not authorized by Section 405.D., above, shall be considered to be a major adjustment and shall be granted only upon formal application for a revision to the approved site plan.

F. Expiration of Approval

Unless an extension of time is granted by the Township, no final site plan approval shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless an Occupancy Permit is issued and a use commenced within that period.

SECTION 406. BUILDING PERMITS AND OCCUPANCY PERMITS

A. When Required

A permit shall be required prior to the erection, construction, alteration, or demolition of any building, structure, or portion thereof; prior to commencement of improvements (as defined in Part 2 of this Chapter) upon any property; prior to moving of a building into or within the Township; prior to the change or extension of a non-conforming use, and prior to any road encroachment. In addition, permits are required before the use or occupancy of: new construction, alteration to an existing structure, change of use of an existing structure, change of ownership of an existing structure, or change of occupant/tenant/renter in a leased or rental building. In cases where a Variance, Special Exception, Conditional Use, Site Plan, Non-Conforming Use expansion, or other approval is required, a building permit shall be issued only after the foregoing approvals have been granted. It shall be the responsibility of the landowner

or an authorized agent, to obtain and sign for the required permits. Failure to obtain the required permits shall be a violation of this Chapter, subject to the enforcement remedies and penalty provisions of Part 19. Contractors performing work on behalf of the landowner or tenant are not permitted to apply for any permit unless they submit proof in writing of their authorized agent status.

Applicant must submit proof of sewage disposal method, such as an approved septic permit issued by an authorized sewage enforcement officer, or letter of public sewage tap availability by a legally recognized disposal or treatment entity.

Permits shall not be required for maintenance work, such as replacement of shingles, windows, siding, soffit and fascia, unless accompanying interior renovations are also contemplated, and where occupancy cannot reasonably occur during renovations.

B. Application for Building Permits

Applications for permits shall be made in writing to the Zoning Officer on such forms as may be provided by the Township. Such application shall include building and plot plans of a satisfactory nature, in duplicate, and shall contain all information necessary for officials to ascertain whether the proposed construction, alteration, demolition, use, change in use, or improvement complies with the provisions of this Chapter. The building permit application must be approved by the Zoning Officer, Building Inspector, and, in the case of non-residential construction, by a fire department as designated by the Township. The permit shall not be considered issued until the date that the applicant picks up and pays for the permit. Applications requiring approval by the Zoning Hearing Board shall be referred to the Board by the Zoning Officer. Applications for Conditional Use shall be referred to the Planning Commission for recommendation. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work meets all requirements of applicable codes and ordinances.

1. Time Limit for Building Permit Issuance

Permits shall be granted or denied within twenty (20) days of the date that the Zoning Officer considers the application complete, except for commercial and industrial permits, which shall be granted or refused within forty-five (45) days after a complete application filing.

2. Expiration of Building Permits

Once work is initiated under a valid permit, the permit shall be valid for a period of one (1) year from the date of issuance, as long as the construction is diligently pursued. No permit for the erection, razing, change, alteration, or removal of buildings or structures shall be valid after three (3) months from the date of issuance thereof and shall thereafter be void if construction has not begun or been diligently carried on in those three months. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by any reasonable cause other than his own negligence, the permit may be renewed without additional cost to the applicant.

3. Construction and Use to be as Approved

All permits required by this Chapter issued on the basis of plans and applications approved by the Zoning Officer, Building Inspector, Fire Department designee, Board of Supervisors, Planning Commission, or other municipal official or body, authorize only the use, arrangement, and construction set forth in such approved plans and application, and no other use, arrangement, or construction, unless a minor adjustment is deemed necessary as

allowed by Section 405.D of this Part. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Chapter or applicable codes.

C. Occupancy Permits

1. Application

Upon completion of the erection, alteration, or change of use or occupant of any building or portion thereof, or completion of any improvement on any property authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the Zoning Officer of such completion or change of occupancy. No permit shall be considered complete or permanently effective nor shall any building be occupied or lot used until said official has issued an occupancy permit certifying that the work has been inspected and approved as being in conformity with the permit and the provisions of this Chapter and other applicable ordinances. Such work shall include not only building construction, but also installation of landscaping, driveways, and sidewalks, where required. Occupancy Permits shall be granted or denied within ten (10) days from the date of application.

2. Expiration

Occupancy Permits expire with any change in use, change in ownership, change in tenant, or the addition of a new use on the property. If, upon inspection by the Zoning Officer, no change in use or additional type of use is being requested, the former Occupancy Permit may be renewed under the new owner, tenant or lessee name by the Zoning Officer.

3. Temporary Occupancy Permits

In cases when, because of weather conditions or other factors (exclusive of financial hardship) beyond the control of the recipient of a building permit or other approval, it would be unreasonable to require compliance with all of the requirements of this Chapter prior to commencing the intended use of the property or occupying any buildings, the Zoning Officer may authorize the issuance of a Temporary Occupancy Permit. Such permit will allow commencement of the intended use or the occupancy of buildings. No Temporary Occupancy Permit shall be issued for a period of more than one (1) year. Such permits may be issued when all of the following conditions have been met:

- a. The applicant for the temporary occupancy permit shall provide a performance bond or other approved security, in an amount equal to one hundred percent (100%) of the cost of outstanding required improvements, as determined by the Township, to ensure that all requirements of this Chapter will be fulfilled.
- b. The building, addition, or use must be in compliance, as determined by the Township, with all safety-related fire and building codes.
- c. There are no conditions on the site, which are a hazard in light of the use permitted by the Temporary Occupancy Permit.

D. Stop Work and/or Cease and Desist Orders

A Stop Work and/or Cease and Desist Order may be issued by the Zoning Officer in accordance with this Part if the recipient of a building permit progresses with construction not in accordance with the building plans submitted, or if a use of property, or construction without a building permit, is being conducted in violation of the requirements of this Chapter, or any additional requirements lawfully applicable in connection with the property. Procedures for notification shall follow those outlined in Part 19, Enforcement.

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PART 5

Subdivision and Land Development Procedure

Section 501. Application and General Provisions
Section 502. Inspection and Engineering Fees
Section 503. Minor Subdivision Procedure
Section 504. Major Subdivision and Land Development Procedure
Section 505. Supplemental Flood Plain Area Requirements
Section 506. Plat Adjustment Procedures
Section 507. Waivers from Subdivision and Land Development Requirements

SECTION 501. APPLICATION AND GENERAL PROVISIONS

A. Application

1. Subdivision Control

No subdivision, as herein defined, of any lot, tract, or parcel of land shall be effected, and no street, alley, sanitary sewer, storm sewer, water main, or other facilities in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting or to abut thereon, except in strict accordance with the provisions of this Chapter. No lot in any subdivision may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and recorded, and the improvements required by the Board of Supervisors in connection therewith have either been constructed or guaranteed for construction as provided in this Chapter.

2. Land Development Control

Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, the improvement and dedication of rights-of-way, streets, and roads, and the payment of fees and charges. Land development plans shall indicate the location of each proposed and existing structure and clearly define each unit, and shall indicate public and private easements, common areas, and improvements to public rights-of-way.

B. General Procedure

Whenever any subdivision of land or land development is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the registered owner(s) of the property, or authorized agent, shall apply for and secure approval of such subdivision or land development in accordance with the three-step procedure outlined below. If application is made by an agent other than the Owner, a written power of attorney must be included.

1. When deemed necessary by the Director of Planning, a sketch plan shall be submitted to and discussed with either the Director of Planning or the Planning Commission. The Director shall determine whether the proposal shall be classified as a major subdivision, minor subdivision, or land development.

2. Except for minor subdivisions, as defined by this Chapter, a preliminary plan shall be submitted to the Director of Planning; reviewed by the Director and, if deemed necessary, the Township Engineer and the Township Municipal Authority; reviewed for recommendation by the Planning Commission at regular meetings; and reviewed for decision by the Board of Supervisors at a regularly scheduled meeting. If the necessity for a preliminary plan is waived at the discretion of the Planning Commission, the applicant shall comply with final plan submission requirements.
3. A final plan shall be submitted to the Director of Planning; reviewed by the Director and, if deemed necessary, the Township Engineer and the Township Municipal Authority; reviewed for recommendation by the Planning Commission at regular meetings; and reviewed for decision by the Board of Supervisors at a regularly scheduled meeting.

C. Official Filing Date

For the purpose of these regulations, the official filing date for subdivisions or land development plans shall be the Friday following the previous Planning Commission Meeting. All applications must be accompanied by the appropriate fees and documentation, and must be submitted to the Chief Code Official, or in his/her absence the duly designated official, by 7:00 pm the second (2nd) Thursday of each month. Upon receipt of the application the Code Official and or Township Engineer shall review all information to determine adequacy of the application, and either except or deny the filing the following day, or second (2nd) Friday. If the application is acceptable the Code Official shall affix to the application the filing date and immediately forward the information to the planning commission. If the application is denied due to inadequate fees, insufficient information, inadequate number of copies, or any other reason the application will be returned to the applicant and the applicant will be advised as to what is required for submission for the following meeting

D. Washington County Planning Commission Review

All subdivision and land development plans shall be submitted to and reviewed by the Washington County Planning Commission in accordance with its then prevailing rules and regulations. The Township shall forward to the applicant a copy of any report provided to the Township by the County Planning Commission.

SECTION 502. APPLICATION AND INSPECTION FEES

The applicant shall pay the following fees as fixed from time to time by Resolution of the Board of Supervisors, as applicable.

A. Application Filing Fee

Upon submission of an application under this Part 5, the applicant shall pay a non-refundable application-filing fee as established from time to time by Resolution of the Board of Supervisors.

B. Application Review Fee

Application review fees shall include reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township. The Applicant shall be responsible for payment of all such review fees. Review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township's professional consultants for similar service in the community, but in no event shall the fees exceed the rate or cost

charged by the professional consultant for comparable services to the Township for services, which are not reimbursed or otherwise imposed on applicants. Fees charged to the Township relating to the appeal of any decision on an application shall not be considered review fees and may not be charged to the applicant.

The Board of Supervisors shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this subparagraph shall prohibit interim itemized billing. In the event that the applicant disputes the amount of any such review fees, the applicant shall, no later than forty-five (45) days after the date of transmittal of the bill to the applicant, notify the Township and the Township's professional consultant that such fees are disputed and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within forty-five (45) days shall be a waiver of the applicant's right to arbitration of that bill under this Section.

In the event that the Township's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution for inspection fees set forth in section 702.H.5.

SECTION 503. MINOR SUBDIVISION PROCEDURE

Minor subdivision plans shall be submitted for review in the form of a Final Plan, subject to the requirements of Section 504.C, below.

SECTION 504. MAJOR SUBDIVISION AND LAND DEVELOPMENT PROCEDURE

A. Sketch Plan

Prospective subdividers and developers are strongly urged to discuss possible development sites with the Planning Commission prior to submission of a preliminary plan. If a sketch plan review is sought, the plan shall be presented for review not less than seven (7) days prior to the regular meeting of the Planning Commission at which it is to be considered. Submission of a sketch plan will not constitute a formal filing of a subdivision or land development plan. Sketch plans should include information as follows:

1. Tract boundaries;
2. Location within the Township;
3. North point;
4. Streets on and adjacent to the tract;
5. Significant topographical features, including floodplains, if any;
6. Proposed street layout;
7. Proposed lot layout, including proposed open space and other preservation areas.

The review of a Sketch Plan is not binding on the Township, and is not part of the review process which has time limitations specified by the Pa. Municipalities Planning Code.

B. Preliminary Plan

1. Submission of Preliminary Plan

- a. The preliminary plan and all information and procedures relating thereto shall in all respects be in compliance with the applicable provisions of this Chapter. It is the responsibility of the subdivider or developer to coordinate plans with the respective private and public service agencies.
- b. The application form shall be submitted to the Director of Planning, accompanied by the requisite application fee, as set forth by the Cecil Township Fee Schedule, from time to time amended, and by not less than eight (8) prints of the preliminary plan of the subdivision, in the scale of not more than one hundred feet (100') to the inch, which shall contain the following information:
 - i. Proposed subdivision or land development name or identifying title, Township name, North point, bar scale, and date of preparation;
 - ii. Name(s) and address(es) of the owner(s) of the property, including reference to deed book, volume, and page of current legal owner(s), in addition to the names of owners of all adjoining properties and the names of all abutting subdivisions, with deed book, volume, and page;
 - iii. Name and seal of the registered surveyor responsible for preparing the plan;
 - iv. Tract boundaries, with bearings and distances;
 - v. Existing contours at vertical interval of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract. Datum to which contour elevations refer shall be U.S. Coast and Geodetic Survey datum;
 - vi. All existing watercourses, floodplains, tree masses, and other significant natural features;
 - vii. All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants, and other significant man-made features;
 - viii. All existing streets on or adjacent to the tract, including name, right-of-way width, and cartway width;
 - ix. All existing property lines, easements, and rights-of-way, and the purpose for which the easements and rights-of-way have been established;
 - x. Proposed lot lines with approximate dimensions and areas of all lots; proposed minimum setback line for each street; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use; proposed street names; proposed watercourses and detention ponds; proposed phasing; and typical section of all streets;
 - xi. Total acreage, number of lots, average lot size, density, open space, and existing zoning classification;
 - xii. A location map, at a scale of four hundred feet (400') to the inch, showing the proposed development and adjoining areas;

- xiii. Where the preliminary plan covers only a part of the developer's entire holding, a sketch shall be submitted of the prospective street layout for the remainder;
- xiv. When on-lot water supply is proposed, the location of all well sites shall be shown;
- xv. Land Development plans shall show building locations and parking areas in addition to the above information;
- xvi. A letter from the developer specifically requesting any waiver from the regulations herein established and citing the reasons for the request.

- c. One (1) print copy of the preliminary plan, along with one (1) copy of each piece of supporting material, shall be forwarded to the Washington County Planning Commission, Washington County Conservation District, Cecil Township Municipal Authority, and such other agencies as the Director of Planning deems necessary, for review and comment.

2. Supporting Material to be Submitted with Preliminary Plan

- a. When applicable, the application form shall be accompanied by a Planning Module for Land Development, as required by the Pennsylvania Department of Environmental Protection.
- b. In cases where the subdivision or land development adjoins an existing or proposed State highway or has proposed streets entering onto State highways, the applicant shall submit the plans to the Pennsylvania Department of Transportation for review.
- c. When required by Section 611 of this Chapter, a soil erosion and sedimentation control plan shall be submitted;
- d. When required, flood plain information required by Section 612 of this Chapter shall be submitted;

3. Planning Commission Review of Preliminary Plan

- a. The Planning Commission shall consider the plan to determine if it meets the standards set forth in this Chapter.
- b. The Planning Commission shall recommend whether the Preliminary Plan should be approved, approved with modifications, or denied, and shall so notify the Board of Supervisors in writing, including in a recommendation for denial or modified approval any reasons for such recommendation.
- c. In making its recommendation, the Planning Commission may consider the recommendations of the Township Director of Planning, Township Engineer, Township Municipal Authority, the Washington County Planning Commission, interested residents, and any other agency requested to submit, or submitting, comments on the plan.
- d. The Planning Commission shall act on the preliminary plan within sixty (60) days of the official filing date, but, in any event, shall act on the plan in time for the Board of Supervisors to render their decision within ninety (90) days from the official filing

date. In the event that any waiver from this Chapter is requested by the applicant or is deemed necessary for approval, the waiver and the reasons for its necessity shall be entered into the records of the Board of Supervisors.

4. Board of Supervisors Action on Preliminary Plan

- a. The Board of Supervisors shall act on the preliminary plan within ninety (90) days of the official filing date, unless the applicant has agreed in writing to an extension of time. Failure to do so shall be deemed an approval. Before acting on a Preliminary Plan, the Board of Supervisors may hold a hearing thereon, pursuant to public notice.
- b. The Board of Supervisors shall notify the applicant in writing of its decision to approve, approve with conditions, or deny the Preliminary Plan. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is approved with conditions or denied, the Board of Supervisors shall specify in the notice the conditions which must be met or, in the case of denial, the defects found in the plan and the requirements which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled.
- c. The Township shall keep a record of its recommendations, findings, and decisions relative to all subdivision and land development plans filed with it for review. All such records shall be public records.
- d. Approval of the preliminary plan shall constitute approval of the subdivision or land development as to the character and intensity of development, and the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the subdivider or developer to the general scheme of the plan as approved, unless a revised preliminary plan is submitted, and permits the subdivider to proceed with final detailed design of improvements, to arrange for guarantee to cover installation of the improvements, and to prepare the final plan. Approval of the preliminary plan does not authorize the sale of lots or recording of the plan.
- e. A revised preliminary plan submitted after denial shall be considered and reviewed as a new preliminary plan.

C. Final Plan

1. Submission of Final Plan

- a. After the subdivider or developer has received official notification from the Board of Supervisors that the preliminary plan has been approved, a final plan may be submitted in accordance with the provisions of Section 508 of the Pennsylvania Municipalities Planning Code.
- b. The final plan shall conform in all respects with the preliminary plan. If it does not, the plan submitted shall be considered a revised preliminary plan and shall be reviewed by the Planning Commission as such.
- c. The application form shall be submitted to the Director of Planning, accompanied by the requisite application fee, as set forth by the Cecil Township Fee Schedule, from time to time amended, and by not less than eight (8) prints of the final plan of the

subdivision, in the scale of not more than one hundred feet (100') feet to the inch, which shall contain the following information:

- i. Proposed subdivision or land development name or identifying title, Township name, North point, bar scale, date of preparation, date of preliminary plan approval, and a location map, at a scale of four hundred feet (400') to the inch, showing the proposed development and adjoining areas;
- ii. Name(s) and address(es) of the owner(s) of the property, including reference to deed book, volume, and page of current legal owner(s), along with names of adjoining subdivisions, with deed book, volume, and page, and names of the owners of any adjoining unplatted land;
- iii. Name and seal of the registered surveyor responsible for preparing the plan;
- iv. Tax parcel identification number of all parent tracts involved;
- v. Tract boundaries, with bearings and distances, along bearings and distances of the lines of each lot and of each lot proposed to be dedicated to public use;
- vi. All existing streets and driveways on or adjacent to the tract, including name, right-of-way width, cartway width, street lines, lot lines, easements, and areas dedicated or proposed to be dedicated to public use;
- vii. Sufficient data, including bearing and length, to locate every street, lot, easement, right-of-way, and boundary line upon the ground;
- viii. The proposed names of all new streets, and the length of all straight lines, radii, lengths of curves, and tangent bearings for each street;
- ix. The proposed building setback line for each street and the proposed placement of each building, except placement for single-family dwellings;
- x. Location and width of all rights-of-way, easements, and the purpose for which the rights-of-way and easements have been established;
- xi. Location of all sanitary and storm sewer easements, and location of all watercourses and detention ponds, whether public or private;
- xii. Lots within a subdivision shall be numbered and their area shown within the lot boundaries. House numbers, as approved by the Township, shall also be shown therein;
- xiii. Lots shall be assigned a sequential addressing street number which meets all 911 Addressing Guidelines and be reviewed and approved by the Township Zoning Officer.
- xiv. Permanent reference monuments designated as existing or proposed;
- xv. An approval block providing for the signatures of the reviewing agency and the Board of Supervisors, along with the date of approval, as per example in Appendix C;

- xvi. An appropriate statement signed by the Owner unequivocally stating the intention to either (a) dedicate for public use all streets, roads, easements, and rights-of-way so intended and designated, or (b) to reserve as private any streets, roads, easements,, or rights-of-way intended not to be dedicated for public use;
 - xvii. A statement of acknowledgment in legal form, executed by a Notary, stating that the subdivider is the owner or equitable owner of the land proposed for subdivision, and that the subdivision as shown on the final plan is the act and deed of the subdivider and that it is desired to record the same.
- d. One (1) print copy of the final plan, along with one (1) copy of each piece of supporting material, shall be forwarded to the Washington County Planning Commission, Washington County Conservation District, Cecil Township Municipal Authority, and such other agencies as the Director of Planning deems necessary, for review and comment.
2. Supporting Material to be Filed with Final Plan
- a. An approved Department of Environmental Protection Planning Module for Land Development where on-lot sewage disposal systems or community treatment systems are proposed, or written proof of the Department’s approval for the extension of existing sanitary sewer service.
 - b. A Stormwater Management Plan, prepared in accordance with Section 606 of this Chapter.
 - c. A Soil Erosion and Sedimentation Control Plan, when required by Section 611 of this Chapter.
 - d. A Flood Plain Area Plan, when required by Section 612 of this Chapter.
 - e. A copy of final deed restrictions or protective covenants, and a copy of any and all proposed written easements or deeds to be granted, including, but not limited to, storm drainage easements, recreation easements or dedication, or agreements to pay a fee in lieu thereof, and sanitary sewer easements.
 - f. Where applicable, a Highway Occupancy Permit or review and written approval by the Pennsylvania Department of Transportation. No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to Section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the “State Highway Law,” before driveway access to a State highway is permitted.
 - g. Complete working plans for proposed bridges or other such structural improvements.
 - h. Written agreement of land developer or subdivider, in a form approved by the Board of Supervisors, indicating an agreement to construct required improvements, including, but not limited to, streets, curbs, sidewalks, and storm drainage facilities.
3. Planning Commission Review of Final Plan

- a. The Planning Commission shall review the plan and accompanying materials for compliance with the approved preliminary plan and for conformance to the requirements of this Chapter.
 - b. The Planning Commission shall recommend whether the Final Plan should be approved, approved with modifications, or denied, and shall so notify the Board of Supervisors in writing, including in a recommendation for denial or modified approval any reasons for such recommendation.
 - c. In making its recommendation, the Planning Commission may consider the recommendations of the Township Director of Planning, Township Engineer, Township Municipal Authority, the Washington County Planning Commission, the Washington County Conservation District, the Pennsylvania Department of Transportation, interested residents, and any other agency requested to submit, or submitting, comments on the plan.
 - d. The Planning Commission shall act on the Final Plan within sixty (60) days of the official filing date, but, in any event, shall act on the plan in time for the Board of Supervisors to render their decision within ninety (90) days from the official filing date.
4. Board of Supervisors Action on Final Plan
- a. The Board of Supervisors shall act on the final plan within ninety (90) days of the official filing date, unless the applicant has agreed in writing to an extension of time. Failure to do so shall be deemed an approval.
 - b. The Board of Supervisors shall notify the applicant in writing of its decision to approve, approve with conditions, or deny the Final Plan. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is approved with conditions or denied, the Board of Supervisors shall specify in the notice the conditions to be met or, in the case of denial, the defects found in the plan and the requirements which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled.
 - c. The Township shall keep a record of its recommendations, findings, and decisions relative to all subdivision and land development plans filed with it for review. All such records shall be public records.
 - d. If the Final Plan is approved subject to conditions, the Board of Supervisors shall not sign the plat until all of the conditions have been met.
 - e. When requested by the developer, in order to facilitate financing, the Township Supervisors shall furnish the developer a signed copy of a resolution indicating approval of the final plan contingent upon the developer submitting a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless a written extension is granted by the Township Supervisors. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

- f. As a condition of granting final approval, the Board of Supervisors shall require that the developer execute a development agreement with the Township, in a form acceptable to the Township Solicitor, containing any conditions attached to the approval of the plan and provisions that are reasonably required to guarantee the proper installation of public improvements related to the subdivision and/or land development and provisions necessary to indemnify the Township in connection therewith.

5. Recording of Final Plan

- a. Upon approval of the final plan, the subdivider or developer shall prepare one (1) reproducible Mylar of the approved plan, which shall be submitted to the Township within thirty (30) days after approval. Upon satisfaction of any conditions attached to the approval, the plan will be signed by the Board of Supervisors. A copy of the signed final plan shall be recorded in the office of the Washington County Recorder of Deeds within ninety (90) days after approval of the final plan or the approval of the Board of Supervisors shall be null and void. The final plan must be recorded before proceeding with the sale of lots or construction of buildings.
- b. In addition to the plat prepared for recording, the applicant shall, when required by the Township, submit a computer-readable file in the form specified by the Township which shall provide a true and complete display of the recorded final plat, excepting the surveyor's seal or signature. The computer-readable file shall be submitted at the same time the Mylar is submitted for signature by the Board of Supervisors.
- c. Recording the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to public use, unless reserved by the subdivider as hereinafter provided. The approval of the final plan shall not impose any duty upon the Board of Supervisors or Township concerning maintenance or improvements by ordinance or resolution.
- d. The subdivider shall place a notation on the final plan if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the owner, and the Township shall assume no responsibility for improvement or maintenance thereof, which fact shall be noted on the final plan.

D. Construction Plans

Construction plans shall be prepared by an engineer at a scale no smaller than one inch (1") to fifty feet (50') and shall include the following information:

1. Subdivision name or identifying title;
2. North point, bar scale, and date;
3. Name and seal of the registered professional engineer responsible for preparation of the plan;
4. Center line of streets with bearings, distances, curve data, sight distances and stations corresponding to the profile;
5. Right-of-way and curb lines of streets, with radii at intersections;
6. Beginning and end of proposed construction of streets;

7. Tie-ins by course and distances to intersection of all public roads with their names and widths;
8. Location of all monuments and references thereto;
9. Property lines and ownership of abutting properties, with details of easements where required;
10. Location and size of all drainage structures, public utilities, street name signs, and shade trees;
11. Location and size of storm and/or sanitary sewer lines with stations corresponding to the profile;
12. Location of storm and/or sanitary sewer manholes or inlets with grade between and elevation of flow line and top of each manhole or inlet;
13. Location of storm and/or sanitary sewer laterals, wyes, etc.;
14. Beginning and end of proposed construction of storm and/or sanitary sewer;
15. Profile of existing ground surface along centerline of street;
16. Proposed centerline grade of streets with percent of grade on tangents and elevations at 50-foot intervals, including grades at intersections, control points, etc.;
17. Vertical curve data of streets, including length, elevations, and sight distance as required by the Township Engineer.
18. Cross sections of proposed streets, showing right-of-way width, location and width of paving; type, thickness, and crown of paving; type and size of curb; grading of sidewalk area; location, width, type, and thickness of sidewalks; and typical location of sewers and utilities, with sizes.
19. Profile of existing ground surface with elevations at top of manholes or inlets;
20. Profile of storm drain or sewer, showing size of pipe, grade, cradle (if any), manhole or inlet locations, and elevations at flow line.

E. As-Built Plans

The subdivider or developer shall furnish the Township with as-built plans, prepared by a registered engineer, for sanitary sewer systems, storm sewer systems, utility systems and street construction within the subdivision or land development prior to release of performance escrow.

SECTION 505. SUPPLEMENTAL FLOOD PLAIN AREA REQUIREMENTS

A. Purpose

1. To regulate the subdivision or development of land within any Designated Flood Plain Area in order to promote the general health, welfare, and safety of the community.
2. To require that each subdivision lot in flood-prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designated and installed to preclude flood damage at the time of initial construction.

3. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated flood plain districts.

B. Abrogation of Greater Restrictions

To the extent that this Section imposes greater requirements or more complete disclosure than any other provisions of this Chapter, in any respect, or to the extent that the provisions of this section are more restrictive than such other provisions, it shall control such other provisions of this Chapter.

C. Disclaimer of Municipal Liability

The grant of a permit or approval of a plan for any proposed subdivision and land development to be located within any Designated Flood Plain Area shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability of safety of the proposed use, and shall create no liability upon the Township, its officials, employees, or agents.

D. Application Procedures and Requirements

1. Pre-Application Procedures

- a. Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed.
- b. Prospective developers shall consult with a County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or land development.

2. Preliminary Plan Requirements

The following information shall be required as part of the preliminary plan and shall be prepared by a registered engineer or surveyor:

- a. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this Section.
- b. A map showing the location of the proposed subdivision or land development with respect to any Designated Flood Plain Area, including information on the one hundred year flood elevations; boundaries of the Flood Plain Area; proposed lots and sites; fills, flood, or erosion protective facilities; and areas subject to special deed restrictions.
- c. Where the subdivision or land development lies partially or completely within any Designated Flood Plain Area, or where the subdivision or land development borders a Flood Plain Area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of five feet (5'), and shall identify accurately the boundaries of the Flood Plain Areas.
- d. Such other information as is required by this Part.

3. Final Plan Requirements

The following information shall be required as part of the final plan and shall be prepared by a registered engineer or surveyor:

- a. All information required for the submission of the preliminary plan, incorporating any changes requested by the Board of Supervisors.
- b. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any Designated Flood Plain Area. All such maps shall also show contours at intervals of five feet (5'), and shall identify accurately the boundaries of the Flood Plain Areas.

Where any alteration or relocation of a stream or watercourse is proposed, submission of the final plan shall also be accompanied by all required permits and related documents from the Department of Environmental Protection, and any other Commonwealth agency or local municipality. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation. The Department of Community and Economic Development and the Federal Insurance Administration shall also be notified in advance of any such proposed activity and proof of such notification shall be submitted in advance of the Planning Commission meeting at which such plan is to be considered.

SECTION 506. PLAT ADJUSTMENT PROCEDURES

In the case of Subdivisions, Plat Adjustments, as defined by this Chapter, the Director of Planning may exempt the developer from complying with some of the requirements pertaining to the application for development. The Planning Commission may take action on the application at a regular Commission meeting or at times other than a Commission meeting, subject to the verification by the Director of Planning that the perimeter boundaries of the original parcel are in conformance with the previously recorded plan and that the adjusted lots conform to requirements of this Chapter.

SECTION 507. WAIVER FROM SUBDIVISION & LAND DEVELOPMENT REQUIREMENTS

A. Procedures Governing Waiver

1. Where, owing to special conditions, a literal enforcement of the provisions of Parts 5, 6, and 7 of this Chapter will result in unreasonable hardship, the Board of Supervisors may grant such reasonable waiver thereof in accordance with modern and evolving principles of site planning and land development which are not contrary to the public interest so that the spirit of this Chapter shall be observed and substantial justice done. It is not within the jurisdiction of the Zoning Hearing Board to grant waivers to subdivision and land development regulations contained in Parts 5, 6, and 7 of this Chapter.
2. It is the intention of this Chapter that all newly created lots shall conform to the provisions of this Chapter for lot area, lot width, and other similar development standards. Variances to these standards may be granted by the Zoning Hearing Board subject to the provisions of Part 4, Section 404.A., Variances, or may be obtained through flexible zoning techniques such as Planned Residential Development. It is not within the jurisdiction of the Board of Supervisors to grant variances to zoning regulations.
3. A request for any waiver shall be submitted in writing by the applicant to the Township, at the time of application for development, or as a situation develops. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of Parts 5, 6, or 7 of this Chapter involved, and the minimum modification necessary.

4. Whenever a waiver is requested by the applicant, the Board of Supervisors shall refer the matter to the Planning Commission for its recommendation. The Planning Commission shall study the request, make recommendations, record the recommendations in its minutes, and submit the recommendations to the Board of Supervisors.

B. Reconsideration of Decision on Waiver

Any applicant aggrieved by a finding or decision of the Board of Supervisors may request and receive an opportunity to appear, present additional relevant information, and request reconsideration of the original finding or decision.

C. Waiver for Single Non-Residential Building Land Developments

1. When a single non-residential building or addition thereto is proposed on a previously recorded single lot of record, the requirement to record a final land development plan is waived, provided there are no changes in any lot lines or other information contained on the previously recorded plan.
2. If there is any change in lot lines or any other information contained on the previously recorded plan or the building is proposed on property which is not part of a plat of subdivision which has been duly recorded in the Office of the Recorder of Deeds, recording of a final plat shall be required. In this case, the location of the single non-residential building and any private improvements on the site, such as parking spaces, landscaping strips, and similar facilities, though required to be shown on the preliminary plan, shall not be required to be shown on the final plat for recording.

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PART 6

Design and Improvement Standards

- Section 601. Application
 - Section 602. Land Requirements
 - Section 603. Street System
 - Section 604. Street Design
 - Section 605. Sewers
 - Section 606. Water Supply and Fire Hydrants
 - Section 607. Utilities
 - Section 608. Curbs, Sidewalks, and Driveways
 - Section 609. Monuments and Markers
 - Section 610. Street Signs and Stop Signs
 - Section 611. Stormwater Drainage
 - Section 612. Lot Grading for Subdivisions and Land Developments
 - Section 613. Blocks and Lots
 - Section 614. Development on Private Streets Discouraged
 - Section 615. Open Space, Lot Siting, and Planting and Beautification
 - Section 616. Erosion and Sedimentation Control
 - Section 617. Standards for Designated Floodplain Areas
 - Section 618. Excavation and Grading
 - Section 619. State Water Quality Standards
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SECTION 601. APPLICATION

The following principles, standards, and requirements shall be applied by the Board of Supervisors and Planning Commission to evaluate plans for proposed subdivision or land development, and any other new development or redevelopment of a site upon which such improvements do not currently exist. The standards and requirements outlined below shall be considered minimum standards and requirements for the promotion of the public health, safety, morals, and general welfare. Where literal compliance with the standards specified is clearly impractical, the Board of Supervisors may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Chapter. Required improvements shall be installed by the applicant for subdivision or land development. The final plan shall not be approved until final detailed design and improvements are approved and the improvements are installed or financial security is provided to the Township to ensure installation.

SECTION 602. LAND REQUIREMENTS

- A.** Land shall be suited to the purposes for which it is to be subdivided or developed.
- B.** Land which is unsuitable for development because of hazards to life, safety, health, or property shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided in the subdivision or land development plan. Land considered to have unsuitable characteristics shall include the following:
 - 1. Land subject to flooding or which has a high groundwater table;
 - 2. Land which, if developed, will create or aggravate a flooding condition upon other land;
 - 3. Land subject to subsidence;

4. Land subject to underground fires;
 5. Land containing significant areas of slope greater than twelve (12) percent;
 6. Land which, because of topography or means of access, is considered hazardous by the Board of Supervisors;
 7. Land that is subject to ground pollution or contamination.
- C.** Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- D.** Proposed land uses shall conform to the uses permitted or allowed by separate approval in the district in question, as provided by the description of such districts contained in the Chapter.

SECTION 603. STREET SYSTEM

- A.** Proposed street shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Township and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments. Proposed streets shall further conform to such County and State road and highway plans as have been prepared, adopted, or filed as prescribed by law.
- B.** Streets shall be related to the topography so as to produce usable lots and acceptable grades. Access shall be given to all lots and portions of the tract in the subdivision or land development unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall not be required to be improved, until such time as the future property is developed.
- C.** Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, arterial streets shall be designed for use by through traffic.
- D.** Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street or a highway designated as a Limited Access Highway by the appropriate highway authorities, provision shall be made for marginal access streets at a distance acceptable for the appropriate use of the land between the arterial street or Limited Access Highway and the marginal access streets. The Board of Supervisors may also require rear service areas, double frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets, and separation of local and through traffic.
- E.** Half or partial streets are prohibited in new subdivisions or land developments except where essential for reasonable development of a tract in conformance with other requirements of this Chapter and where satisfactory assurance for dedication of the remaining part of the street can be secured.
- F.** Where a tract to be subdivided or developed borders an existing half or partial street or alley, the remainder of the street or alley, to the prescribed width, shall be platted within the proposed subdivision or land development.
- G.** Dead-end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.

- H. New reserve strips, including those controlling access to streets, are not permitted, unless a waiver is granted by the Township Supervisors.
- I. Where adjoining areas are not subdivided, the arrangement of streets in a proposed subdivision or land development may be made to provide for the projection of streets into the unsubdivided land.
- J. Street names shall be coordinated with existing or platted street names, and if a new street is a continuation of, or is aligned with, an existing or platted street, it shall bear the same name as the existing or platted street.
- K. No street shall be laid out or opened which extends to or crosses any boundary between the Township and any other municipality except with the specific approval of the Board of Supervisors and upon such conditions that the Board may impose. If the street is proposed to serve a commercial or industrial area, or a residential area of fifty (50) dwelling units or more, located in another municipality, the street shall not be approved unless the area is also served by a street in the other municipality and unless the relevant traffic facilities of the Township are adequate to handle the anticipated volume.
- L. All streets shall have a uniform width throughout their respective lengths except where otherwise required by the Board of Supervisors pursuant to Section 604.B.3, below.

SECTION 604. STREET DESIGN

A. Street Design

Three functional classifications are hereby established for the streets and roads within the Township:

1. Arterials

This classification includes highways which provide intra-county or inter-municipal traffic of substantial volumes where the average trip lengths are either five miles or greater. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour.

2. Collectors

This classification is intended to include those highways that connect local access roads to arterial highways. They may serve intra-county and intra-township traffic, and as corridors connecting residential areas with industrial, shopping, and other service. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 miles per hour.

3. Local Access

This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 miles per hour and below.

B. Right-of-Way Widths

1. Minimum widths for each type of public street shall be as follows:

Type of Street	Right-of-Way Width	Cartway Width (including curbs)
Arterial	80 – 120 feet	46 feet
Collector	60 feet	24 feet
Local Access	50 feet	22 feet

2. Additional right-of-way and cartway widths may be required by the Board of Supervisors to promote public safety and convenience when special conditions require it and to provide parking space in areas of intensive use.

C. Cul-de-sac Streets

1. Cul-de-sac streets, whether permanent or temporary, shall be provided at the closed end with a turnaround having a minimum radius to the edge of the finished street or curb line of not less than forty (40) feet.
2. Unless future extension is clearly impractical or undesirable, and at the option of the subdivider or developer, a turnaround right-of-way may be placed at a distance from a property line and a right-of-way the same width as the street may be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround, providing that affected property owner pays any associated costs to acquire the overage abutting their property. Until such time as a street is extended, the Owner/Developer shall be responsible for ownership and maintenance of this parcel, unless deeded over to an association or another individual, who shall then be responsible for ownership and maintenance.
3. Commercial and industrial cul-de-sacs shall be reviewed for adequacy by the Township Engineer. His recommendations shall be given to the Board of Supervisors who shall have final authority.
4. Permanent cul-de-sac streets shall be kept to a minimum and shall not exceed sixteen hundred (1600) feet in length.

D. Street Alignment

1. Whenever street lines are deflected by more than five (5) degrees, connection shall be made by horizontal curves.
2. The minimum radius at the centerline for horizontal curves on collector and arterial streets shall be three hundred (300) feet, and for local access streets the minimum radius shall be one hundred (100) feet.
3. On collector and arterial streets, the minimum tangent between reverse curves shall be at least two hundred fifty (250) feet, and for local access streets the minimum tangent shall be at least one hundred (100) feet.

4. Minimum vertical sight distance measured four (4) feet above grade shall be three hundred (300) feet for collector and arterial streets and two hundred (200) feet for local access streets.

E. Street Grades

1. The minimum grade on all streets shall be one (1.0) percent.
2. The maximum grade on collector and arterial streets shall be seven (7) percent; on local access streets the maximum grade shall be twelve (12) percent.
3. Vertical curves shall be used in changes of grade exceeding one (1) percent and shall provide proper sight distances as specified below.

F. Street Intersections

1. Local streets shall not intersect with collector or arterial streets on the same side at intervals of less than eight hundred (800) feet, as measured from centerline to centerline.
2. The distance between the centerlines of streets opening onto the opposite side of a proposed or existing street shall not be less than one hundred fifty (150) feet unless the streets are directly opposite each other.
3. Multiple intersections involving the junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicle safety.
4. Streets shall be laid out to intersect as nearly as possible at right angles. Local streets shall intersect collector or arterial streets at an angle of not less than seventy-five (75) degrees. Local streets shall intersect other local streets at an angle of not less than sixty (60) degrees.
5. Minimum curb radius at the intersection of two local streets, or at an intersection of a local street and a collector or arterial street, shall be at least twenty-five (25) feet.
6. There shall be provided and maintained, at all intersection, clear sight triangles of seventy-five (75) feet in all directions, measured along the centerline from the point of intersection. Nothing that obstructs the vision of a motorist shall be permitted in this area.
7. Intersections shall be designed with a flat grade wherever practical. Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having a grade of not greater than four (4) percent for a distance of twenty-five (25) feet, measured from the nearest right-of-way line of the intersecting street.

G. Excavation

1. The base for local access streets shall be a minimum of twenty-three (23) feet in width; the base for collector streets shall be a minimum of twenty-five (25) feet in width.
2. All original topsoil shall be removed and the road brought back to existing grade with a suitable base material.
3. All wet and/or soft spots shall be removed and replaced with a suitable base material approved by the Township Engineer.

4. The sub-base shall be rolled and compacted.
5. No asphalt shall be laid until the sub-base is inspected and approved by the Township Engineer or such inspector as may be designated by the Board of Supervisors.

H. Storm Drainage and Sanitary Lines

1. A plan must be submitted showing inlets and storm drainage. The type of inlets and storm drainage used shall be in compliance with the Basic Standard Plan and Specifications, subject to the approval of the Township Engineer and the Board of Supervisors. All back filling shall be thoroughly compacted in not more than one-foot lifts.
2. All sanitary sewers and storm sewers must be installed prior to road construction.
3. Manholes shall be of pre-cast or poured concrete, as per the Basic Standard Plan and Specifications, and installed as directed by the Township Engineer or such inspector as may be designated by the Board of Supervisors.
4. All cross culverts shall be of reinforced concrete pipe of a minimum diameter of fifteen (15) inches. The Township Engineer or the Board of Supervisors may require larger diameter pipe where necessary.
5. Concrete head walls and end walls shall be installed as per the Basic Standard Plan and Specifications.

I. Pavement Design

1. All components of the pavement structure shall be designed and constructed in accordance with Pennsylvania Department of Transportation Specifications Form 408, unless otherwise herein modified.
2. Road Construction Standards (Asphalt)
 - a. The cartway shall be paved to a minimum width of twenty (20) feet for local streets and twenty-two (22) feet for collector streets.
 - b. Every road shall have a minimum center crown of four (4) inches and shall be constructed in lifts as follows:
 - i. A geotextile fabric with a minimum weight of six (6) ounces per square yard shall be placed directly on the compacted earth base.
 - ii. Four (4) inches of 2A Modified limestone shall be compacted on top of the geotextile fabric.
 - iii. The first lift of asphalt shall consist of compacted BCBC to a minimum depth of four (4) inches and a minimum width of twenty-three (23) feet.
 - iv. The second lift of asphalt shall consist of compacted ID-2 binder to a minimum depth of two and one-half (2½) inches. Asphalt wedge curbing (12" x 6") shall be installed with the second lift, as per the drawing included with the specifications provided by the Township.

- v. The third lift of asphalt shall consist of FJ1 compacted to a minimum depth of one-half (1/2) inch.
- vi. The fourth lift of asphalt shall consist of compacted ID-2A modified wearing surface to a minimum depth of one and one-half (1½) inches. This fourth and final lift shall not be installed until the developer has completed at least eighty (80) percent of all building construction in the plan (Standard Drawing C-100 in Appendix B.), or upon written request of the Township. This request by the Supervisors will not be made before eighteen (18) months has elapsed since installation. If developer fails to install this final lift within forty (45) days of written demand by the Township, the Township may contract any responsible paving company to complete the work. The township will have no obligation to solicit multiple, competitive bids. This contractor shall be paid from any escrow funds or bonds held by the Township, which were put up by the Owner/Developer.
- c. Developers and builders shall be held responsible for all road damage due to building construction. All necessary repairs shall be made in accordance with the Cecil Township Basic Standard Plan and Specifications, subject to final approval by the Township Engineer or such other inspector as may be designated by the Board of Supervisors.
- d. Excess surface and sub-surface water control shall be achieved by installation of a pipe foundation underdrain on both sides of the road, in conformance with the Basic Standard Plan and Specifications.
- e. Should any lift become contaminated, a tack coat shall be applied to a new bituminous base course when, in the opinion of the Township Engineer, the condition is unsatisfactory for the direct placement of the succeeding operation.
- f. The temperature of the binder or wearing course mixture, when laid, shall not vary more than fifteen (15) degrees Fahrenheit from the temperature of the completed mixture at the plant.
- g. Vehicular traffic or loads shall not be permitted on the newly completed surface course until adequate stability and adhesion have been attained and the material has cooled sufficiently to prevent distortion.
- h. The Township shall require core samples prior to placing the third lift. Acceptable tolerances shall be one-fourth (1/4) of an inch. Three (3) holes for each five hundred (500) square yards for each lift shall be required. If deficiencies exist in three (3) or more adjoining sections, the contractor shall remove, replace, or otherwise satisfactorily correct the deficient areas. Cutting of test holes, refilling and compacting with hot mix or acceptable materials shall be done by and at the expense of the contractor.
- i. The developer shall notify the Township three (3) working days prior to the contemplated installation or performance of any work requiring Township inspection. All inspection fees are to be borne by the developer.

J. Alleys

Alleys shall be prohibited in residential developments.

SECTION 605. SANITARY SEWERS

A. Public Sewer Systems

When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to the Board of Supervisors. Where required, Planning Module approval from the Department of Environmental Protection shall also be obtained for final plan approval.

B. Private Sewer Systems

When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the Board of Supervisors from the Department of Environmental Protection certifying that a permit has been issued by the appropriate agency approving the proposed facilities. Adequate financial security as determined by the Township for the operation maintenance of such plant shall be furnished to the Township.

C. On-Lot Sewage Disposal

In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems, subject to the PA Department of Environmental Protection, shall be provided.

D. Capped Sewer System

Where the sanitary sewer system is not yet accessible, but is planned for extension to the subdivision or land development, the subdivider shall install sewer lines, including lateral connections, in order to provide service to each lot. The sewer mains shall be suitably capped at the limits of the subdivision and laterals shall be capped at the street right-of-way line when not extended to houses or other structures. When laterals are extended to houses or other structures, the internal plumbing system shall be constructed to accommodate the laterals as well as any septic system required. At such time that any planned construction of extensions to the existing sanitary sewer system is under contract, the subdivider may reduce the size of any required septic system drain fields or septic tank by fifty (50) percent.

SECTION 606. WATER SUPPLY AND FIRE HYDRANTS

A. Provision of System

The subdivision or land development shall be provided with a complete water main supply system which shall be connected to the municipal water supply or to a community water supply approved by the engineer of the applicable water utility company and the Department of Environmental Protection, with satisfactory provision for the maintenance thereof. When such municipal or community water supply system is not available, each lot in a subdivision shall be capable of being provided with an individual water supply system, owned and maintained by the lot owner, in accordance with minimum standards set forth by the DEP.

B. Plans

The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission,

or an application for such certificate, a cooperative agreement, or agreement to serve the area in question, whichever is appropriate, shall be submitted to the Planning Commission and Board of Supervisors. Upon the installation of a water supply system, one (1) copy of the as-built plans for such system shall be submitted to the Township.

C. Fire Hydrants

Fire hydrants shall be provided as an integral part of any public water supply system. A fire department agent authorized by the Board of Supervisors, shall be consulted to determine the location of proposed fire hydrants.

D. Fire Hydrant Assessment

Annual assessments for fire hydrant service shall be guaranteed by the developer upon the lot owners in the form of a covenant running with the land. If the developer forms a homeowners' association, the association charter and/or bylaws shall contain language that requires the association to be liable for the total assessment. If no homeowners' association is created, the developer shall be responsible for the payment of the prorated assessment for unsold lots. Individual lot owners shall be responsible for their prorated share. The prorated share shall be computed by dividing the bill by the number of lots benefiting or being serviced by said fire hydrant. In the event of non-payment, the Township may collect the assessment as permitted by law.

SECTION 607. UTILITIES

- A. Easements for utilities shall have a minimum width of fifteen (15) feet.
- B. To the fullest extent possible, easements for public utilities shall be centered on or adjacent to front, rear, or side lot lines.
- C. Telephone, electric, cable television and such other utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such utilities, and in accordance with plans approved by the Board of Supervisors and the applicable utility company. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

SECTION 608. CURBS, SIDEWALKS, AND DRIVEWAYS

A. Curbs

Curbs on public streets shall be constructed in accordance with Standard Drawing C-100 in Appendix B.

B. Sidewalks

1. Sidewalks shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Sidewalks shall also be required along new streets in subdivisions or land developments in which the average lot width of interior lots at the required building setback line is one hundred (100) feet or less. The requirement to install sidewalks may be waived at the discretion of the Board of Supervisors.
2. Minimum widths for sidewalks along each type of public street shall be four (4) feet, and shall follow Penn DOT specifications where applicable.

C. Driveways

1. Location

- a. Commercial or industrial driveway entrances or exits shall be located at least twenty-five (25) feet from an adjoining residential property line; ten (10) feet from an adjoining non-residential property line, and at least one hundred (100) feet from the cartway of an intersection. In the event that the property is less than one hundred (100) feet in frontage, the driveway shall be at the furthest extremity from the intersection cartway that is feasible. Such drives shall intersect the street at an angle of between seventy-five (75) and one hundred and five (105) degrees. Highway occupancy permits must be obtained for access onto State roads.
- b. Commercial and industrial driveways, but not including those driveways within multi-family developments which serve individual residential uses, shall be limited to one (1) per street frontage, with a width of no less than twenty (20) feet and no more than thirty (30) feet, exclusive of a required curb return radius. Two driveways, not exceeding thirty (30) feet in width each, may constitute a single entrance-divider-exit designed driveway provided such entrances/exits shall be limited to one per street frontage and shall be approved by the Township Engineer. In such cases, the divider shall be at least five (5) feet in width and consist of a raised, physical separation of the entrance drive and exit drive. The Township may, through site plan review, approve one additional drive cut per street frontage where the length of lot frontage warrants. Driveways intended for oversize vehicles may exceed the maximum width specified in this paragraph through approval from the Township and upon review of the Township Engineer.
- c. Combined (shared) driveways of two (2) or more uses are specifically encouraged. Owners of adjoining commercial and/or industrial properties shall provide combined (shared) driveways wherever practical. These shared driveways will remain private, and maintenance will be by agreement between the users or property owners involved. In conjunction with approval of a development, Cecil Township may require a property owner to provide an access and circulation easement to an abutting owner where joint access is reasonable to serve future development where safety issues regarding traffic flow may be involved.
- d. Single-family and two-family residential driveways, including those driveways within multi-family developments which serve individual residential uses, shall be limited to two (2) per street frontage and a width of no less than eleven (11) feet and no greater than twenty-two (22) feet at the right-of-way line. Such drives shall be located as far away as possible from the nearest intersection curb line, and shall intersect the street at an angle of between seventy-five (75) and one hundred and five (105) degrees. The Township may prohibit any driveway within fifty (50) feet of the nearest intersection curb line if a dangerous or hazardous condition may be created or has the potential to develop.
- e. Driveways shall be located, designed, constructed and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the roadway.
- f. Driveways shall be permitted in locations for which sight distance is adequate to safely allow movement into or out of the driveway, and where the driveway will not create a hazard or area of undue traffic congestion.

- g. Driveways shall not be permitted in locations that would interfere with the placement and proper functioning of roadway signs, signals, detectors, lighting devices, or other devices that affect traffic control.
2. Improvement Within Right-of-Way
- a. Driveway installation within the right-of-way shall require acquisition of a Road Encroachment Permit from the Township, and shall be completed in such a manner as will be consistent with the safety of the public and shall conform to all requirements and standards of the Pennsylvania Department of Transportation, including Form 408.
 - b. The permittee shall pay all fees, costs, and expenses incident to or arising from the installation, including the cost of related roadway improvements necessitated by increased traffic or surface drainage.
 - c. All disturbed portions of the right-of-way, including pavement, shoulder, slope, and all structures, such as guide rails or drain pipes, shall be restored by the permittee to a condition at least equal to that which existed before the start of any work performed. This includes providing appropriate end treatments on guide rail systems where an existing guide rail is being broken by a driveway.
 - d. A traffic control plan shall be submitted and approved by the Township Department of Public Works before closing any portion of a lane to vehicular traffic.
 - e. All driveways within the road right-of-way shall be continuously maintained by the property owner so as not to interfere with the function, design, maintenance, and drainage of the roadway, or the safe passage of traffic upon the roadway. Snow and any other debris shall not be discharged onto a roadway or right-of-way from a private driveway.

SECTION 609. MONUMENTS AND MARKERS

A. Monuments

Monuments shall be of concrete or stone at least six (6) inches by six (6) inches by thirty (30) inches and marked on top with a copper or brass dowel. They shall be set at the intersection of lines forming angles in the boundaries of the subdivision and at the intersection of street lines. In minor subdivisions, there shall be a minimum of one (1) monument. In all other subdivisions, there shall be a minimum of four (4) monuments. The Township Engineer may require additional monuments in any minor or other subdivision if, in its judgment, circumstances warrant placement of additional monuments.

B. Markers

Changes in direction of property lines on the perimeter of the subdivision may be indicated by markers rather than monuments if approved by the Township. Markers shall consist of a one (1) inch reinforcing rod or iron pipe with an acceptable cap with the point of intersection marked on the cap and shall be set at all points where lines and/or curves intersect.

C. Offsetting of Monuments and Markers

Where it is not feasible or practical to set monuments or markers at the intersection of property lines, as required, because of the location of underground utilities, subsurface conditions, or the need to trespass on adjacent property, the required monument or marker may be offset, provided the exact location and the offset distance and bearings are shown on the plan. When property lines intersect the centerline of a street, corners of lots may be indicated by placing a marker at the intersection of the lot line with the street right-of-way, provided the exact location is shown on the plan.

D. Replacement of Monuments and Markers

Monuments and markers that are removed for any reason must be replaced by a registered land surveyor at the expense of the subdivider.

SECTION 610. STREET SIGNS AND STOP SIGNS

Street name signs and stop signs conforming to Township specifications shall be provided and installed by the subdivider or developer at all street intersections.

SECTION 611. STORMWATER DRAINAGE

- A.** A stormwater management plan shall be required for all subdivisions and land developments, except minor subdivisions. The Board of Supervisors may require a Stormwater Management Plan for individual lots, indicating a buildable area within each lot for which positive drainage is assured. The Board of Supervisors may require a Stormwater Management Plan for minor subdivisions if a history of water problems or flooding events is known or recognized.
- B.** No person, corporation, or other entity shall block, impede the flow of, alter, erect any structure, deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Township or Department of Environmental Protection, whichever is applicable.
- C.** Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.
- D.** The Township shall ensure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free-flowing.
- E.** The subdivider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to:
 - 1. Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.
 - 2. Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the Comprehensive Plan for the Township.
 - 3. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, or adjacent or downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond, or natural watercourse.

- F. Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural watercourses, to drain all low points along streets, and to interrupt stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- G. Storm sewers, as required, shall be placed in front of the curb or curb line when located within a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than fifteen (15) feet wide, as approved by the Township Engineer, who may require additional easement width, as circumstances warrant.
- H. Street drainage shall not cross intersections or the crown of the road, and installations designed to achieve these ends shall conform to the following:
 - 1. Maximum spacing of street inlets shall not exceed six hundred (600) feet.
 - 2. All storm inlets shall be constructed in accordance with Drawing C-106 in Appendix C. Standard Penn DOT type Two (2) feet by four (4) feet concrete inlet boxes shall be permitted with “bicycle” grates, without curb grate.
 - 3. All culvert ends shall be provided with concrete headwalls, as per Drawing C-106 in Appendix C.
 - 4. Minimum pipe size diameter shall be fifteen (15) inches.
 - 5. When material for storm drain systems is not specified, Penn DOT specifications shall govern, except that if corrugated metal pipe is used, the pipe shall be polymer coated. For corrugated smooth HDPE pipe meeting AASHTO M-294 Type S, joints shall be bell and spigot design with a gasket meeting the requirements of ASTM-F477.
 - 6. All pipe crossings under Township roads shall be reinforced concrete or an equivalent approved by the Township Engineer.
- I. All springs and sump pump discharges shall be collected so as not to flow in the streets, and directed through a pipe system to a suitable area, such as a roadway storm inlet or cross drain.
- J. Storm water roof drains shall not discharge water directly over a sidewalk or public roadway.
- K. Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.
- L. The Soils Cover Complex Method of the Soil Conservation Service of the U.S. Department of Agriculture shall be used for estimating stormwater runoff for the control facilities.
- M. The Rational Method shall be used for analysis of storm sewer systems.
- N. Where the estimated runoff based on the above methods is doubtful, several recognized methods should be studied and compared.
- O. The minimum design criteria shall be based on a twenty-five (25) year storm.
- P. Control Facilities**
 - 1. If detention or control facilities are proposed for the development site, the facilities shall be designed so that the post-development peak runoff rates from the developed site are

controlled to those rates calculated for pre-development runoff for the two (2) year and twenty-five (25) year design storm.

2. Control facilities shall be designed to meet, as a minimum, the design standards and specifications of the Erosion and Sedimentation Control Handbook for Washington County.
 - a. Detention ponds may be waived by the Board of Supervisors, on the recommendation of the Township Engineer, at sites in close proximity to major streams to facilitate drainage prior to stream flooding.
 - b. In areas underlain with limestone geology, ponds shall be limited to the detention (dry) type unless the developer can show a special need for a retention pond, in which case it shall have a lining. Detention ponds shall be prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before inspection by the Township, a lining shall be required.
 - c. Any ponds with slopes steeper than three (3) to one (1) shall be fenced with a six (6) foot fence of a type subject to the approval of the Township.
3. A permanent maintenance program, acceptable to the Township, shall be provided by the sub-divider/owner/developer for control facilities, and shall be submitted with and included as part of the Stormwater Management Plan.
 - a. Maintenance during development activities of a project shall be the responsibility of the contractor/developer/owner.
 - b. Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is given by the Board of Supervisors. In cases where permanent control facilities are assigned to, or owned by an entity (such as a homeowners association) it shall be the responsibility of that entity to maintain control facilities. In such cases, a legally binding agreement between the owner/developer and that entity, acceptable to the Township to ensure adequate maintenance, shall be made providing for permanent maintenance of all control facilities and erosion control facilities, including allowance for inspection by the Township.

Q. Prohibited Discharges

1. No person shall allow, or cause to allow, stormwater discharges into the Township's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in Subsection 2 below, and (2) discharges allowed under a state or federal permit.
2. Discharges which may be allowed, based on a finding by the Township that the discharge(s) do not significantly contribute to pollution of surface waters of the Commonwealth, are:
 - a. Discharges from fire fighting activities
 - b. Uncontaminated water from foundation or footer drains
 - c. Potable water sources including dechlorinated water line and fire hydrant flushing's
 - d. Flows from riparian habitats and wetlands
 - e. Irrigation drainage
 - f. Lawn watering
 - g. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used

- h. Routine external building wash down (which does not include detergents or other compounds)
 - i. Air conditioning condensate
 - j. Water from individual residential car washing
 - k. Dechlorinated swimming pool discharges
 - l. Springs
 - m. Uncontaminated groundwater
 - n. Water from crawl space pumps
3. In the event that the Township determines that any of the discharges identified in Subsection 2 significantly contribute to pollution of waters of the Commonwealth, or is so notified by PADEP, the Township will notify the responsible person to cease the discharge.
 4. Upon notice provided by the Township under Subsection 3, the discharger will have a reasonable time, as determined by the Township, to cease the discharge consistent with the degree of pollution caused by the discharge.
 5. Nothing in this Section shall affect a discharger's responsibilities under state law.

R. The following connections are prohibited, except as provided in Subsection (Q)(2) above:

1. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks; and
2. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system, which has not been documented in, plans, maps, or equivalent records, and approved by the Township.

SECTION 612. LOT GRADING FOR SUBDIVISIONS AND LAND DEVELOPMENTS

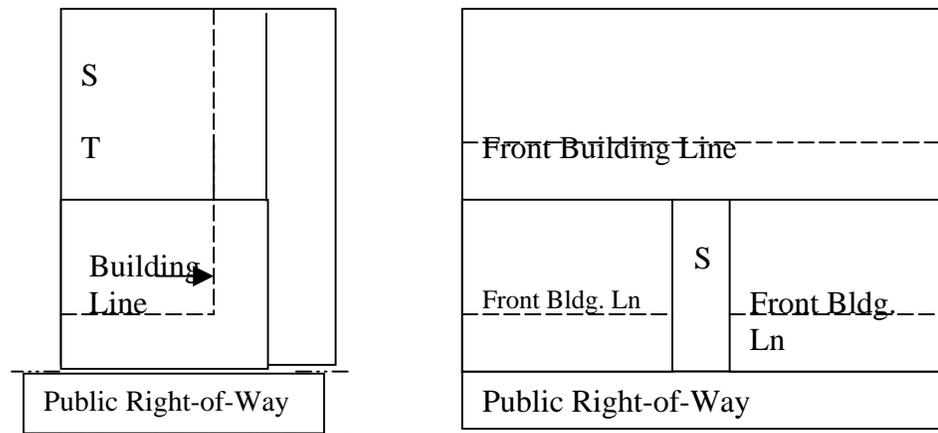
- A. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. A minimum two (2) percent slope away from buildings shall be required.
- B. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural watercourse. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one (1) percent nor more than four (4) percent. These swales shall be sodded, planted, or lined as required.
- C. No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
 1. When the material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement to that effect is submitted by a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, and approved by the Township Engineer.
 2. When a concrete or stone masonry wall is constructed according to sound engineering standards, after review and approval by the Township Engineer.

3. When a written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, is submitted to and approved by the Township Engineer, certifying that the site has been inspected and that the proposed deviation from the slope specified above will not endanger adjoining property, streets, or buildings or result in property damage.
- D.** The top or bottom edge of slopes shall be a minimum of three (3) feet from the property lines or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a fence, approved by the Township Engineer, of no less than three (3) feet in height.

SECTION 613. BLOCKS AND LOTS

- A.** The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, the land use and/or zoning requirements of the Township, the topography of the land being subdivided, and the requirements for safe and convenient vehicular and pedestrian circulation.
- B.** Unless the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required, the following minimum standards for the design and size of blocks and lots shall prevail:
1. Blocks shall not exceed sixteen hundred (1600) feet in length, nor be less than five hundred (500) feet in length.
 2. Residential blocks shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where, due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two-tier design.
 3. Crosswalks or interior pedestrian walks shall be required in blocks exceeding one thousand (1000) feet in length to provide for pedestrian circulation or access to community facilities. Such walks shall be paved to a width of not less than four (4) feet, shall be located within easements not less than ten (10) feet in width, and shall, insofar as possible, be located in the center of any such block.
 4. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroads access rights-of-way, and utilities shall be provided as necessary.
 5. Lot lines intersecting street lines shall be substantially at right angles or radial to street lines.
 6. Lots shall front on a street which has already been dedicated to the Township or which the subdivider or developer proposes to dedicate to the Township in connection with approval of the final plan. In commercial or industrial subdivisions or land developments where access is proposed by private streets within the subdivision or land development, the Board of Supervisors may waive this requirement.

7. Remnants of land, smaller than required for a lot, shall not be permitted within any subdivision. Provisions shall be made through notation on plan that such remnants shall be incorporated to be part of existing or proposed lots, or dedicated to public use if acceptable to the Board of Supervisors.
8. Double frontage lots shall be prohibited except in accordance with Section 613.B.2, above.
9. Whenever a major subdivision borders on or contains an existing or proposed arterial or collector street, as defined by Section 604.A, above, and the Township Comprehensive Plan, no direct driveway access may be provided from the lots within this subdivision onto this street.
10. Flag lots shall be permitted in order to allow development of backland while maintaining rural character. The following requirements shall pertain to flag lots:
 - a. In order to prohibit further subdivision of flag lots, the maximum lot area shall be less than twice the area of the standard minimum lot size in the zoning district, exclusive of the staff (flagpole) connecting the lot to the public road. This provision shall not affect flag lots approved prior to November 1999. As an alternative, the Township will allow a lot larger than the size specified above if a note is placed on the recorded plan that prohibits further subdivision of subject lot.
 - b. The front building setback line shall be measured from the edge of the lot line on which the front of the structure will face.
 - c. The minimum distance between flag lot rights-of-way shall be at least equal to the minimum lot width in the zoning district.
 - d. Structure location and required setback distances shall conform to the district in which the lot is located as if the lot was situated with standard frontage on the road, exclusive of the staff. (flagpole)



- e. The minimum width for a staff (flagpole) shall be twenty (20) feet.

SECTION 614. DEVELOPMENT ON PRIVATE STREETS DISCOURAGED

- A.** It is the policy of this Township that all residential lots have immediate access to a public street. However, because of unique property configuration, topography, suitability and location, the Township recognizes the need for limited exceptions to this policy. Therefore, subdivisions of up to four (4) residential lots may be approved under certain circumstances. No subdivision will be approved on a private street or road if more than four (4) residential lots already front on such street or road or if after subdivision more than four (4) residential lots will front on such private street or road. Commercial and industrial developments are exempt from this limit, and are encouraged to share use and maintenance of private streets.
- B.** Recognizing that some maintenance is necessary and desirable on private streets, and recognizing the need for property owners to share in this maintenance, the Township shall require that a notation be placed on the recorded subdivision plan or land development plan that notifies the lot owners of the following: 1) any streets shown in this plan, accessing the lots, are private streets, and will not be maintained by Cecil Township and will never be taken over by Cecil Township, 2) the individual lot owners will be responsible for all costs to maintain the street, and 3) a clause will be placed in the Lot Sales Agreement and Deed, detailing the terms for shared maintenance among the lot owners. Building permits will be denied for any individual lot fronting on a private street if maintenance terms per clause 3) above fails to appear on either the Lot Sales Agreement or Deed.
- C.** In addition to the above three notations being placed on all Residential, Commercial, and Industrial subdivisions, the final plat of a Residential subdivision shall contain this additional notation: "Further subdivision of any lot shown on this plat, as served by a private road, is prohibited by the Cecil Township Unified Development Ordinance."
- D.** Private streets for more than two (2) lots shall not be extended from within the boundaries of an approved subdivision plan to any property outside of said boundaries, except in the case of phased subdivisions. Residual property shall not be included in the 2 lot limit above. Requirements of items B. and C. above apply.

SECTION 615. OPEN SPACE, LOT SITING, AND PLANTING AND BEAUTIFICATION

In order to promote the highest environmental quality possible, the degree to which a subdivision or land development plan proposes preserving existing salient natural features and landforms intrinsic to the site shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features such as, but not limited to, trees, wooded areas, and watercourses.

A. Open Space

Where the applicant is offering for dedication a reservation of open space, or is required by ordinance to preserve an area of scenic or historic importance, a "limit of work," which will confine excavation, earth moving procedures, and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the open space.

Final ownership of open spaces shall be determined before final plan approval.

B. Tree Preservation

Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, or within utility locations and equipment access

areas. More specifically, with the exception of individual single-family dwellings in unplatted subdivisions, every development shall retain all existing trees eighteen (18) inches or more in diameter unless the retention of such trees would unreasonably burden the development. In such cases of claims of unreasonable burden, the developer may be required to replace a similar number of trees elsewhere on the site. No excavation or other subsurface disturbance may be undertaken within the drip line of any tree eighteen (18) inches or more in diameter, and no impervious surface may be located within 12½ (twelve and one-half) feet (measured from the center of the trunk of any tree eighteen (18) inches or more in diameter unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground. A claim of an “unreasonable burden” shall be presented to the Township for determination. Where trees are required to be retained, the developer shall establish a Township-acceptable barrier around retained trees or tree stands during construction, and the original grade level shall be maintained so as not to disturb the trees. Guidelines for protecting existing trees are as follows:

1. Protect trees with fencing and armoring during the entire construction period. The fence should enclose an area ten (10) feet square with the tree at the center.
2. Avoid compaction of the soil around existing trees due to heavy equipment. Do not pile dirt or other materials beneath the crown of the tree.
3. Keep fires or other sources of extreme heat well clear of existing trees.
4. Repair damaged roots and branches immediately. Exposed roots should be covered with topsoil. Severed roots and limbs should be painted. Whenever roots are destroyed, a proportional amount of branches must be pruned so that the tree does not transpire more water than it takes in.
5. Prune all existing trees that will be surrounded by paving to prevent dehydration.

C. Topsoil Preservation

All of the topsoil from areas where cuts and fills have been made should be stockpiled and distributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than ten (10) percent and shall be stabilized by sodding on slopes of ten (10) percent or more and planted in ground cover on slopes of twenty (20) percent or greater.

D. Landscaping

For all multi-family, apartment, office, commercial or industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees, and natural barriers. Buffer landscaping shall be as required by Sections 1506 and 1507 of this Chapter.

E. Preserved Landscaping

When there is a conscientious effort to preserve the existing natural character and integrity of a site and where such preservation affects areas of woodland and trees comparable to required landscaping and buffer screening, the preservation of growth may be approved in exchange for a reduction of additional landscaping requirements. A conservation easement will be required to maintain in perpetuity any existing vegetation, which is approved in lieu of required landscaping.

F. Tree Planting

The planting of trees within the street right-of-way line shall not be permitted. The planting of trees within the private property of each residential lot shall be at the discretion of the property owner or developer.

SECTION 616. EROSION AND SEDIMENTATION CONTROL

A. General Purpose

1. The Board of Supervisors finds that the minimization of erosion and control of sedimentation in connection with subdivision and land development are in the public interest, and that regulations governing erosion control and sedimentation control are necessary to protect the public health, safety, and welfare.
2. No changes shall be made in the contour of the land, and no grading, excavating, removal, or destruction to the topsoil, trees, or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed by the Township Engineer and/or the Washington County Soil and Water Conservation District, or there has been a determination by the above entities that such a plan is not necessary.
3. No subdivision or land development plan shall be approved unless there has been an Erosion and Sedimentation Control plan approved by the Board of Supervisors that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable security is deposited with the Township in the form of an escrow guarantee that will ensure installation and completion of the required improvements; or there has been a determination by the Board of Supervisors that a plan for minimizing erosion and sedimentation is not necessary.
4. Where not specified in this Chapter, measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the Washington County Soil and Water Conservation District. The Township Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Soil and Water Conservation District office.

B. Performance Principles

1. Stripping of vegetation, regrading, or other development, shall be done in such a way that will prevent all but minor erosion.
2. Development plans shall preserve salient natural features, keep cut and fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
3. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
4. The disturbed area and duration of exposure shall be kept to a practical minimum. Disturbed soils shall be stabilized as quickly as practicable.
5. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

6. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
7. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff shall be structurally retarded.
8. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, and similar measures.

C. Grading for Erosion and Other Environmental Controls

In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

1. Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work completed in a subdivision. The location, grading, and placement of subgrade (base) material of all driveway and parking areas shall constitute the first work completed in a land development.
2. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills by installation of temporary or permanent drainage across or above these areas.
3. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
4. Fill placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
5. During grading operations, necessary measures for dust control shall be exercised.
6. Grading equipment shall not enter flowing streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges.

D. Responsibility for Erosion Damage

1. Whenever sedimentation damage is caused by stripping of vegetation, grading, or other development processes, it shall be the collective responsibility of the land developer and subdivider, and of the contractor, person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at his expense as quickly as possible.
2. Maintenance of all erosion and sedimentation control facilities during the construction and development period is the responsibility of the subdivider or land developer.
3. It is the responsibility of any subdivider or developer, and any person, corporation, or other entity conducting any act on or across a communal stream, watercourse, or swale, or within a flood plain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain, or right-of-way during the course of the activity and to return it to its original or equal condition after such activity is completed.

4. The subdivider or land developer shall provide and install, at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sedimentation Control Plan.

E. Compliance with Regulations and Procedures

1. No Regulated Earth Disturbance activities within the Township shall commence until approval by the Township of an Erosion and Sediment Control Plan for construction activities.
2. The Pennsylvania Department of Environmental Protection (PADEP) has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).
3. In addition, under 25 Pa. Code Chapter 92, a PADEP "NPDES Construction Activities" permit is required for any earth disturbance one acre or more with a point source discharge to surface waters or the Township's storm sewer system, or five acres or more regardless of the planned runoff (hereinafter collectively referred to as "Regulated Earth Disturbance Activities"). This includes earth disturbance on any portion of, part of, or during any stage of, a larger common plan of development.
4. Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate PADEP regional office or the Washington County Conservation District must be provided to the Township. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements of Subsection A.
5. A copy of the Erosion and Sediment Control plan and any required permits, as required by PADEP regulations, shall be available at the project site at all times.

F. Stream Channel Construction

Stream channel construction in watersheds with drainage areas in excess of one-half square mile, or in those cases where downstream hazards exist, shall conform to criteria established by the Pennsylvania Department of Environmental Protection.

SECTION 617. STANDARDS FOR DESIGNATED FLOOD PLAIN AREAS

A. General

1. Where not prohibited by this or any other laws or ordinances, land located in any Designated Flood Plain Area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
2. No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will, individually or collectively, increase the one hundred year flood elevation more than one (1) foot at any point.
3. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a Flood Plain Area if the lowest floor (including basement) is elevated to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall

extend laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures and access shall meet the requirements of Section 617.C., below.

4. Building sites for structures or buildings other than for residential uses shall not be permitted in any floodway area. Sites for such structures and buildings outside the floodway in a Flood Plain Area shall be protected as provided in Section 617.A.3, above. However, the Board of Supervisors may allow the subdivision or development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood Elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be flood-proofed to the Regulatory Flood Elevation.
5. If the Board of Supervisors determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
6. When a developer does not intend to develop the plat himself and the Board of Supervisors determines that additional controls are required to ensure safe development, they may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

B. Drainage Facilities

1. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall provide for drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.
2. Plans shall be subject to the approval of the Board of Supervisors. The Board may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Stormwater management plans shall be consistent with local, county, and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Streets and Driveways

The finished elevation of proposed streets and driveways shall be not more than one (1) foot below the Regulatory Flood Elevation. Profiles and elevations of streets and driveways shall be submitted with the final plan to determine compliance with this requirement and other provisions of this Chapter. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

D. Sewer and Water Facilities, and Other Utilities

All public or private sanitary sewer systems, water systems, gas and electric utilities, and other utilities and facilities located in any Designated Flood Plain Area shall be flood-proofed up to the Regulatory Flood Elevation.

SECTION 618. EXCAVATING AND GRADING

A. **EXCEPTIONS.** *A grading permit shall not be required for any of the following:*

1. Farms, including plowing, clearing, grading, and grubbing.
2. An excavation which does not exceed three (3) feet in vertical depth at its deepest point measured from the natural ground surface and covering a surface area of less than five thousand (5,000) square feet, provided that the surfaces of such excavation do not have slope at any point steeper than four (4) horizontal to one (1) vertical. However, this subsection shall not be deemed to nullify the application of this Part, or any requirement for obtaining a grading permit, with respect to any fill made with material from such an excavation, unless otherwise accepted by subsections (2) and (3) of this Section.
3. A fill which does not exceed five hundred (500) cubic yards of material on any one (1) site and does not violate the conditions of 618.A.2.
4. Soil excavated under the authorization of a properly issued building permit which is temporarily stockpiled on the same site as the excavation. If, however, excavated material is stockpiled on a site for a period of longer than one hundred twenty (120) days, then a permit shall be necessary when disposing of the fill material.
5. Exploratory excavations under the direction of a soils engineer or engineering geologist.
6. Excavations for wells, tunnels, public utilities or cemetery graves.
7. A permit shall not be required for work performed by the Township, or of contractors employed by the Township in a public street or alley, Township park, playground or recreation area or on other Township property.

B. **GENERAL STANDARDS FOR GRADING EXCAVATING, AND FILLING.**

1. **Administrator:** For the purposes of this section the “Administrator” shall be the Township Zoning Officer or in his/her absence the Assistant Zoning Officer or such other person designated by the board of Supervisors.
2. **Public Protection**
 - a. **Dust Control:** During grading operations, necessary measures for dust control will be exercised.
 - b. **Clean-up:** All soil washed or carried onto public streets during grading operations shall be cleaned up every day. Temporary driveway or road surfaces shall be provided as soon as possible. The owner of property being graded shall be responsible to protect and clean up lower properties of silt and debris, which have washed down onto the lower properties as a result of the grading work on the higher property.
 - c. **Fencing:** At the top of all cut or fill slopes which are to be steeper than two (2) horizontal to one (1) vertical, and ten (10) or more feet in total height, a fence not less than four (4) feet in height, and of a design meeting the approval of the Township Engineer shall be erected prior to the commencement of grading operations
 - d. **Hazard Conditions:** Whenever the Township Engineer determines that any existing excavation, embankment, or fill has become a hazard, as defined in Section 9 of this

chapter, the owner of the property upon which the excavation, embankment, or fill is located, or other person or agent in control of said property, upon receipt of notice from the Township Engineer shall, within twenty four (24) hours or other reasonable period specified therein, repair, reconstruct, or remove such excavation, embankment, or fill so as to eliminate the hazard.

If, after such notification, the property owner, or his agent, has not made the necessary repairs, within the time specified, then the Supervisors may direct township employees or hired personnel to make the required repairs and the cost thereof shall be borne by the property owner, said costs to be collected in the manner provided by law, including the imposition of a lien against the property.

- e. Work Days: None of the work or activity covered by a Grading Permit shall be conducted on a Sunday or legal holiday without the approval of the Township or Township's designated representative.
 - f. Work Hours: All of the work and activity covered by a Grading Permit shall be conducted between the hours of seven o'clock A.M. and six o'clock P.M. unless these time limits are extended, excused or otherwise modified by the Supervisors, or their designated representative.
 - g. Diversion of Water: Grading will not be done in such a way as to divert water onto the property of another landowner, except into a natural watercourse, without the written consent of that landowner and in accordance with the approved plan for managing storm water runoff on the grading site.
3. Environmental Protection
- a. Conservation of natural features: In order to prevent the denuding of the landscape, large trees and other natural features constituting important physical, aesthetic, and economic assets to existing or impending development work, shall be preserved, when possible. All grading shall be kept to the absolute minimum.
 - b. Erosion and sedimentation control: Compliance with Regulations and Procedures
 - i. No Regulated Earth Disturbance activities within the Township shall commence until approval by the Township of an Erosion and Sediment Control Plan for construction activities.
 - ii. The Pennsylvania Department of Environmental Protection (PADEP) has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).
 - iii. In addition, under 25 Pa. Code Chapter 92, a PADEP "NPDES Construction Activities" permit is required for any earth disturbance one acre or more with a point source discharge to surface waters or the Township's storm sewer system, or five acres or more regardless of the planned runoff (hereinafter collectively referred to as "Regulated Earth Disturbance Activities"). This includes earth disturbance on any portion of, part of, or during any stage of, a larger common plan of development.
 - iv. Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate PADEP regional office or the Washington County Conservation District must be provided to the Township. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements of Subsection A.

- v. A copy of the Erosion and Sediment Control plan and any required permits, as required by PADEP regulations, shall be available at the project site at all times.
4. Storm Water Management: Adequate provisions shall be made to manage storm water runoff safely on the grading site. Storm water management controls shall be designed so that the peak rate of runoff (discharge) from all storm water outfalls on the site conforms to the applicable storm water management performance standards for the Storm Water Management District in which the site is located.
- a. All Storm Water Management Plans for activities within the Township shall demonstrate post-construction compliance with State Water Quality Standards
 - b. To control post-construction stormwater impacts from Regulated Earth Disturbance activities, State Water Quality Requirements can be met by Best Management Practices (BMPs), including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
 - i. Infiltration: replication of pre-construction stormwater infiltration conditions,
 - ii. Treatment: use of water quality treatment BMPs to ensure filtering out of chemical and physical pollutants from the stormwater runoff, and
 - iii. Stream bank and stream bed Protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring and erosion).
 - c. The Best Management Practices must be designed to protect and maintain existing uses (e.g., drinking water use, cold water fishery use) and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in "Special Protection" streams, as required by statewide regulations at 25 Pa. Code Chapter 93 (collectively referred to as "State Water Quality Requirements").
 - d. DEP has regulations that require municipalities to ensure design, implementation and maintenance of Best Management Practices ("BMPs") that control runoff from new development and redevelopment (hereinafter "development") after Regulated Earth Disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.
5. Vegetation and Revegetation: In addition to the Erosion and Sedimentation Controls required for the protection of the land during construction, the following standards shall be complied with:
- a. Vegetation shall be removed only when absolutely necessary, e.g. for buildings, filled areas, roads.
 - b. Every effort shall be made to conserve topsoil, which is removed during construction for later use on areas requiring vegetation or landscaping, e.g. cut and fill slopes.

- c. Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed.
- d. Either the grading plan or a separate landscaping plan shall specify the revegetation and slope stabilization of all disturbed ground. Slopes exceeding 3:1 in commercial or industrial sites shall be landscaped as required in the Subdivision and Land Development Regulations or the Zoning Ordinance.
- e. All disturbed soil surfaces shall be stabilized or covered prior to the first day of November. If the planned impervious surfaces (e.g. roads, driveways, parking lots, etc.) cannot be established prior to November, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.
- f. The property owner shall be fully responsible for any destruction of native vegetation proposed for retention. He shall carry the responsibility both of his own employees and for all subcontractors from the first day of grading until release by the ownership. The developer shall be responsible for replacing such destroyed vegetation. The use of qualified personnel experienced and knowledgeable in the practice of re-vegetation shall be required.

6. Maintenance

- a. The owner of any property upon which an excavation or fill has been made shall maintain in good condition and repair the excavation or fill constructed and also all retaining walls, cribbing, drainage structures, fences, ground cover, and any other protective devices as maybe a part of the permit requirements.
- b. If, at any time subsequent to the completion of the grading work, the cut face or fill slope shall evidence signs of deterioration, erosion, or other evidence which might be detrimental to the properties above and below the graded sites, the Township Engineer may direct the property owner to take necessary remedial steps in accordance with sound engineering practice to restore the grading of a safe condition, and to do so in a reasonable period of time.

C. SPECIFIC STANDARDS FOR EXCAVATION

- 1. Recommended maximum slope steepness of a cut shall be two (2) horizontal to one (1) vertical for minimizing erosion and landslide hazard. This maximum limitation is most desirable as it can be maintained as lawn area. However, a government review agency, professional engineer, or engineering geologist may recognize the types of soil on other sites to be graded from the Soil Survey or a more detailed professional field analysis. Maximum slopes can then be determined as follows:
 - a. Cut slopes, which are steeper than 2:1 may also be allowed under a grading permit through the utilization of retaining walls, with the approval of the Township Engineer and the Planning Commission. The developer must show that the slope-wall combination is absolutely necessary to develop the property.
- 2. The top or bottom edge of slopes shall generally be set back three (3) feet from the adjacent property lines in order to permit the normal rounding of the edge.
- 3. All blasting which is conducted in the Township shall be in conformity with State requirements and shall be in compliance with the Act of 1957, July 10, P.L. 685, 73 P.S.

Section 164-168, as amended, and the Department of Labor and Industry Rules and Regulations promulgated pursuant to the aforesaid statute.

4. General standards set forth in Part 6; Section 618.C. of this ordinance must also be met.

D. SPECIFIC STANDARDS FOR FILL.

1. All topsoil shall be removed from the area to be graded and stockpiled and preserved for possible re-use on the site.
2. The site shall be prepared by cutting toe benches and other keyways so as to provide a firm base on which to place the fill. No fill or embankment shall be made on landslide prone soils without adequate engineering preparation and drainage of the area to be filled.
3. No fill shall be made which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical, except under one or more of the following conditions.
 - a. The fill, in the judgment of the Administrator, is located so that settlement, sliding, or erosion of the fill material will not result in property damage or be a hazard to adjoining property, streets, alleys, buildings, storm drains or drainage ways.
 - b. Soils Capability and Geological Report, signed and sealed by a professional engineer, experienced in erosion control and soils analysis, or Landscape Architect, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, and that creation of a hazard will be minimal, shall be submitted to and may be approved by the Administrator.
4. The Administrator may require that an embankment or fill be constructed with an exposed surface flatter than two (2) horizontal to one (1) vertical if he finds that under the particular conditions such flatter surface is necessary for stability and safety.
5. Fills, embankments and finish grading shall be designed in accordance with the following:
 - a. Where fills are located so that earth movement may result in personal injury or damage to adjacent property, streets, alleys or buildings, the bearing value and stability of the material under proposed fills and embankments shall be determined by subsurface investigation performed by a soils engineer or engineering geologist.
 - b. The type of fill material available in each stage of the grading operation shall be determined in order to plan proper filling procedures.
 - i. Rock may be incorporated in fills and embankments but only in layers twenty-four (24) inches thick, maximum, as per the Specifications Publication 408, with voids filled and a blanket of compacted fill separating one layer of rock from the next. Rock fill shall not be placed near the bottom of proposed foundations, building caissons and subsurface utility installations. Suitable earth shall be reserved or provided to cover rock fill under proposed seeded or planted areas.
 - ii. No unsuitable material, such as coal, boney, red-dog, expansive shale and cinders, shall be placed in fill areas.
 - iii. Wood or other solid waste material shall not be placed in fill areas.
 - c. No fill or any kind shall be placed over topsoil, trees, stumps or other material which would create a nuisance, potential fire hazard, or sanitation problem which would attract rodents, termites or other pests.

- d. On major fills or embankments, a toe bench shall be constructed below mantle on bedrock under the toe of fill.
- e. Benching of the existing surface shall be required and indicated on the cross-sections.
- f. A porous drain shall be installed on the bottom and back wall of the toe bench; together with a drain pipe and suitable discharge pipe to the existing non-erosive surface beyond and below the toe of the proposed fill.
- g. Overfilling of slopes is desirable to permit final shaping of surface to proposed grade without the addition of loose fill over the surface of the slope, provided that no fill shall be higher than ten (10) feet vertically before the slope is shaped to proper grade.
- h. At the end of each work day, the horizontal surface of the fill shall be shaped, compacted and rolled to provide for drainage.
- i. All fills shall be compacted to provide stability of materials and to prevent undesirable settlement. The fill (excepting rock) shall be spread in a series of layers, each not exceeding twelve (12) inches in thickness and shall be compacted by a sheepsfoot roller or other approved method after each layer is spread. Fill shall be placed at the optimum moisture content for the specified degree of compaction. The Administrator may require tests or other information if, in his opinion, the conditions or materials are such that additional information is needed. Where fills are to have streets, structures, or public utilities placed in or on them, a Modified Proctor Density of ninety-five percent (95%) shall be achieved (ASTM test designation D 1557).
- j. The top or bottom edge of final slopes shall be set back five (5) feet from adjacent property lines or street right-of-way lines in order to permit the normal rounding of the edge without encroaching on the abutting property or street and to allow for location of proper drainage facilities and protective devices.

E. SPECIFIC STANDARDS FOR RETAINING WALLS

- 1. When the topography and natural condition of the property is such that a ground slope of two (2) horizontal to one (1) vertical is not feasible, the Township Engineer and Planning Commission may consider the submission of a grading plan showing a retaining wall and ground slope combination that would be aesthetically acceptable, and will be subject to approval of the Board of Supervisors.
- 2. Criteria for the acceptance of such a combination shall as a minimum provide:
 - a. That the retaining walls not exceed a height of six (6) feet.
 - b. That if the plan incorporates terracing, that the gradient of the slope between retaining walls not exceed two (2) horizontal to one (1) vertical and that the diagonal distance between walls be at least equal to the height of the retaining wall.
 - c. When a stable natural rock ledge is existing as established by a written statement from a soils engineer, a similar design of rock ledge and ground slope combination may be considered by the Township Engineer and Planning Commission.
- 3. When a retaining wall is proposed to satisfy a requirement of this ordinance a wall detail must be submitted reflecting sound engineering practices bearing the seal of a professional

engineer, architect or surveyor. A permit is required unless the wall detail is shown on a site plan or similar construction plan, which has been reviewed by the Township Engineer.

4. The backfilling of retaining walls and the insertion of subterranean drainage facilities shall be done strictly in accordance with the provisions of Section 5 through 9 this Chapter and the appropriate Township specifications, if any.
5. In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be set back a minimum of three (3) feet from the adjoining property.
 - a. An exception to this requirement may be applied for and granted by the Township Engineer if it can be satisfactorily demonstrated that such an exception is necessary to permit normal use of the property, i.e., for a side line driveway, or other reasonable consideration.
 - b. The requirement-of this paragraph may also be set aside when the proposed retaining wall is a joint venture between adjacent property owners, and appropriate documents so stating are filed with the application permit.

F. GRADING PLANS.

1. Every applicant for a grading permit shall file a written application thereof with the Township, such applicant shall describe the land on which the proposed work is to be done by lot, block, tract, or street address, or similar description which will readily identify and definitely locate the proposed work.
2. Be accompanied by plans and specifications prepared, signed, and sealed by a professional engineer or surveyor, or Landscape Architect and include the items enumerated below. The storm water management plan for the grading site shall be prepared according to the provisions of the Subdivision/Land Development Ordinance. Applicants for Site Plan Review may incorporate their grading plan in the Site Plan with the permission of the Township Engineer. Applicants for Subdivisions or Land Developments shall incorporate the requirements for a grading plan in the Preliminary Plat.

Such plans shall be at the scale of 1" = 20', except with the permission of the Township Engineer, and shall include:

- a. A description of the site proposed for grading.
- b. Accurate location by lot, block, tract, street address, a location map, or other similar information.
- c. A contour map showing the present contours of the land and the proposed contours of the land after completion of the proposed grading at intervals of not less than two (2) feet or as permitted- by the Township Engineer.
- d. A plan showing cross sections of the proposed cut or fill which show the method of benching both cut and/or fill.
- e. In addition, a plot plan shall show the location of the grading boundaries, lot lines, neighboring streets or ways, buildings, surface and subsurface utilities, and waterways.

- f. In addition, plans shall include a description of the type and classification of the soil from the Soil Survey or better.
 - g. Details and location of any storm water management facilities or drainage control structures, pipes, walls, and cribbing.
 - h. Seeding and/or planting locations and schedules, debris, basins, diversion channels.
 - i. Nature of the fill material; and such other information as the Township Engineer may need to carry out the purpose. of this ordinance.
 - j. Quantity of cut and/or fill in cubic yards.
3. All plans shall be dated and bear:
 - a. The name and seal of the professional engineer or surveyor who prepared the same.
 - b. The name of the applicant and/or contractor, if different.
 - c. The name of the owner of the land.
 4. Eight copies of the plan shall be submitted (except for grading on a single family lot one of which shall be reproducible in nature.
 5. State the estimated dates for the commencement and completion of grading work.
 6. State the purpose for which the grading application is filed.
 7. State whether excavated material is to be used as on-site fill or if it is to be removed from the site. If material is to be removed from the site, the location and quantity of such disposal must be stated in the application. A separate grading permit may be- required for each such off-site fill, as here in required in Section 11 or this ordinance.
 8. The Township Engineer may require from the applicant, or the applicant's engineer, information and reports from governmental agencies, and scientific and/or engineering journals, if available, and professional engineers and/or engineering geologists, if necessary. This information, and these reports must be of sufficient detail to insure that proposed grading will not create a hazard and that there will be a minimum of soil erosion on the site to be graded.
 9. To be adequate, a geological report shall include a detailed description of the geological conditions of the site; include conclusions and recommendations that will demonstrate the relationship of the geological conditions to the proposed development, including hazardous conditions water resources, mineral resources, and environmental impact. A soil conservation report shall include existing site description as to topography, drainage, cover, and soils, major resource problems as to soil limitations, erosion and sediment potential and surface runoff changes; and recommendations to minimize soil limitations, erosion and sediment, and surface water disposal problems.

G. PLAN REVIEW.

1. All grading plans shall be submitted to the Code Enforcement Officer for their review, within the same time limits prescribed for the review of Site Plans. The Township Engineer shall make a written report. The storm water management plan for the grading site shall be

reviewed and approved according to the provisions of the Cecil Township Subdivision & Land Development Ordinance.

H. PERMITS.

A grading permit must be obtained from the Township for new grading, excavations, fills, changes, additions, or alterations made to existing excavations or fills, all of which shall conform to the provisions of this ordinance. A permit without the required permit fee shall also be required for grading which has already been initiated prior to the effective date of this ordinance but for which there has been a cessation of actual grading. The administration shall determine whether or not there has been a cessation of the grading such that an application and a permit is required. A separate grading permit shall be required for each site. One permit may cover the grading, excavation and fill made on the same site. If excavated material is to be removed from a grading sit, it shall be noted on the application. Such off-site disposal may require the securing of a separate permit as noted below.

1. **Expiration of Permit** Every grading permit shall expire by limitation and become null and void if the work authorized by such permit has not been commenced within six (6) months or is not completed within one (1) year from the date of issuance, provided that the Township, acting upon the recommendation of the Township Engineer may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits, grant a reasonable extension of time, and provided, further that the application for the extension of time is made before the date of expiration of the permit.
2. **Denial of Permit - Appeal**
 - a. A grading permit can be denied for the following reasons:
 - i. When in the opinion of the Township Engineer, work proposed by the applicant does not comply with the provisions of this ordinance or other Township ordinance or is likely to endanger any property or person, or any street or alley, or create hazardous conditions. If determining whether the proposed work is likely to endanger any property or any street or alley, or create hazardous conditions, the Township Engineer shall give due consideration to: possible saturation by rains, earth movements, runoff surface waters, and sub-surface conditions such as the stratification and faulting for rock, springs and the nature and type of the soil or rock.
 - ii. When the grading plan proposes the grading of excessive slopes as defined in Section 6 this chapter.
 - b. The Board of Supervisors shall within forty-five (45) days consider appeals from the decision of the Code Enforcement Officer, and shall consider alternate methods, standards or materials proposed by the developer when, in their opinion, strict compliance with the provisions of this ordinance is unwarranted or creates a hardship. Any modifications of the applicable storm water management standards, particularly the standards governing allowable peak rate of runoff, shall be determined to be consistent with the overall storm water Ordinance. Any applicant or permit holder shall have the right to appeal to any court of competent Jurisdiction from any decision of the Board within thirty (30) days of their decision.

I. FEES AND COMPLETION AND PERFORMANCE GUARANTEES.

1. The administrator shall receive the applications and shall collect all fees, escrows and required bonds.
2. Grading fees will be based on the volume of materials to be graded in accordance with the Schedule of Fees as adopted by the Board of Supervisors by resolution from time to time. The applicant shall also be responsible for engineering and legal fees, costs and expenses associated with additional review for the determination as to adherence to the provisions of this ordinance and for enforcement of this ordinance.
3. Before issuance of a grading permit, the Administrator shall require the applicant to post an escrow established by an estimate from the Township Engineer to cover inspection costs in cash plus a performance bond, corporate surety, or other approved security in the amount of twenty percent (20%) of the estimated cost of grading work and other control facilities proposed, to guarantee that said work and facilities will be completed in a satisfactory manner and meet the requirements of Section 5 through 8 of this chapter. No bond shall be required if another bond or other approved security is posted for construction and/or site improvements which covers the cost of the grading and other control facilities. When all requirements of this permit have been met and the work, has been completed in a satisfactory manner, the security shall be replaced with a maintenance bond guaranteeing the work for a period of two (2) years after completion thereof.
4. No grading permit shall be issued for the filling of materials other than clean soil or earth until a faithful performance bond in the amount of at least twenty percent (20%) more than the Township Engineer's estimated cost of adequately covering such fill with clean soil or earth has been furnished to the Township. Such bond shall be executed by a corporate surety, as well as by the principal, and shall be subject to the approval of the Township Solicitor as to form. The bond shall inure to the benefit of the Township and be conditioned upon the faithful performance of the work required under the terms and conditions of the grading permit to the satisfaction of the Township Engineer. In lieu of such bond, a cash deposit or a certified check in the same amount may be made with the Township Treasurer.

J. GRADING INSPECTION AND SUPERVISION.

1. Plans for grading work and other control facilities, bearing the stamp of approval of the Township Engineer, and a copy of the approved permit, shall be maintained at the site during the progress of the grading work and until the work has been completed.
2. Grading work at the various stages, or at any other time, will be subject to spot inspections at the discretion of the Township Engineer, to determine that work is being performed in compliance with this section. The permit holder shall notify the Township Engineer forty-eight (48) hours prior to the following schedule of required inspections.
 - a. Initial inspection - when work on the excavation or fill is to be commenced.
 - b. Rough Grading - when all the rough grading has been completed.
 - c. Drainage Facilities - when drainage facilities are to be installed and before such facilities are backfilled.

- d. Special Structures - when excavations are complete for retaining and crib walls and when reinforcing steel is in place and before concrete is poured.
 - e. Final Inspection - when all work, including the installation of all drainage facilities and other structures as described in the application has been completed.
3. Any physical changes in the site, such as surface water drainage, soil and bedrock dislocations, alteration of ground water discharge, or any other natural or man made modification which would cause a doubt to be cast upon the feasibility of the contents of the original permit approval, must be reported to the Township Engineer within twenty-four (24) hours of discovery of such condition. Failure to do so is deemed as Just reason for revocation of permit and forfeiture of security.
4. In special cases when grading occurs in areas of landslide prone soil as recognized by the Soil Survey or better, the Township Engineer may require special precautions and/or soil tests from the owner. The results of all soil tests and core borings made relating to the site being graded shall be submitted to the Township Engineer, cost of such tests and reports to be borne by the permittee.

K. LIABILITY.

1. Neither the issuance of a permit under the provisions of Section 11 this chapter, nor the compliance with the provisions hereto or with any condition imposed by the Township official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting there from, or as otherwise imposed by law, nor impose any liability upon the Township for damages to persons or property.
2. Compliance with the requirements of this chapter shall be incumbent upon the person performing any grading, presence or absence of an Inspector notwithstanding.

L. VIOLATION AND PENALTIES.

1. No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done contrary to or in violation of any provision of sub-section A through M.
2. When notice of any violation of, or non-compliance with, the provisions of this ordinance has been given by the Administrator, or their representative, to any person, such violation shall be discontinued immediately or within a reasonable time limit specified in such notice: If such violation is not discontinued, or extends beyond the specified time limit, the Administrator shall revoke the grading permit and the violator shall be subject to the applicable penalty.
3. Any person violating any of the provisions of this ordinance shall be liable, on conviction thereof, to a penalty not exceeding three hundred dollars (\$300.00) plus engineering fees and costs associated with the enforcement of this ordinance. Whenever such person shall have been notified by the Administrator, by service of summons in a prosecution, or in any way, that he is committing such violation of this ordinance, each day that he shall continue such violation after such notification, shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now, by law, collected and/or by civil action and/or judgment enforcement at the discretion of the Township which may use any or all of these manners of collection.

4. Any violation of the provisions of this ordinance, when certified in writing by the Administrator, shall incur the automatic forfeiture of the two hundred dollars (\$200.00) cash bond required to be deposited under Section 12 this Chapter. This automatic forfeiture is also applicable to partially satisfy costs incurred as referred to in Section 5.A.4 this Chapter.
5. In addition to the above stated violations and penalties, the Township may also seek remedies and penalties under the applicable Pennsylvania statutes or regulations of any violation relating to an erosion/sedimentation plan or permit (25 PA Code, Chapter 102) dam, water obstruction or encroachment permit granted by the Pennsylvania Department of Environmental Resources (Dam Safety and Encroachment Act, 32 P.S. S680.1 et seq.)

M. REMEDIES

In case any work is performed by any person in violation of any of the provisions of this ordinance, the proper officer of the Township of Cecil, in addition to other remedies, may institute in the name of the Township of Cecil, an appropriate action or proceeding, whether by legal process or otherwise to prevent such unlawful work and to restrain or abate such violation.

N. VALIDITY

The provisions of this ordinance are severable and if any of its provisions or any provision shall be held unconstitutional, the decision of the Court shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Board of Supervisors of Cecil Township that this ordinance would have been enacted and such unconstitutional provisions or parts thereof not been included herein.

O. VARIANCES

The Board shall hear requests for variances to the provisions of this Chapter where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant after a review and recommendation from the Township Engineer and Planning Commission. Board's action on the request shall be by a motion.

SECTION 619 STATE WATER QUALITY STANDARDS

- A. All Storm Water Management Plans for activities within the Township shall demonstrate post-construction compliance with State Water Quality Standards
- B. To control post-construction stormwater impacts from Regulated Earth Disturbance activities, State Water Quality Requirements can be met by Best Management Practices (BMPs), including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
 1. Infiltration: replication of pre-construction stormwater infiltration conditions,
 2. Treatment: use of water quality treatment BMPs to ensure filtering out of chemical and physical pollutants from the stormwater runoff, and

3. Stream bank and stream bed Protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring and erosion).
- C. The Best Management Practices must be designed to protect and maintain existing uses (e.g., drinking water use, cold water fishery use) and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in “Special Protection” streams, as required by statewide regulations at 25 Pa. Code Chapter 93 (collectively referred to as “State Water Quality Requirements”).
 - D. DEP has regulations that require municipalities to ensure design, implementation and maintenance of Best Management Practices ("BMPs") that control runoff from new development and redevelopment (hereinafter "development") after Regulated Earth Disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.

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PART 7

Required Improvements and Submission of Improvement Security

Section 701. Required Improvements

Section 702. Completion or Guarantee of Improvements

SECTION 701. REQUIRED IMPROVEMENTS

The following requirements, as shown on the plat of record, or detailed in supplemental plans, shall be provided by the developer in accordance with the design and improvement standards provided in Part 6 of this Chapter, as stated now or hereinafter amended.

- A. Street paving
- B. Sanitary sewage disposal
- C. Water supply and fire hydrants
- D. Curbs and sidewalks
- E. Monuments and markers
- F. Street signs and stop signs
- G. Stormwater drainage and management facilities
- H. Open space, recreation facilities, and landscaping
- I. Erosion and sedimentation control

SECTION 702. COMPLETION OR GUARANTEE OF IMPROVEMENTS

Procedures set out in this Section for completion or guarantee of improvements reflect Sections 509 and 510 of the Pennsylvania Municipalities Planning Code, the complete text of which is incorporated herein as fully as if set out at length.

A. Prerequisite to Plat Approval

No plat shall be finally approved unless the streets shown on such plat have been improved, and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers, or other improvements have been installed, as required by this Chapter. In lieu of the completion of any improvements required as a condition for final approval of a plat, the developer may deposit with the Township financial security in an amount sufficient to cover the costs of such improvements or common amenities, including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. Submission of such financial security may be governed by preparation of a Subdivision Improvement Agreement by the Township, in which the developer shall agree that he will construct or install, and maintain until dedication, all of the required improvements. The final plat shall not be signed nor recorded until the Subdivision Improvement Agreement is executed. In the case where an entity such as a Homeowners Association will take over responsibility and/or ownership of required facilities or open space, the Homeowners Association charter or any other applicable agreement shall be in place before the final plat is signed.

B. Amount of Financial Security Required

The amount of financial security to be posted for the completion of required improvements shall be equal to one hundred ten percent (110%) of the cost of completion of said improvements estimated as of ninety (90) days following the date scheduled for completion by the developer. The estimate of the cost of completion shall be submitted by the developer after preparation by a professional engineer licensed in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township's engineer must approve the proposed amount.

C. Phased Developments

In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plats by sections or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development. Subsequent phases of a phased development shall be required to meet any new standards or changes in the Cecil Township Ordinance which are adopted prior to the start date of any subsequent phase.

D. Municipal Authority Security Required

If water mains or sanitary sewer lines, along with facilities related thereto, are to be installed pursuant to the regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included in the financial security required by Section 702.B., above.

E. Time Limit for Installation of Improvements

All improvements shall be installed according to a time schedule approved by the Board of Supervisors.

F. Inspection of Improvements

At the time each improvement is to be installed and upon its completion, the subdivider shall notify the Board of Supervisors so that the Township Engineer can make adequate inspections.

G. Partial Release of Improvement Security

As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release of such portions of the financial security necessary for payment to the contractor performing the work. Such requests shall be in writing, and the Board shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board that such portion of the improvements has been completed in accordance with the approved plans. Upon such certification, the Board shall authorize release of a monetary amount estimated by the Township Engineer representing the value of the improvements completed. Should the Board fail to act within the required forty-five (45) days, the Board shall be deemed to have approved the release of funds as requested. The Board may, prior to release at the time of completion and certification by the Township Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

H. Release of Improvement Security

1. Notification by Developer; Inspection by Township Engineer.

When the developer has completed all of the required improvements, notification shall be provided to the Board of Supervisors in writing, by certified or registered mail, of the completion of the improvements and a copy shall be sent to the Township Engineer. The Board shall, within ten (10) days of receipt of such notice, direct the Township Engineer to inspect said improvements. The Township Engineer shall file a report, in writing, with the Board and shall mail a copy of the report to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of authorization from the Board. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

2. Township Notification to Developer

The Board of Supervisors shall notify the developer in writing by certified or registered mail, within fifteen (15) days of receipt of the Township Engineer's report, of the action by the Board with relation thereto.

3. Failure of Township to Comply with Time Limitations

If the Board of Supervisors or the Township Engineer fails to comply with the time limitations specified in Sections 702.H.1. and 702.H.2., above, all improvements shall be deemed to have been approved and the developer shall be released from all liability, pursuant to its Improvement Security.

4. Completion of Rejected Improvements

If any portion of the required improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

5. Fees and Expenses

The Developer / Applicant shall bear the responsibility of providing an escrow for reasonable and necessary expenses incurred for the inspection of required improvements, Placement of Monuments, The erection of initial intersection street signs, traffic control signs, 2 years rental service on fire hydrants and installation of street lights. Such expenses shall be based upon a schedule established from time to time by Resolution of the Board of Supervisors.

In addition the developer / applicant shall agree to reimburse the Township for the reasonable and necessary expenses incurred in connection with the final inspection of the improvements which exceed the escrow amount deposited into the account. In the event that additional inspections of improvements will be required the applicant / developer shall submit additional monies to be deposited into said account to cover additional necessary and reasonable costs as estimated by the Townships professional consultant. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township's professional consultant for work performed for similar services in the

community, but in no event shall the fees exceed the rate or cost charged by the professional consultant to the Township for comparable services when fees are not reimbursed or otherwise imposed on applicants. The applicant shall not be required to reimburse the Township for any inspection, which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant.

The Board of Supervisors shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than thirty (30) days after the date of transmittal of a bill for inspection services, notify the Township and the Township's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within thirty (30) days shall be a waiver of the applicant's right to arbitration of that bill under this Section.

Subsequent to the final release of financial security for completion of improvements for a subdivision or land development, or any phase thereof, the professional consultant shall submit to the Board of Supervisors a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.

If the professional consultant and the applicant cannot agree on the amount of the expenses which are reasonable and necessary, then the applicant shall have the right, within forty-five (45) days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and the professional consultant whose fees are being challenged shall by mutual agreement appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof, which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.

The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than fifty (50) days after the date of appointment. Based on the decision of the arbitrator, the applicant or professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within sixty (60) days. In the event that the Township has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within sixty (60) days reimburse the excess payment.

In the event that the Borough's professional consultant and the applicant cannot agree upon the arbitrator to be appointed within twenty (20) days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Washington County Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the Township's professional consultant nor any professional consultant who has

been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.

The fee of the arbitrator shall be paid by the applicant if the review fee charge is sustained by the arbitrator, otherwise, it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than \$5,000, the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The Board of Supervisors and the professional consultant whose fees are the subject of the dispute shall be parties to the proceeding.

I. Submission of Maintenance Security

Upon completion of the inspection and approval of all or a portion of the public improvements, the developer shall request, in writing, that the Township accept the dedication of the public improvements. Posting of maintenance security shall be required to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications, as depicted on the final plat, for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall be in an amount equal to fifteen percent (15%) of the actual cost of installation of the improvements requested to be accepted.

J. Remedies to Effect Completion of Required Improvements

If the subdivider or developer does not satisfactorily construct or install all of the required improvements, the Board of Supervisors shall institute appropriate legal or equitable proceeding to enforce any bond or other security. In addition, the Board of Supervisors may solicit price quotes from at least two (2) contractors or suppliers, and contract for the completion or correction of the required improvements, and pay for the cost of said improvements or corrections out of any bond or escrow remaining. If sufficient monies are not available in an escrow or bond set up to complete the improvements per the above, the Board of Supervisors may take any shortfall from any other bond or escrow account established by said sub-divider or developer which was established for any reason related to subject property subdivision and/or development. In addition, the Township may refuse any more permits, and halt any further improvements of subject property, if escrow and bond amounts are reduced from the required levels by the Townships taking of bond or escrow monies to complete any improvement per above. If no bond or other security is enforceable, the Board may institute legal action to collect the same from the subdivider or developer. The Board, at their option, may also proceed to complete such improvements or make repairs and corrections thereto prior to receiving the cost thereof from the surety on the bond, from other security, from legal action, or from the subdivider or developer. All funds recovered from the surety, from other security, from legal action, or from the subdivider of developer, shall be used solely for such improvements and not for any other Township purpose. Attorney's fees and other costs incurred to attach bonds or otherwise recover monies from bonds or escrows shall be taken from said bonds or escrows.

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PART 8

Plans, Maps, and Zoning Districts

Section 801. Zoning Districts
Section 802. Zoning Map
Section 803. Zoning District Boundary Lines
Section 804. Lots Divided by District Lines
Section 805. Annexed Land

SECTION 801. ZONING DISTRICTS

For the purposes of this Chapter, the Township is hereby divided into the following zoning districts:

R-1	Low Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District - Village
R-4	High Density Residential District - Mobile Home Park
C-1	General Commercial District
C-2	Convenience Commercial District
C-3	Village Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District
SD	Special Development District
BPD	Business Park Planned Development
P	Park, Athletic, and Recreation District

Floodplain Districts are established as “overlays” in Part 17 of this Chapter.

SECTION 802. ZONING MAP

The map adopted as part of this Ordinance is the former map titled “Proposed Zoning Changes of the Township of Cecil”, as adopted with Resolution 86-98, on November 18, 1998. See Appendix A. Once adopted, the colored areas on the map will receive the zoning classification as indicated in the legend.

The boundaries of the above districts shall be shown upon the Zoning Map, adopted as part of this Chapter, which shall be kept on file at the Township Municipal Building. The Zoning Map shall be available for public examination at such office during business hours, except that such Zoning Map may be removed from such office for any reasonable purpose with the consent of the Board of Supervisors. Upon amendments to the Zoning Map, the Department of Planning shall keep copies of the superseded Zoning Map for historical reference.

SECTION 803. ZONING DISTRICT BOUNDARY LINES

The boundaries between districts are, unless otherwise indicated, intended to coincide with the limits of the Township, the centerline of streets, roads, alleys, or railroad rights-of-way, and with the side and rear lines of lots. Where figures are shown on the Zoning Map between a street, road, alley, or railroad right-of-way and a district boundary line, they indicate that the district boundary line runs parallel to the street, road, alley, or railroad right-of-way at a distance there from equivalent to the number of feet so indicated. Where any street or alley is hereafter officially vacated or abandoned,

the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment. Any person aggrieved by the interpretation of the Zoning Map by the Zoning Officer concerning the location of the district boundaries may appeal to the Zoning Hearing Board for a determination.

SECTION 804. LOTS DIVIDED BY DISTRICT LINES

Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot. Whenever a single lot greater than two acres in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located. Where a zoning district boundary line divides a lot and where distances from the boundary line to property lines are not specifically indicated on the zoning map, the exact boundary line location shall be determined by measurement, using the scale of the zoning map.

SECTION 805. ANNEXED LAND

All land annexed to the Township after the effective date of this ordinance shall be automatically assigned a zoning classification of R-1 (Low-Density Residential District) and shall remain so classified until a zoning plan for the annexed area has been adopted by the Board of Supervisors. The Planning Commission shall recommend to the Board of Supervisors appropriate zoning for the annexed area within ninety (90) days of the effective date of such annexation.

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PART 9

Zoning Districts

- Section 901. Statement of Intent, Residential Districts
- Section 902. R-1, Low Density Residential District
- Section 903. R-2, Medium Density Residential District
- Section 904. R-3, Village Residential District
- Section 905. R-4, Mobile Home Park Residential District
- Section 906. Statement of Intent, Commercial Districts
- Section 907. C-1, General Commercial District
- Section 908. C-2, Convenience Commercial District
- Section 909. C-3, Village Commercial District
- Section 910. Statement of Intent, Industrial Districts
- Section 911. I-1, Light Industrial District
- Section 912. I-2, Heavy Industrial District
- Section 913. SD, Special Development District
- Section 914. BPD, Business Park Planned Development District
- Section 915. Park, Athletic, and Recreation District

SECTION 901. STATEMENT OF INTENT, RESIDENTIAL DISTRICTS

In addition to the general goals referenced in Part 1 of this Chapter and in the Land Use Plan Goals and Objectives of the Comprehensive Plan, the districts established in this Chapter are intended to achieve the following:

- A.** To provide sufficient space, appropriately located for residential development, to meet the housing needs of the present and expected future population of the Township, within the range of house types and densities anticipated;
- B.** To assure light, air, and privacy by controlling the spacing and height of buildings and other structures;
- C.** To protect residential areas against hazards of fire, offensive noise, vibration, smoke, odors, glare and other objectionable influences;
- D.** To prevent congestion by regulating the density of population and the bulk of buildings, and by providing for sufficient off-street parking;
- E.** To protect residential neighborhoods from heavy or through traffic;
- F.** To make possible provisions of those public and private educational, recreational, health, and similar facilities serving the needs of nearby residents which perform most effectively in a residential environment and do not create objectionable influences;
- G.** To perpetuate the distinctive identity and character of the village environment in the Town Centers;
- H.** To provide for future mobile homes in appropriately located, well designed parks; to permit limited public and quasi-public uses appropriate for residential neighborhoods; to meet minimum standards of health and safety by protecting against hazards and nuisances; to provide for

adequate open space and recreational opportunity; and to provide for low- and moderate-income housing;

- I. To promote the most desirable use of land and direction of building development in accordance with a well-considered subdivision plan; to promote stable residential development; to protect the character of any district and its peculiar suitability for particular uses; to conserve the value of land and buildings; and to protect the Township tax revenues.

SECTION 902. R-1, LOW-DENSITY RESIDENTIAL DISTRICT

A. Uses by Right

In this district, the land may be used and buildings and structures may be erected, altered, or used by right for the following purposes and no other:

1. Farms, subject to Section 1209, Agricultural Regulations.
2. Single-Family Detached Dwelling
3. Customary Accessory Uses, including:
 - a. Private garages
 - b. Private recreational uses.
 - c. Private satellite dishes
 - d. Private greenhouses
 - e. Private sheds
 - f. Private dog house or private dog pen
4. Home Office
5. Essential Services

B. Conditional Uses

The following Conditional Uses shall be approved by the Board of Township Supervisors upon meeting the listed express standards and criteria and any other conditions deemed necessary by the Township Supervisors following the Conditional Use hearing:

1. Personal Care Boarding Homes
 - a. The minimum lot size required shall be 21,780 square feet (1/2 acre).
 - b. The site shall have direct access to a street classified in the Comprehensive Plan as an arterial or collector.
 - c. The site shall be serviced by public water and public sewer.
 - d. The facility shall be licensed by the Commonwealth and twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
 - e. Adequate provision shall be made for access by emergency, medical and fire vehicles, as determined through Site Plan review and after receipt of written recommendation from the Fire Chief of jurisdiction.
 - f. Adequate open space opportunities shall be provided for recreation consistent with the needs of the residents and the area shall be secured by a fence with a self-latching gate.

- g. Where applicable, licensing or certification by the sponsoring agency shall be prerequisite to obtaining an Occupancy Permit and a copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.
 - h. Parking shall be provided in accordance with Article 13 of this Chapter.
2. Day Care Center
- a. The minimum lot size required shall be 43,560 square feet (1 acre).
 - b. The site shall be serviced by public water and public sewer.
 - c. The facility shall be licensed by the Commonwealth.
 - d. Safe access and areas for discharging and picking up children shall be provided, as approved through Site Plan review.
 - e. Outdoor play areas shall be provided and shall be secured by a fence with self-latching gates. Fence must be a minimum of thirty six (36) inches high, and shall be attached to the building at two points.
 - f. The general safety of the site proposed for the day care center shall be evaluated as it relates to the needs of small children.
 - g. Play areas shall be screened from adjoining residential properties by a buffer area at least three (3) feet deep and six (6) feet high, as defined by Section 1506 of this Chapter.
 - h. Parking shall be provided in accordance with Article 13 of this Chapter.
3. House of Worship
- a. No principal building shall be located within 100 feet of any property line.
 - b. Landscape buffers shall be provided in accordance with Section 1506 of this Chapter.
 - c. Off-street parking shall be provided in accordance with Part 13 of this Chapter and shall require both perimeter and interior landscaping in accordance with Section 1505 of this Chapter.
 - d. A lighting plan shall be submitted in conjunction with application for Site Plan approval.
4. Primary and Secondary Schools
- a. No structure shall be located within one hundred (100) feet of any structure on another lot.
 - b. Landscaping buffers shall be provided as required in Section 1506 of this Chapter.

- c. No off-street parking area, including drives, shall be located closer than ten (10) feet to any lot line. Off-street parking areas shall include both interior and perimeter landscaping as required in Section 1505 of this Chapter.
 - d. A lighting plan shall be approved as part of site plan approval. Such lighting shall not infringe upon other properties, pursuant to Section 1606 of this Chapter.
 - e. Noise shall not infringe upon other properties.
- 5. Communications Facilities, subject to the requirements of Section 1212 of this Chapter.
 - 6. Purpose and intent for Cluster Housing Subdivision provisions.

Cluster housing subdivision are permitted and encouraged throughout Cecil Township to protect its valuable natural resources, and recognizes that controlled development is necessary to achieve the Township's goals and objectives.

The cluster housing subdivision provisions will accomplish the Township's goals and objectives by:

- Providing flexible development options to preserve existing natural features including wooded slopes, quality stands of trees, stream valley corridors, wetlands, wildlife habitats, and other natural features;
- Permitting the construction of housing on small parcels with large common open space areas to maintain the rural village-like atmosphere which exists in the Township;
- Providing flexible development options in those areas where standard rectilinear development patterns are not suitable due to physical conditions;
- Creating a system of integrated walking and biking trails to connect new developments with natural areas and existing neighborhoods to encourage alternate means of travel to the automobile.
- Providing open space areas, which will provide the residents with active and passive recreational opportunities, and permit some innovative community living projects.
- Providing alternate methods for dealing with wastewater disposal from several households (small flows treatment systems) as compared to individual on-site septic systems.

a. Principles Governing Use & Authorization Districts.

The goals of both the cluster housing and open space subdivisions are similar. Their use in Cecil Township is dependent upon the size of the parcel (or parcels) of land planned for development, and the location of the parcel (or parcels) in the Township's residential (R-1) district.

- i. Acreage Requirements – In an R-1 district, cluster housing is permitted on any parcel, or parcels jointed together, with a minimum size of two acres.

b. Definitions

GROSS SITE AREA – The total area of the site within property boundaries, counting land devoted, or to be devoted for public rights-of-way and easements, wooded slopes, wetlands, floodplains, etc.

NET SITE AREA – The total land area of a site adjusted to eliminate the following undevelopable land areas from the calculation: existing rights-of-way for streets, public utility easements including overhead transmission lines, areas designated as steep slopes (25% or greater), land classified as flood prone by FEMA, wetlands and quality strands of trees.

c. Authorized Uses

i. Permitted Uses

Agriculture
Single-family

d. Design Standards

- i. Housing Density – The overall cluster housing subdivision project may not exceed the density allowed by the underlying zoning district as shown on the following table.

The gross site area of the development site will be used to determine the number of permitted dwelling units.

Table VI-I Density Requirements Cluster Housing Subdivision Developments	
R-1 Residential Agricultural District	2 dwelling units per acre

ii. Area and Bulk Requirements

- (a.) Good design principles shall govern the siting of each dwelling unit, and standards for building spacing should be based on providing privacy for each unit, and ensuring that adequate light and air is provided for each room in every dwelling unit. Variation in lot sizes and widths are encouraged to avoid a mass-produced, dull streetscape, and to promote the individuality of each building lot. The proposed locations for all housing sites must be indicated on the preliminary subdivision plan in sufficient detail to verify that all development standard can be satisfied.
- (b.) The requirements of the PA Dept of Environmental Protection shall be satisfied concerning the location of on-site septic systems and individual wells.
- (c.) Lot sizes may vary in size, but in no case shall the minimum lot size be less than ten thousand eight hundred ninety (10,890) square feet (or ¼ acre) per dwelling unit.
- (d.) The minimum lot widths for single family detached dwellings shall be sixty-five (65) feet and the maximum lot width shall be one hundred twenty (120) feet. The minimum lot width is intended to provide privacy, light and air to each of the dwelling units; the maximum lot width is intended to prevent the creation of large, land consuming lots which are expensive to develop, and against the purposes of this article.
- (e.) Front yard depths for all permitted dwelling types shall vary, but in no case may the distance between the dwelling unit and the street right-of-way be less than twenty-five

(25) feet. The minimum front yard is intended to provide privacy. The developer is encouraged to provide privacy by other means other than a large front yard. Reducing traffic flow through street layout, or by screening or planting, or by facing the structure towards open space or a pedestrian way, are other ways of ensuring privacy. Where attached garages are placed on the lot, they are required a 20' setback. Providing adequate visibility must be provided for safe back out onto the street from the driveway.

- (f.) Flag lots are permissible as long as the access road to the dwelling unit is at least twenty-four (24) feet wide, and the total lot size exceeds ½ acre. Flag lots may not comprise more than ten percent of the total lots. For example, if there are ten lots in the development, only one flag lot may be created.
- (g.) The minimum required distance between each dwelling unit buildings is 15 feet. With no individual side yard being less than 5 feet.
- (h.) The maximum building height shall be thirty-five (35) feet. Accessory structures to residential buildings shall not exceed fifteen (15) feet in height.

iii. Buffer Yard

A landscaped buffer yard area, measuring a minimum of twenty-five (25) feet, must be provided around the perimeter of all cluster housing and open space subdivisions. The purpose of the buffer yard area is to provide a visual screen between the proposed development and other existing, or proposed developments, particularly when the project abuts other nonresidential uses. The landscape buffer yard only applies to the edge of the cluster home development area which abuts adjacent parcels and is not required to buffer the required open space and common area.

The buffer yard shall provide an all-year visual screen measuring a minimum of six feet in height, and, to the greatest extent possible, shall utilize natural features to obtain this result. Where this cannot be accomplished with existing site features, landscaped area, shall be planted and maintained to produce the same effect with trees, shrubs, bushes, grass, ground cover, or other natural landscaping material, and shall consist of a mix of types and sizes of plant material. A landscaping plan, showing the buffer yard area and plantings, shall be submitted to the Township Supervisors prior to final subdivision approval. The landscaping plan shall be prepared by a Registered Landscape Architect, and shall be prepared in sufficient detail to demonstrate that the purposes of this paragraph will be satisfied.

e. Standard for Location & Maintenance of Common Open Space

i. Requirements for Common Open Space

All cluster housing subdivision must provide common open space areas within the limits of the proposed development in accordance with the requirements established by this section. In no case may property owned outside the limits of the proposed development be considered as common open space acreage to fulfill the open space requirements. All common areas shall be reserved as permanent open space.

- (a.) Cluster Housing: A 50% minimum of the gross site area must be dedicated to common open space, which is to remain in a natural and undisturbed condition in perpetuity.

ii. Preservation of Water Features

- (a.) Water features, such as drainage ways and streams, must be left in a natural state unless altered to improve the stormwater drainage. Water features must be in common ownership unless otherwise approved during the subdivision review process.

iii. Recreational Facilities in Common Open Space Areas

Public and private recreational facilities or structures, and their accessory uses, located in common open space areas, shall be considered improved open space, as long as the facilities are appropriate to the natural setting and the total impervious surface area constitutes not more than two percent (2%) of the total common open space. No public or private recreation facilities or structures or grading may occur in a dedicated common area without Township approval.

iv. Community Subsurface Disposal Systems

Community subsurface disposal systems may be located within the common open space areas as long as the system is designed to serve residents with ownership in the common space area, and an easement is provided for inspections and system maintenance.

v. Ownership of Common Open Space

Common open space in cluster housing subdivisions or open space subdivisions may be owned by one of the following methods. The method of ownership shall be indicated during the review process, and documentation verifying the form(s) of ownership shall be required prior to final plan approval.

- (a.) Dedicated to public use if the Township (or another public agency) indicates it is willing to accept such dedication;
- (b.) Provide for and establish one or more organizations for the perpetual ownership and maintenance of all common open space.

In the case of v. (b.) above, each organization shall be a non-profit home-owners corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization. In cases where the township will not be accepting ownership of recreation and open space areas, the landowner shall provide for an organization or trust for ownership and maintenance. If the open space is deeded to a homeowner's association or a non-profit corporation established on a membership basis, the developer shall file a declaration of covenants and restrictions that will govern the association, and provide for perpetual undisturbed green open space.

- (c.) If a homeowner's association or open space trust is formed, it shall be governed according to the following regulations:
 - (1.) The organization must be set up by the developer before the sale of any lots and, if necessary, it must operate with financial subsidy by the developer.

- (2.) All land not to be sold or developed will be shown on the final recorded plan as “common open space” and will be conveyed to the organization at the time of formation and labeled “undisturbed” in perpetuity.
- (3.) Membership in the organization is mandatory for all purchasers of homes therein and their successors.
- (4.) The organization shall be responsible for administration, maintenance, insurance and taxes on common open space.
- (5.) The members of the organization shall share equitably the costs of maintaining common open space, in accordance with procedures established by them.
- (6.) The organization shall have or hire adequate staff to administer common facilities and maintain common open space.
- (7.) The organization shall not be dissolved nor shall it dispose of the common open space by sale or otherwise, except to another organization conceived and established to own and maintain the common open space, without first offering to dedicate the same to the public.
- (8.) In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the homeowner’s association, fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice and may take the necessary actions to correct the deficiencies and assess the cost incurred in accordance with Article VII of the Municipalities Planning Code.

f. Procedures for Approval

i. Review Process

Cluster housing plans are subject to the subdivision review process defined by the Township’s Subdivision and Land Development Ordinance.

ii. Five-Step Decision Process

Open space subdivisions shall be designed according to a five-step process as defined in paragraphs 1 through 5, below. The Planning Commission will review each step of this process. At the completion of Steps 1 through 5, the developer will prepare final plans for approval by the Township’s Board of Supervisors, and for recording in the Washington County Recorder’s Office, in accordance with the procedures outlines in the Township’s Subdivision and Land Development Ordinance.

It is recommended that the developer meet with the Planning Commission prior to developing any plans to discuss his intentions and the requirements of this section. At a minimum, the developer shall submit plans to the Planning Commission following the completion of Step 3 and Step 5.

(a.) Step 1: Determine Number of Houses

Determine the number of potential houses in the development using the density guidelines established in Paragraph 901.D.1. For example, a landowner with fifty (50) acres in the R-1 district would be permitted to construct one hundred (100) homes given the density provisions of two units/acre stated in 901.D.1.

(b.) Step 2: Prepare Existing Features and Site Analysis Plan

Prepare and Existing Features and Site Analysis Plan to identify all special characteristics associated with the property to be developed including:

- (1.) Primary Conservation Areas: Includes areas such as wetlands, floodplains, and steep slopes (See Fig. VI-1)

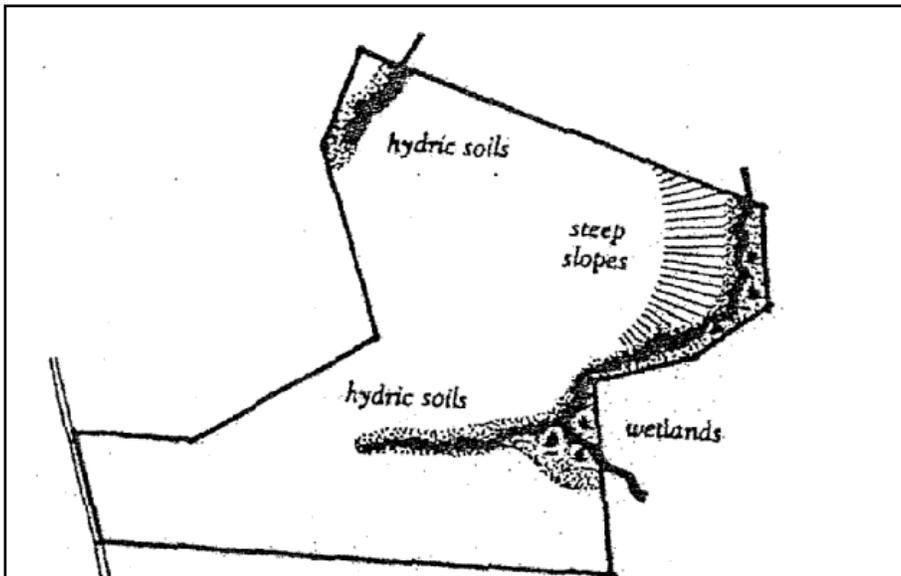


Figure VI-1: Primary Conservation Areas:

- (2.) Secondary Conservation Areas: Includes developable land areas worthy of conservation for preservation of mature, or healthy and diverse woodlands, wildlife habitats critical for breeding or feeding, hedgerows and prime farm land, scenic views into and out of the site, and historic buildings in their rural context. (See Fig. VI-2)

- (3.) Any other feature requested by the Planning Commission for its resource value, or for its potential negative impact on development.

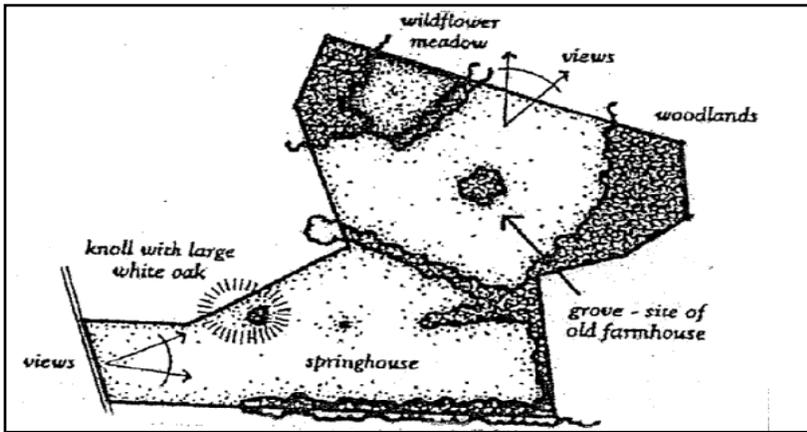


Figure VI-2: Secondary Conservation Area

(c.) Step 3: Prepare a Conservation and Development Plan.

Prepare Conservation and Development Plan to demonstrate those land areas identified as primary and secondary conservation areas in the existing features and Site Analysis Plan and the remaining land areas, which are potential development areas. (See Fig. VI-3)

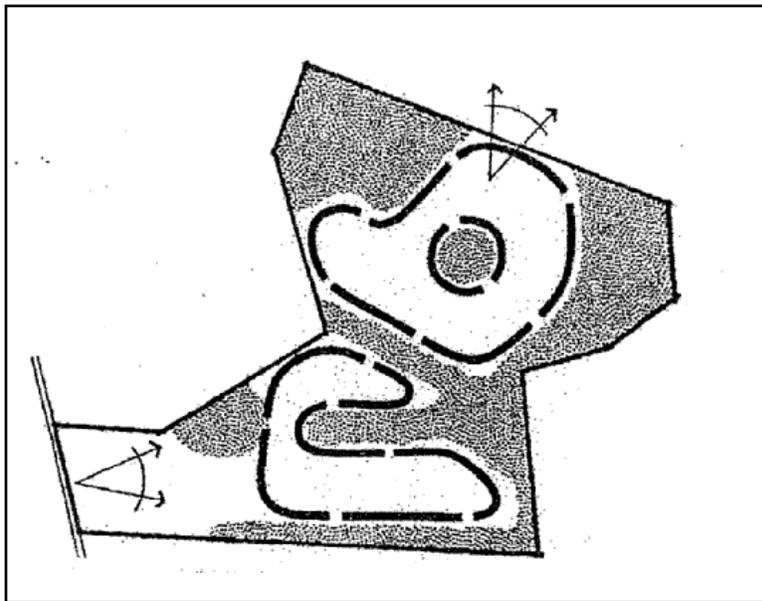


Figure VI-3: Potential Development Areas

(d.) Step 4: Locate Individual House Sites and Align Streets and Trails.

- (1.) Locate the approximate sites for individual houses in close proximity to the common open space areas. To the greatest extent possible, design each site to maximize access to common open space areas. The maximum number of home sites shall be limited to the number identified in step 1. See Fig. VI-4)

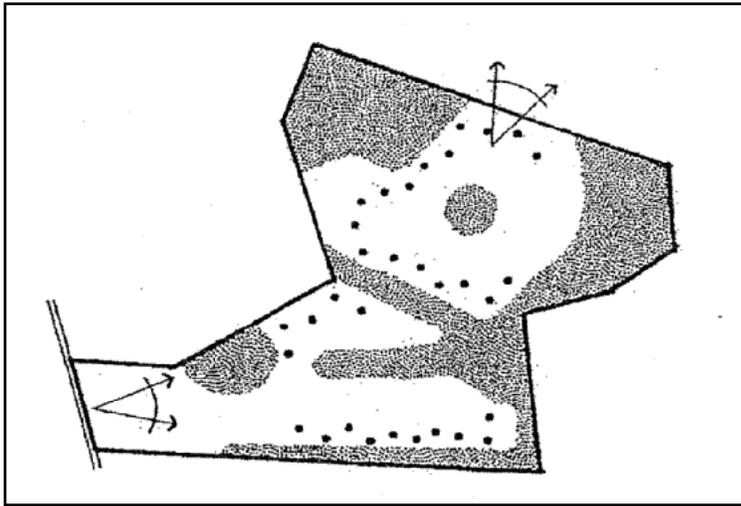


Figure VI-4: Locating House Sites

- (2.) Delineate a street system to serve each of the housing sites and connect them as a neighborhood to the abutting public street. Delineate informal footpaths to provide the means to travel throughout the subdivision by foot or by bicycle. (See Fig. VI-5)

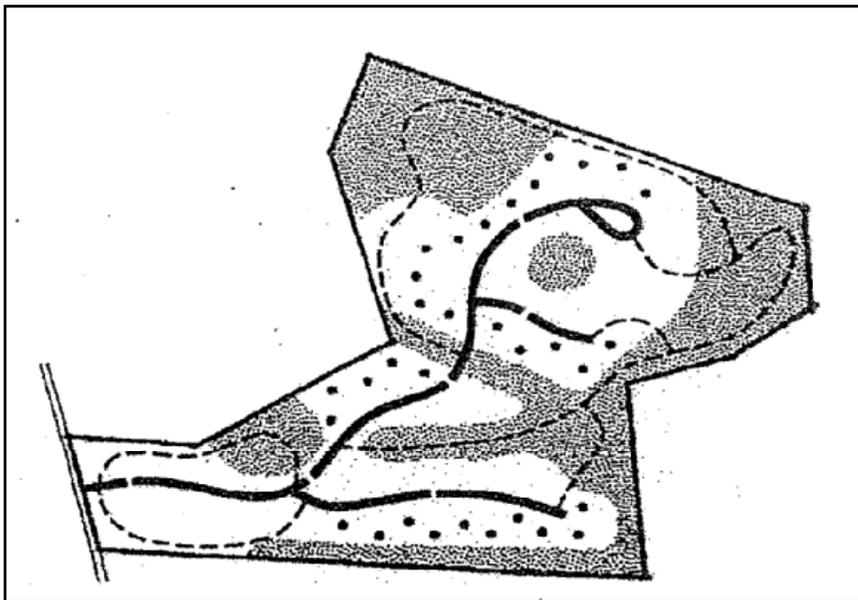
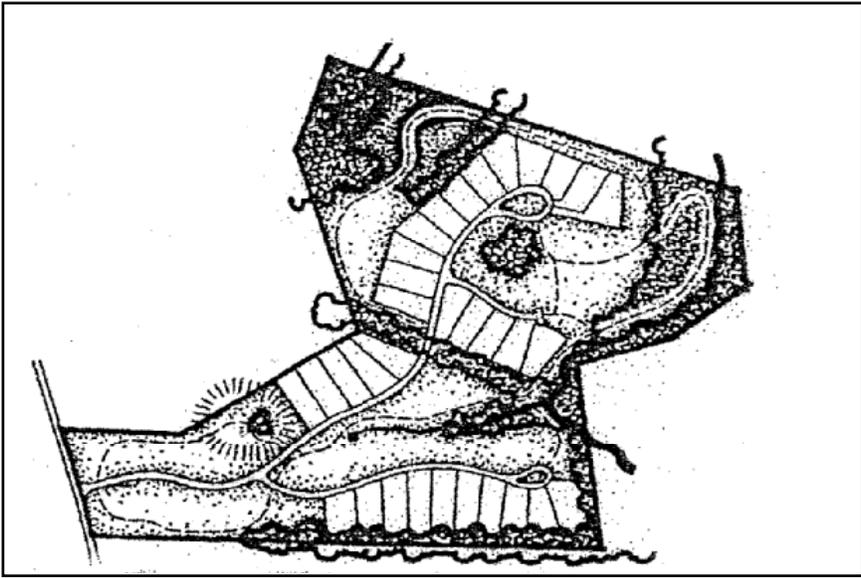


Figure VI-5: Aligning Streets

- (e.) Step 5: Develop the Lot Lines

With the housing sites and streets in place, develop the lot lines for each site and prepare final subdivision plan. (See Fig VI-6)



C. Special Exceptions

The following uses by Special Exception shall be permitted by the Zoning Hearing Board in accordance with the procedure specified in Part 4, Section 404.B. and the respective express standards and criteria below.

1. Home Occupation

- a. No more than one (1) employee, other than members of the family residing in the dwelling, shall be permitted.
- b. There shall be no display or sign other than a single nameplate not exceeding one square foot in area.
- c. No retail sales are permitted.
- d. No activity associated with a home occupation shall be conducted in an accessory structure.
- e. No accessory structure shall be erected or brought to the site to accommodate or otherwise augment a home occupation business.
- f. There shall be no storage of materials or equipment outside an enclosed building.
- g. There shall be no use of materials or equipment that are not normally used on single-family residential property.
- h. There shall be no external construction features that are not customary to single-family residential dwellings. An existing separate entrance may be used for the conduct of the home occupation, but no additional and separate entrance shall be constructed for the purpose of conducting the home occupation.
- i. The use shall not create additional environmental impact other than those impacts normally resulting from single-family residential use.
- j. Adequate areas for off-street parking shall be provided.
- k. There shall be no exterior display of merchandise available for sale on the premises.
- l. No more than fifteen percent (15%) of the floor area of the dwelling shall be devoted to the conduct of a home occupation.

2. Day Care Home

- a. The minimum lot size required shall be one (1) acre.
- b. Public water and public sewer shall not be required if a private water source is available, provided the quantity and quality of water is approved by an inspector certified by the Department of Environmental Protection and a septic system or its equivalent is approved by the Sewage Enforcement Officer.
- c. The facility shall be licensed by the Commonwealth.

- d. Safe access and areas for discharging and picking up children shall be provided, as approved through Site Plan review.
 - e. Outdoor play areas shall be provided and shall be secured by a fence with self-latching gates.
 - f. The general safety of the site proposed for the day care center shall be evaluated as it relates to the needs of small children.
 - g. Play areas shall be screened from adjoining residential properties by a buffer area as defined by Section 1506 of this Chapter.
 - h. Parking shall be provided in accordance with Part 13 of this Chapter.
 - i. No more than one (1) employee, other than members of the family residing in the dwelling, shall be permitted.
 - j. There shall be no exterior display or sign other than a single nameplate not exceeding one square foot in area.
 - k. No activity associated with a day care home shall be conducted in an accessory structure.
 - l. There shall be no storage of materials or equipment outside an enclosed building.
 - m. There shall be no use of materials or equipment not normally used on single-family residential property.
 - n. There shall be no external construction features not customary to single-family residential dwellings. An existing separate entrance may be used for the conduct of the day care home activities, but no additional and separate entrance shall be constructed for the purpose of conducting the day care home activities.
 - o. The use shall not create additional environmental impact other than those impacts normally resulting from single-family residential use.
3. Kennel
- a. Kennels in Residential Districts shall be permitted only when accessory to a farm as defined by this Chapter.
 - b. Kennels shall be subject to Section 1209, Agricultural Regulations.
 - c. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate, and shall be screened along all sides facing adjoining properties by a buffer area, as defined by this Chapter, which is at least six (6) feet in depth and height. The kennel and run facilities shall be constructed closer to the primary structure on the lot on which such structure is erected, than to the nearest primary structure on the adjacent lots.
 - d. The use shall not create any adverse odor or noise that negatively impacts on the neighboring properties.

4. Bed & Breakfast Establishments, subject to the same standards and criteria set forth in Section 1216 of this Chapter, and the same are incorporated herein by reference as fully as though set forth at length.

D. Area and Bulk Regulations

Minimum Lot Size	Farm: 10 acres Single-Family Residence with public sewer: 21,780 sq. ft. without public sewer: 43,560 sq. ft.
Minimum Lot Width at Front Yard Setback	100 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	All structures (except pools): 10 feet
Minimum Rear Yard Setback	Principal Structure: 40 feet Accessory Structures (except pools): 10 feet
Maximum Building Height	2 1/2 stories or 35 feet
Maximum Lot Coverage	35%
Pools - side & rear setback	15 feet
- front setback	prohibited
Pet Housing and Pens	prohibited
- front setback	
- side & rear setback	closer to owners' dwelling than to nearest neighbors' dwelling

SECTION 903. R-2, MEDIUM-DENSITY RESIDENTIAL DISTRICT

B. Uses by Right

1. Farms, subject to Section 1209, Agricultural Regulations
2. Single-Family Detached, Attached, and Semi-Detached Dwelling
3. Two-Family Dwelling
4. Multi-Family Dwelling
5. Planned Residential Developments
6. Customary Accessory Uses, including:
 - a. Private garages
 - b. Private recreational uses
 - c. Private satellite dishes
 - d. Private greenhouses
 - e. Private sheds or other storage buildings
 - f. Private doghouse or private dog pen.
7. Home Office
8. Essential Services

C. Conditional Uses

The following Conditional Uses shall be approved by the Board of Township Supervisors upon meeting the listed express standards and criteria:

1. Day Care Center, subject to the same standards and criteria set forth in Section 902.B.2 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.
2. Houses of Worship, subject to the same standards and criteria set forth in Section 902.B.3 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.
3. Community Residential Home
 - a. The minimum lot size shall be one half (1/2) acre.
 - b. The minimum lot width shall be one hundred twenty five (125) feet.
 - c. The lot shall be serviced by a public water supply system.
 - d. A landscape buffer fifteen (15) feet in width shall be provided if the use abuts an R-1 district or single-family or two-family use. The buffer shall consist of a tree screen, consisting of 30% deciduous and 70% evergreen trees, with individual trees to be at least six (6) feet in height at planting and spaced no more than fifteen (15) feet apart. In addition, a shrubbery row of a non-deciduous species shall be planted, with individual shrubs to be at least two (2) feet in height at planting and spaced no more than five (5) feet apart.
 - e. All community residential structures shall be sprinklered with an approved sprinkler system through the main exit hallway, plus any additional or increased safety requirements mandated by the regulatory agency. All such structures shall have a smoke detection system wired or connected to a central alarm system and be automatically activated.
 - f. The applicant shall annually file with the Township the name and office number of at least one person designated by the applicant as the community representative for the facility.

D. Special Exceptions

The following uses by Special Exception shall be permitted by the Zoning Hearing Board in accordance with the procedure specified in Part 4, Section 404.B. and the respective express standards and criteria:

1. Home Occupations, subject to the same standards and criteria set forth in Section 902.C.1 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.
2. Day Care Homes, subject to the same standards and criteria set forth in Section 902.C.2 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.

E. Area and Bulk Regulations

Minimum Lot Size	Farm: 10 acres Single-Family Dwelling with public sewer: 10,000 sq. ft. without public sewer: 21,780 sq. ft. Two-Family Dwelling with public sewer: 6,000 sq. ft./du without public sewer: 21,780 sq. ft./du Multi-Family Dwelling with public sewer: 5,000 sq. ft./du without public sewer: 21,780 sq. ft./du
Minimum Lot Width At Front Yard Setback	Single-Family Dwelling with public sewers: 75 feet without public sewers: 90 feet Two-Family Dwelling: 90 feet Multi-Family Dwelling: 100 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	Single-Family Dwelling: 10 feet Two-Family Dwelling: 10 feet Multi-Family Dwelling: 10 feet for 1 or 2 stories 20 feet for 3 stories Accessory Structures (except pools): 10 feet
Minimum Rear Yard Setback	Principal Structure: 30 feet Accessory Structures (except pools): 10 feet
Maximum Building Height	3 stories or 35 feet
Maximum Lot Coverage	35 %
Pools – side & rear setback - front setback	15 feet prohibited
Pet Housing and Pens - side and rear setback - front setback	closer to owners' dwelling than to nearest neighbors' dwelling prohibited

SECTION 904. R-3, VILLAGE RESIDENTIAL DISTRICT

A. Uses by Right

1. Farms, subject to Section 1209, Agricultural Regulations
2. Single-Family Detached and Semi-Detached Dwelling
3. Two-Family Dwelling
4. Customary Accessory Uses, including:
 - a. Private garages
 - b. Private recreational uses
 - c. Private satellite dishes
 - d. Private greenhouses
 - e. Private sheds or other storage buildings
 - f. Private dog house or private dog pen.
5. Home Office
6. Essential Services

B. Conditional Uses

The following Conditional Uses shall be approved by the Board of Township Supervisors upon meeting the listed express standards and criteria:

1. Day Care Center, subject to the same standards and criteria set forth in Section 902.B.2 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.
2. Houses of Worship, subject to the same standards and criteria set forth in Section 902.B.3 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.

C. Special Exceptions

The following uses by Special Exception shall be permitted by the Zoning Hearing Board in accordance with the procedure specified in Part 4, Section 404.B. and the respective express standards and criteria:

1. Home Occupations, subject to the same standards and criteria set forth in Section 902.C.1 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.
2. Day Care Homes, subject to the same standards and criteria set forth in Section 902.C.2 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.

D. Area and Bulk Regulations

Minimum Lot Size	Farm:	10 acres
	Single-Family Dwelling	
	with public sewer:	7,500 sq. ft.
	without public sewer:	17,000 sq. ft.
Minimum Lot Width At Front Yard Setback	Two-Family Dwelling	
	with public sewer:	5,000 sq. ft./du
	without public sewer:	17,000 sq. ft./du
Minimum Front Yard Setback	Undeveloped Area*:	25 feet
	Developed Area**:	Average of the setbacks of the adjacent existing buildings on both sides of a proposed new building or addition.
Minimum Side Yard Setback	All structures (including pools):	5 feet
Minimum Rear Yard Setback	Principal Structure:	20 feet
	Accessory Structures (including pools):	5 feet
Maximum Building Height		2 1/2 stories or 35 feet
Maximum Lot Coverage	Average coverage of adjacent three (3) buildings on both sides of a proposed new building or addition (includes accessory buildings)	

*Vacant parcels capable of being sub-divided into two (2) or more parcels or lots which are capable of meeting the minimum Area and Bulk Regulations of R-3 above. Excludes individual lots of record in a previously recorded plan (prior to Nov 1999).
**Fully built-out villages.

SECTION 905. R-4, MOBILE HOME PARK RESIDENTIAL DISTRICT

A. Uses by Right

The following uses are classified as Uses by Right in this district. Land may be used and buildings and structures may be erected, altered, or used by right for the following purposes and no other:

1. Mobile Home Parks, subject to the Special Planned Residential Development Regulations for R-4 Districts
2. Accessory uses customarily incidental and subordinate to the principal structures erected in Mobile Home Parks
3. Essential services
4. Farms, subject to Section 1209, Agricultural Regulations
5. Home Office

B. Special Exception

The following use by Special Exception shall be permitted by the Zoning Hearing Board in accordance with the procedure specified in Part 4, Section 404.B. and the respective express standards and criteria:

Home Occupation, subject to the same standards and criteria set forth in Section 902.C.1 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.

C. Area and Bulk Regulations

See Section 1005, Special Planned Residential Development Regulations for R-4 Districts.

D. Off-Street Parking Regulations

See Section 1005, Special Planned Residential Development Regulations for R-4 Districts, and Part 13, Off-Street Parking and Loading.

SECTION 906. STATEMENT OF INTENT, COMMERCIAL DISTRICTS

In addition to the general goals listed in Part 1 of this Chapter and in the Land Use Plan Goals and Objectives of the Comprehensive Plan, the creation of districts established in this Part is intended to achieve the following:

- A. To provide sufficient space in appropriate locations for the types of commercial and service establishments anticipated in the Comprehensive Plan.
- B. To provide appropriate space for the requirements of present-day merchandising establishments, along with associated parking and vehicular and pedestrian circulation areas.
- C. To promote the most desirable use of land and pattern of building development; to promote stable commercial development; to strengthen the economic base of the Township; to protect the character of the commercial areas and nearby districts; to preserve the value of land and buildings; and to promote municipal tax revenues.
- D. To provide a procedure whereby plans for new buildings or enlargements, renovations, or remodeling of existing buildings are submitted to the Township Planning Commission or Township Department of Planning for review and approval.
- E. To provide a means whereby the Township may, from time to time, designate certain areas for specific commercial uses according to current commercial needs.

SECTION 907. C-1, GENERAL COMMERCIAL DISTRICT

A. Specific Intent

It is the purpose of this district to encourage the establishment of general business uses to meet the needs of regional and/or local market areas; to provide opportunities for general commercial development on larger sites in locations on arterial or collector roads which can accommodate the traffic impacts of more intense development. It is also the intent to allow Planned Shopping Centers where unified site development is possible to control access and minimize impacts on adjacent uses.

B. Uses by Right

1. Farm, subject to Section 1209, Agricultural Regulations
2. Home Occupation in Dwelling
3. Home Office
4. Apparel and clothing accessories store
5. Furniture, home furnishings, hardware, and household appliance store
6. Food store, including supermarket and bakery where food products are to be sold only at retail on the premises
7. Eating establishment, including restaurant, lunch counter, and delicatessen
8. Convenience store
9. Pharmacy
10. Gift shop, including camera, book, stationery, antique, musical supplies, cosmetics, candy, tobacco, flower, hobby, jewelry, leather, and luggage shop
11. General retail merchandise store
12. Greenhouse (commercial)
13. Business and professional office
14. Business service
15. Personal service
16. Essential service
17. Public building
18. Clubs, Lodge, or Fraternal Organization

19. Coin-operated laundry
20. Garden nursery
21. Indoor and outdoor recreational facility
22. Indoor theater
23. Studios for the instruction of art, music, dance, martial arts, crafts
24. Photography studio
25. Funeral home
26. Library
27. Museum
28. Motel or hotel
29. New and used vehicle sales, rental, and service
30. Car wash
31. Automobile and gasoline service station
32. Automotive repair garage
33. Tavern
34. Veterinary clinic
35. Educational Institution
36. Accessory uses
37. Single family* and multi-family dwellings*, on parcels or tracts of land capable of further sub-division where each newly created lot or parcel will meet the minimum Area and Bulk Regulations of the R-2 District.
38. Single family* and multi-family dwellings* on individual lots of record created prior to November 1999. (Single family and multi-family dwellings proposed on individual lots of record created prior to November 1999 and where such lot abuts commercial uses on two (2) or more sides shall be addressed as a Conditional Use in C. 5. below).

* New residential construction or residential development in an existing Commercial District will not subject any existing or future commercial establishment or existing Commercial lot of record to any additional landscaping requirements beyond that which would be required if the new adjacent use was commercial.

C. Conditional Uses

1. Day Care Center, subject to the same standards and criteria set forth in Section 902.B.2 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.
2. Personal Care Boarding Homes, subject to the same standards and criteria set forth in Section 902.B.1 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.
3. Nursing Home or Hospital
 - a. The minimum site required for a nursing home shall be two (2) acres; the minimum site required for a hospital shall be five (5) acres.
 - b. The site shall have direct access to a street classified in the Comprehensive Plan as an arterial or collector.
 - c. The site shall be serviced by public water and public sewers.
 - d. The facility shall be licensed by the Commonwealth.

- e. Outdoor lighting shall be shielded away from adjacent lots.
 - f. Ingress, egress, internal traffic circulation, and parking shall meet the requirements of Part 13.
 - g. Adequate open space shall be provided for outdoor activity consistent with the needs of the patients or residents.
4. Planned Shopping Center
- a. The minimum site required for a Planned Shopping Center shall be five (5) acres.
 - b. The site shall have frontage on and direct vehicular access to a street classified in the Township Comprehensive Plan as an arterial or collector.
 - c. Only the uses permitted by right or authorized as conditional uses or uses by special exception in the district in which the Planned Shopping Center is located shall be permitted in the Planned Shopping Center.
 - d. Once the improvements are completed in an approved Planned Shopping Center, lots within an approved and recorded Planned Shopping Center may be sold and developed as independent entities for any use authorized in the district.
 - e. All property lines around the perimeter of a Planned Shopping Center which adjoin a residential zoning classification or residential use shall be screened by a buffer area required by Section 1506 of this Chapter.
 - f. The site plan shall be designed to minimize points of access to the public street. Shared driveways shall be utilized where feasible and cross-easements dedicated for common areas, where necessary.
 - g. The site shall be planned as a unit and uniform signage, landscaping, and parking and loading areas shall be proposed to promote efficiency and preserve a common design theme.
5. Construction of New Single-Family and Multi-Family Dwellings on individual parcels or lots of record prior created prior to Nov. 1999 and where such lot abuts commercial uses on two (2) or more sides:
- a. The lot coverage, setbacks, and building height requirements for construction of residential structures proposed in the Commercial districts under this category shall generally be the same as the requirements for the same type of dwelling in the R-2 Residential District, but shall be specifically defined on a case by case basis through the Conditional Use procedure. Standards may increase significantly, to assure safeguards and to protect the general welfare of the subject property and the neighborhood.
 - b. New residential construction in an existing Commercial District will not subject any existing or future Commercial enterprise to additional or increased landscaping buffers or barriers beyond the requirements previously approved for that business.
6. Parking Garage

- a. Parking garages, whether principal or accessory uses, shall be treated as structures and shall be subject to all requirements thereof.
 - b. A one-story shelter or guard building may be provided which shall not exceed one-hundred (100) square feet in area.
 - c. Parking structures shall provide, along any street frontage, pedestrian-related amenities such as sitting areas, planters, and visually interesting wall surfaces at the street level. Such amenities shall be evaluated through Site Plan Review
 - d. The maximum grade of parking floors shall be six (6) percent; the maximum grade of covered ramps shall be fifteen (15) percent; the maximum grade of uncovered ramps shall be twelve (12) percent.
 - e. Design specifications for ingress/egress drives, access aisles, and parking spaces shall be the same as for a typical surface parking lot.
 - f. Multi-level facilities shall provide one (1) elevator for every two hundred fifty (250) parking spaces.
 - g. A landscaping plan and location and number of ingress/egress points shall be subject to approval of the Board of Supervisors.
7. Retail Sales, Outdoor, Permanent
- a. Buffer landscaping shall meet requirements of Section 1506.
 - b. A lighting plan for the outdoor sales area shall be approved by the Commission.
 - c. The outdoor sales area shall be maintained in a dust-free condition.
8. Contractor's Yard
- a. Equipment shall not be stored with-in one hundred (100) feet of the property line of a residential use or district.
 - b. Screening of equipment storage areas shall be as specified in Section 1612 of this Chapter.
9. Communications Facilities, subject to the express standards and criteria stated Section 1212 of this Chapter.
10. Self-Storage Facility
- a. The site shall have direct access to an arterial or collector street as classified in the Comprehensive Plan.
 - b. All one-way driveways within the site shall have a minimum of one 10-foot-wide parking lane plus one 15-foot-wide travel lane. The parking lane shall not be required where the driveway does not serve the storage units.

- c. All two-way driveways within the site shall have a minimum of one 10-foot-wide parking lane plus two 12-foot-wide travel lanes. The parking lane shall not be required where the driveway does not serve storage units.
- d. All driveways shall be paved with hot mix asphalt or concrete and be designed to support expected loads.
- e. The perimeter of a site containing more than twelve (12) units shall be fenced with a minimum 8-foot fence with self-latching gate.
- f. All property lines which adjoin residential use or zoning classification shall be screened by a buffer area required by Section 1506 of this Chapter.
- g. The minimum distance between storage buildings shall be twenty (20) feet.
- h. The maximum length of a storage building shall be two hundred (200) feet.
- i. The maximum building height shall be twenty (20) feet.
- j. No storage shall be permitted outside an enclosed building, except for boats, campers, RVs, and trailers. These items are permitted for outside storage so long as they are in a segregated, secured fenced-in area. The fence shall be eight (8) feet in height, and screened with decorative landscaping.
- k. Storage units shall not be equipped with water or sanitary sewers.
- l. No business activity, other than rental of storage units, shall be conducted within the site of a storage facility.
- m. No hazardous materials or substances shall be stored in the storage buildings.
- n. Adequate fire protection shall be provided subject to Fire Department review.
- o. Operations shall be designed and maintained so that nuisances such as visual blight, glare, noise, blowing debris, and dust shall not be created.
- p. The site may include a dwelling unit for a resident manager or watchman.
- q. No signs shall be placed on the storage buildings or their rooftops.

11. Kennel

- a. Outdoor kennel as an accessory use to a veterinary clinic is subject to the conditions of 902 C. 3., b., c., and d. above.

12. Community Residential Facility

- a. The minimum lot size shall be one (1) acre.
- b. The minimum lot width shall be one hundred fifty (150) feet.
- c. The lot shall be serviced by a public water supply system and a public sewer system.

- d. A landscape buffer fifteen (15) feet in width shall be provided if the use abuts an R-1 district or single-family or two-family use. The buffer shall consist of a tree screen, consisting of 30% deciduous and 70% evergreen trees, with individual trees to be at least six (6) feet in height at planting and spaced no more than fifteen (15) feet apart. In addition, a shrubbery row of a non-deciduous species shall be planted, with individual shrubs to be at least two (2) feet in height at planting and spaced no more than five (5) feet apart.
- e. All community residential facilities shall be sprinklered with an approved sprinkler system through the main exit hallway, plus any additional or increased safety requirements mandated by the regulating agency. All such structures shall have a smoke detection system wired or connected to a central alarm system and be automatically activated.
- f. The applicant shall annually file with the Township the name and office number of at least one person designated by the applicant as the community representative for the facility.

D. Special Exceptions

1. Comparable Uses Which Are Not Specifically Listed

- a. Uses of the same general character as any use listed as permitted by right or listed as a conditional use in the C-1 district shall be allowed after determination of the Zoning Hearing Board that the impact of the proposed use on the environment and adjacent properties and streets is equal to or less than any use specifically listed in the district. In making such determination, the Board shall consider the following characteristics of the proposed use:
 - i. The number of employees;
 - ii. The floor area of the building or gross area of the lot devoted to the proposed use;
 - iii. The type of products, materials, equipment and/or processes involved in the proposed use;
 - iv. The magnitude of walk-in trade;
 - v. The traffic and environmental impacts and the ability of the proposed use to comply with the Environmental Standards contained in Part 16 of this Chapter.
- b. The proposed use shall comply with all applicable area and bulk regulations of the zoning district in which it is located.
- c. The proposed use shall comply with any applicable express standards and criteria specified in this Chapter for the most nearly comparable conditional use or use by special exception specifically listed in the zoning district in which it is proposed.
- d. The proposed use shall be consistent with the Statement of Intent for the zoning district in which it is proposed and shall be consistent with the Land Use Plan Goals and Objectives of the Comprehensive Plan.

E. Area and Bulk Regulations *

Minimum Lot Size	With public sewer: 20,000 sq. ft. Without public sewer: 40,000 sq. ft. Planned Shopping Center: 5 acres
Minimum Lot Width At Front Yard Setback	100 feet
Minimum Front Yard Setback	45 feet
Minimum Side Yard Setback	Adjoining Residential District or Use: 100 feet Adjoining All Other: 25 feet
Minimum Rear Yard Setback	Adjoining Residential District or Use: 100 feet Adjoining All Other: 40 feet
Maximum Building Height	5 stories or 65 feet
Maximum Building Coverage	See Maximum Impervious Surface Coverage
Maximum Impervious Surface Coverage – Includes Building, Parking, Sidewalks.	70%

***Use by Right - Single Family and Multi-Family:**

- Where subject lot of record existed in a Residential zoning classification prior to November 1999, apply Area and Bulk Regulations applicable for the Zoning District that existed immediately prior to the change to the current Commercial Zoning Classification.

- Where subject lot is newly created through subdivision from a larger parcel, apply Area and Bulk Regulations of R-2 District.

- Where there exists an uncompleted subdivision or development that now falls into a different Zoning District, that subdivision or development may continue to completion under the Area and Bulk Regulations applicable for the Zoning District that existed immediately prior to the change to the current Zoning Classification.

Conditional Use – Single Family and Multi-Family

- See Section 907 C. 5.

F. Environmental Standards - specified in Part 16 of this Chapter.

G. Site Plan Review - specified in Part 4, Section 405 of this Chapter.

Section 908. C-2, CONVENIENCE COMMERCIAL DISTRICT

A. Specific Intent

It is the purpose of this district to provide opportunities for local shopping and services to meet the needs of the residents of the Township on vacant sites at major intersections that are convenient to residential areas.

B. Uses by Right

1. Farm, subject to Section 1209, Agricultural Regulations
2. Home Occupation in Dwelling

3. Home Office
4. Townhouse and Garden Apartment
5. Studios for the instruction of art, music, dance, martial arts, crafts
6. Photography studio
7. Bakery
8. Bicycle Shop
9. Book or Stationery Store
10. Card and Gift Shop
11. Candy or Ice Cream Shop
12. Catering Service, excluding Rental Hall
13. Coin-Operated Laundry
14. Convenience Store
15. Craft or Hobby Shop
16. Day Care Center
17. Dry Cleaning Store
18. Financial Institutions
19. Florist, excluding Greenhouse
20. Newsstand
21. Personal Services (Barber, Beautician, Tailor)
22. Pharmacy
23. Business and Professional Offices
24. Eating Establishments, including restaurants, lunch counter, and delicatessen
25. Specialty Food Store (excludes Supermarket)
26. Sporting Goods Store
27. Video Rental
28. Essential Services

C. Conditional Uses

1. Car Wash Facilities – An automobile car wash facility does not include an incidental washing facility in an automobile service station.
 - a. Vehicle accommodation for an automatic car wash shall consist of seven (7) stacking spaces per wash unit, plus one (1) drying space, plus one parking space per employee; a self-service car wash shall provide three (3) stacking spaces per wash unit plus two (2) drying spaces per unit, plus one parking space per employee. A washing stall does not count as a stacking space.
 - b. Separated means of ingress and egress from the site shall be established and clearly marked. Traffic studies and associated improvements may be required by the Township as conditions of approval.
2. Automobile Gasoline and Service Station
 - a. The dominant use shall be for the purpose of selling gasoline, oil, and emergency accessories, conducting operations as allowed by the definition of “Automobile Gasoline and Service Station,” and shall exclude vehicle sales and rentals, outdoor storage of disabled vehicles for repair parts, and any other outdoor storage.
 - b. The use shall not be permitted closer than 200 feet to the property line of any tract that is either used or intended to be used for a public or quasi-public building or use.

- c. All repair work, dismantling, and washing and waxing shall be conducted in an enclosed building.
 - d. No vehicle that fits the definition of “junked vehicle” or “abandoned vehicle,” as defined by the Township Code of Ordinances, shall be parked outside the building.
 - e. Any business engaged in towing service shall dispose of any vehicles that fit the definition of “junked vehicle” or “abandoned vehicle,” as defined by the Township Code of Ordinances, within forty-eight (48) hours, unless they are stored inside a building.
 - f. No above-ground equipment for the service of motor vehicles, including gasoline pumps, shall be located closer than 30 feet to any property line.
 - g. No permanent stand, rack, or other apparatus may be placed so as to project beyond any building line.
3. Veterinary Clinic
- a. All operations shall be conducted within completely enclosed buildings located no closer than one hundred (100) feet to the property line of a residential use or zoning district.
 - b. A single, attached dwelling unit may be located on the same property as the clinic for the exclusive use of the attendant veterinarian or assistant.
4. Construction of New Single-Family and Multi-Family Dwellings
- a. See Conditional Uses, C-1 District, C.5.a.

D. Special Exceptions

1. Comparable Uses Which Are Not Specifically Listed.
- a. Uses of the same general character as any use listed as permitted by right or listed as a conditional use in the C-2 district shall be allowed after determination of the Zoning Hearing Board that the impact of the proposed use on the environment and adjacent properties and streets is equal to or less than any use specifically listed in the district. In making such determination, the Board shall consider the following characteristics of the proposed use:
 - i. The number of employees;
 - ii. The floor area of the building or gross area of the lot devoted to the proposed use;
 - iii. The type of products, materials, equipment and/or processes involved in the proposed use;
 - iv. The magnitude of walk-in trade;
 - v. The traffic and environmental impacts and the ability of the proposed use to comply with the Environmental Standards contained in Article 16 of this Chapter.

- b. The proposed use shall comply with all applicable area and bulk regulations of the zoning district in which it is located.
- c. The proposed use shall comply with any applicable express standards and criteria specified in this Chapter for the most nearly comparable conditional use or use by special exception specifically listed in the zoning district in which it is proposed.
- d. The proposed use shall be consistent with the Statement of Intent for the zoning district in which it is proposed and shall be consistent with the Land Use Plan Goals and Objectives of the Comprehensive Plan.

E. Area and Bulk Regulations

Minimum Lot Size	With public sewer: 10,000 sq. ft. Without public sewer: 21,780 sq. ft.
Minimum Lot Width At Front Yard Setback	90 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	Adjoining Residential District or Use: 30 feet Adjoining All Other: 10 feet
Minimum Rear Yard Setback	Adjoining Residential District or Use: 30 feet Adjoining All Other: 30 feet
Maximum Building Height	3 stories or 40 feet
Maximum Building Coverage	See Maximum Impervious Surface Coverage
Maximum Impervious Surface Coverage – Includes Building, Parking, and Sidewalks	70%

F. Environmental Standards - specified in Part 16 of this Chapter.

G. Site Plan Review - specified in Part 4, Section 405 of this Chapter.

SECTION 909. C-3, VILLAGE COMMERCIAL DISTRICT

A. Uses by Right

- 1. Farm, subject to Section 1209, Agricultural Regulations.
- 2. Home Occupation in Dwelling
- 3. Home Office
- 4. Single-Family Dwelling
- 5. Two-Family Dwelling
- 6. Townhouse and Garden Apartment
- 7. Art, Music, or Photography Studio
- 8. Bakery
- 9. Bicycle Shop
- 10. Book or Stationery Store

11. Card and Gift Shop
12. Candy or Ice Cream Shop
13. Catering Service
14. Coin-Operated Laundry
15. Convenience Store (not exceeding 3,500 square feet)
16. Craft or Hobby Shop
17. Day Care Center
18. Dry Cleaning Store
19. Financial Institutions
20. Florist, excluding Greenhouse
21. Newsstand
22. Personal Services (Barber, Beautician, Tailor)
23. Pharmacy (not exceeding 3,500 square feet)
24. Business and Professional Offices
25. Eating Establishment, including restaurant, lunch counter, and delicatessen
26. Specialty Food Store (excludes Supermarket)
27. Sporting Goods Store
28. Video Rental
29. Community Center
30. Club, Lodge, or Fraternal Organization
31. Fire Station, including Social Hall
32. Funeral Home, not including crematorium
33. Post Office
34. Tavern
35. Essential Services

B. Conditional Uses

1. Car Wash Facilities – An automobile car wash facility does not include an incidental one-bay washing facility in an automobile service station.

As specified in Section 908.C.1 of this Part.

2. Automobile Gasoline and Service Station

As specified in Section 908.C.2 of this Part.

3. Houses of Worship

As specified in Section 902.B.3 of this Part.

4. Community Residential Home

As specified in Section 903 B.3 of this Part, except minimum lot size shall be one-half (1/2) acre and minimum lot frontage shall be one hundred (100) feet.

C. Special Exceptions

1. Comparable Uses Not Specifically Listed
 - a. Uses of the same general character as any use listed as permitted by right or listed as a conditional use in the C-3 district shall be allowed after determination of the Zoning Hearing Board that the impact of the proposed use on the environment and adjacent

properties and streets is equal to or less than any use specifically listed in the district. In making such determination, the Board shall consider the following characteristics of the proposed use:

- i. The number of employees;
 - ii. The floor area of the building or gross area of the lot devoted to the proposed use;
 - iii. The type of products, materials, equipment and/or processes involved in the proposed use;
 - iv. The magnitude of walk-in trade;
 - v. The traffic and environmental impacts and the ability of the proposed use to comply with the Environmental Standards contained in Part 16 of this Chapter.
- b. The proposed use shall comply with all applicable area and bulk regulations of the zoning district in which it is located.
 - c. The proposed use shall comply with any applicable express standards and criteria specified in this Chapter for the most nearly comparable conditional use or use by special exception specifically listed in the zoning district in which it is proposed.
 - d. The proposed use shall be consistent with the Statement of Intent for the zoning district in which it is proposed and shall be consistent with the Land Use Plan Goals and Objectives of the Comprehensive Plan.
2. Apartment Above Business
- a. Dwelling units shall not be permitted on the street floor of a mixed use building.
 - b. Mixed commercial and residential uses shall not be permitted on the same floor of a building.
 - c. Parking areas for each use shall be as specified in Part 13 of this Chapter.
 - d. In addition to the area required for parking, there shall be a minimum of 500 square feet of usable yard area per dwelling unit for outdoor activities of the residents.
3. Automotive Repair Garage
- a. The use shall not be permitted closer than 200 feet to the property line of any tract that is either used or intended to be used for a public or quasi-public building or use.
 - b. All repair work and dismantling shall be conducted in an enclosed building.
 - c. No vehicle that fits the definition of “junked vehicle” or “abandoned vehicle,” as defined by the Township Code of Ordinances, shall be parked outside the building.
 - d. Any business engaged in towing service shall dispose of any vehicles that fit the definition of “junked vehicle” or “abandoned vehicle,” as defined by the Township Code of Ordinances, within forty-eight (48) hours, unless they are stored inside a building.

- e. No above-ground equipment for the service of motor vehicles shall be located closer than 30 feet to any property line. No permanent stand, rack, or other apparatus may be placed so as to project beyond any building line.

D. Area and Bulk Regulations

Minimum Lot Size	With public sewer: 5,500 sq. ft. Without public sewer: 21,780 sq. ft.
Minimum Lot Width At Front Yard Setback	50 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	30 feet
Maximum Building Height	3 stories or 40 feet
Maximum Building Size	13,500 gross square feet
Maximum Building Coverage	See Maximum Impervious Surface Coverage
Maximum Impervious Surface Coverage – Includes Building, Parking, and Sidewalks.	70%

E. Environmental Standards - specified in Part 16 of this Chapter.

F. Site Plan Review - specified in Part 4, Section 405 of this Chapter.

SECTION 910. STATEMENT OF INTENT, INDUSTRIAL DISTRICTS

In addition to the general goals listed in Part 1 of this Chapter and in the Land Use Plan Goals and Objectives of the Comprehensive Plan, the districts established in these regulations are intended to achieve the following:

- A.** To provide sufficient space, in appropriate locations, to meet the anticipated future needs for industrial activity with due allowance for the needs of a range in choice of sites.
- B.** To ensure that the land most suited for industrial and related activities will be available by prohibiting the use of such land for new residential development and, at the same time, to protect residences by separating them from such activities.
- C.** To protect industry against congestion by limiting the bulk of buildings in relation to the land around them and to one another, and by providing sufficient off-street parking and loading facilities for such developments.
- D.** To promote the most desirable use of land and direction of building development in accordance with the Comprehensive Plan; to promote stable industry; to strengthen the economic base; to

protect the character of particular industrial areas and their suitability to particular uses; to preserve the value of land and buildings; and to protect local tax revenues.

- E. To encourage the development of industrial parks through the provisions of suitable regulations whereby a number of businesses may locate in a landscaped tract.

SECTION 911. I-1, LIGHT INDUSTRIAL DISTRICT

A. Specific Intent

In addition to the goals listed in Section 910, above, it is the purpose of this district to allow lot-by-lot industrial development, as well as to encourage planned industrial development, as industrial parks, in which the area and bulk regulations permit increased flexibility in development of industrial tracts, thus assuring increased compatibility between similar uses. Any lot originally included in a recorded plat of a Planned Industrial Development (industrial park) shall be subject to the area and bulk requirements included in Section 911.F, below, even upon resale of individual lots within the park to different parties. Lot-by-lot area and bulk requirements (Section 911.E, below) apply only to industrial parcels not included in a plat of an industrial park, and do not apply at any time to individual lots within a platted industrial park. It is the intent of this section that any acreage added to an industrial park lot through subdivision is to be considered a part of that industrial park lot, and not a lot-by-lot industrial parcel for purposes of administration of development standards. To ensure location of uses that are free from offensive noise, vibration, smoke, odors, glare, hazards of fire or other objectionable effects, performance standards are set forth to govern such uses.

B. Uses by Right

1. Assembly and packaging of finished goods
2. Automotive Repair Garage
3. Contractor's Office and Yard
4. Distribution Business (not including Truck Terminal)
5. Laboratory
6. Manufacturing of furniture, medical equipment, musical instruments, and scientific instruments
7. Manufacture, compounding, processing, or treatment of such products as: bakery goods, confections, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and toiletries.
8. Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, concrete products, cellophane, canvas, hair, horn, leather, paper and paper board, plastic, precious or semi-precious metals or stones, marble, metals, shell, straw, textiles, wood, yarn, or paint.
9. Printing Service
10. Research Activity
11. Warehousing, Indoor Storage
12. Wholesale Trade, Indoor
13. Business and Professional Office
14. Essential Service
15. Farm, subject to Section 1209, Agricultural Regulations.
16. Accessory Uses, including restaurant or cafeteria facilities for employees only; outdoor private swimming pools and tennis courts; antenna and satellite dishes; and accessory buildings.

C. Conditional Uses

The following conditional uses shall meet the common conditions of providing ingress, egress, and internal traffic circulation designed to ensure safety, minimize congestion, and provide access for emergency vehicles, in addition to meeting conditions included in any Section referenced after the named use.

1. Truck Terminal
2. Greenhouse
3. Bus or Railway Station
4. Correctional Institution
5. Government Office
6. Club, Fraternal Organization, or Lodge
7. Houses of Worship, subject to Section 902.B.3 of this Part
8. Indoor Recreational Facility
9. Machinery Repair
10. Library
11. Museum
12. Parking Garage, subject to Section 907.C.6 of this Part
13. Communications Facility, subject to the express standards and criteria stated in Section 1212 of this Chapter.
14. Adult Business, subject to the express standards and criteria stated in Section 1213 of this Chapter.
15. All Uses by Right in Commercial Districts, except any Residential use.

D. Special Exceptions

1. Comparable Uses Which Are Not Specifically Listed.
 - a. Uses of the same general character as any use listed as permitted by right or listed as a conditional use in the I-1 district shall be allowed after determination of the Zoning Hearing Board that the impact of the proposed use on the environment and adjacent properties and streets is equal to or less than any use specifically listed in the district. In making such determination, the Board shall consider the following characteristics of the proposed use:
 - i. The number of employees;
 - ii. The floor area of the building or gross area of the lot devoted to the proposed use;
 - iii. The type of products, materials, equipment and/or processes involved in the proposed use;
 - iv. The magnitude of walk-in trade;
 - v. The traffic and environmental impacts and the ability of the proposed use to comply with the Environmental Standards contained in Part 16 of this Chapter.
 - b. The proposed use shall comply with all applicable area and bulk regulations of the zoning district in which it is located.

- c. The proposed use shall comply with any applicable express standards and criteria specified in this Chapter for the most nearly comparable conditional use or use by special exception specifically listed in the zoning district in which it is proposed.
- d. The proposed use shall be consistent with the Statement of Intent for the zoning district in which it is proposed and shall be consistent with the Land Use Plan Goals and Objectives of the Comprehensive Plan.

E. Area and Bulk Regulations for Lot-By-Lot Development

Minimum Lot Size	With public sewer: 65,340 sq. ft. Without public sewer: 87,120 sq. ft.
Minimum Lot Width At Front Yard Setback	150 feet
Minimum Front Yard Setback	45 feet
Minimum Side Yard Setback	Adjoining Residential District or Use: 150 feet Adjoining All Other: 25 feet
Minimum Rear Yard Setback	Adjoining Residential District or Use: 150 feet Adjoining All Other: 40 feet
Maximum Building Height	52 feet
Maximum Building Coverage	See Maximum Impervious Surface Coverage
Maximum Impervious Surface Coverage – Includes Building, Parking, and Sidewalks.	70%

F. Area and Bulk Regulations for Planned Industrial Development

Minimum Site & Lot Size	Site Area: 10 acres Individual Lot within Site with Public Sewer: 65,340 sq.ft. without Public Sewer: 87,120 sq.ft.
Minimum Lot Width At Front Yard Setback**	150 feet
Minimum Front Yard Setback	45 feet
Minimum Side Yard Setback	Adjoining Residential District or Use: 150 feet Adjoining All Other: 25 feet
Minimum Rear Yard Setback	Adjoining Residential District or Use: 150 feet Adjoining All Other: 40 feet
Maximum Building Height	52 feet
Minimum Building Separation	50 feet
Maximum Building Coverage	See Maximum Impervious Surface Coverage
Maximum Impervious Surface Coverage – Includes Building, Parking, and Sidewalks.	70%

**In a Planned Industrial Development, the Developer may create multiple parcels of a minimum of fifty (50) feet each at the front yard setback, with the provision that a minimum of three (3) parcels must be combined for each Industrial site or lot created for sale or development. Multiple parcels at a minimum of three (3) shall be combined

together by deed declaration and description, with no further Township process being required to combine multiple parcels. A notation must be placed on the recorded plan describing the minimum number of parcels to be combined to comply with the intent of this provision, to ensure a minimum of 150 foot width at building front yard setback per each lot sold or developed. Site Plan application shall reflect the combination as proposed or recorded.

G. Environmental Standards - specified in Part 16 of this Chapter.

H. Site Plan Review - specified in Part 4, Section 405 of this Chapter.

SECTION 912. I-2, HEAVY INDUSTRIAL DISTRICT

A. Statement of Intent

In addition to the goals listed in Part 1 of this Chapter and in the Land Use Plan Goals and Objectives of the Comprehensive Plan, it is the purpose of this district to provide industrial locations for plants which require large operational areas and which are normally undesirable adjacent to residential and commercial uses. Heavy industrial uses may also have extensive open storage and service areas and may generate heavy industrial-type traffic, requiring easy access to major thoroughfares.

B. Uses by Right

1. Assembly and packaging of finished goods
2. Beverage Bottling
3. Business and Professional Office
4. Contractor' Office and Yard
5. Distribution Business
6. Truck Terminal
7. Bus or Railway Station
8. Food Production, except for canning factories and animal processing
9. Laboratory
10. Machinery Repair
11. Manufacturing of furniture, medical equipment, musical instruments, or scientific instruments.
12. Printing Service
13. Warehousing, with Indoor or Outdoor Storage
14. Wholesale Trade, Indoor and Outdoor
15. Manufacture of machinery, chemicals and chemical products, rubber and plastic products, stone, clay, and glass products, primary metal products, and fabricated metal products.
16. Essential Service
17. Farm, subject to Section 1209, Agricultural Regulations.
18. Accessory Uses, including restaurant or cafeteria facilities for employees only; outdoor private swimming pools and tennis courts; antenna and satellite dishes; and accessory buildings.

C. Conditional Uses

1. On-Site Retail Sales
 - a. Sales shall be conducted in only one enclosed building on the site of the industrial use.

- b. No more than fifteen percent (15%) of the total floor area of an industrial building, or 5,000 square feet, whichever is less, shall be devoted to such sales.
 - c. Additional parking shall be required in accordance with the standard of one (1) space for each 150 square feet of floor area devoted to retail sales.
2. Junk or Salvage Yards
- a. An annual license fee in the amount of \$200 shall be paid, not later than January 31st of each year, by owners or operators of junk or salvage yards for purposes of inspection and regulation of the use by the Township.
 - b. The tract or lot shall be protected with an opaque fence at least eight (8) feet in height along the entire perimeter.
 - c. Evergreen trees shall be planted and maintained not in excess of twelve feet apart on the outside of the required perimeter fence.
 - d. The minimum front setback line(s) shall be one hundred (100) feet; all other setback lines shall be sixty (60) feet.
 - e. No operations shall be permitted on Sundays, or between the hours of 9 p.m. and 7 a.m. on any day of operation.
 - f. No burning shall be permitted.
 - g. No junked or abandoned vehicle shall be dismantled or destroyed except after a period of forty-eight (48) hours from the time of delivery to the yard.
 - h. All records and books pertaining to registration and delivery of vehicles shall be open to inspection by the Zoning Officer or Township Police.
 - i. No garbage, organic waste, petroleum products, or hazardous waste shall be stored, buried, or disposed of on the site.
 - j. Stored material must be arranged and maintained with aisles of a minimum width of twenty-five (25) between rows in order to facilitate access for fire-fighting equipment and to prevent the accumulation of stagnant water. The proposed layout of the yard must be indicated on the site plan submitted as part of the application.
3. Communications Facilities, subject to the express standards and criteria stated in Section 1212 of this Chapter.
4. Adult Businesses, subject to the express standards and criteria stated in Section 1213 of this Ordinance.
5. All Uses by Right in I-1 and C-I districts, except any Residential uses.

D. Special Exceptions

- 1. Comparable Uses Which Are Not Specifically Listed

- a. Uses of the same general character as any use listed as permitted by right or listed as a conditional use in the I-2 district shall be allowed after determination of the Zoning Hearing Board that the impact of the proposed use on the environment and adjacent properties and streets is equal to or less than any use specifically listed in the district. In making such determination, the Board shall consider the following characteristics of the proposed use:
 - i. The number of employees;
 - ii. The floor area of the building or gross area of the lot devoted to the proposed use;
 - iii. The type of products, materials, equipment and/or processes involved in the proposed use;
 - iv. The magnitude of walk-in trade;
 - v. The traffic and environmental impacts and the ability of the proposed use to comply with the Environmental Standards contained in Part 16 of this Chapter.
 - b. The proposed use shall comply with all applicable area and bulk regulations of the zoning district in which it is located.
 - c. The proposed use shall comply with any applicable express standards and criteria specified in this Chapter for the most nearly comparable conditional use or use by special exception specifically listed in the zoning district in which it is proposed.
 - d. The proposed use shall be consistent with the Statement of Intent for the zoning district in which it is proposed and shall be consistent with the Land Use Plan Goals and Objectives of the Comprehensive Plan.
2. Transportation, Storage, Treatment, or Disposal of Hazardous Waste (Treatment of Hazardous Waste shall not refer to treatment of domestic sanitary sewage through permits issued by the Pennsylvania Department of Environmental Protection).
 3. Statement of Intent

The Board of Supervisors recognize that the rules, regulations, and guidelines of Pa. D.E.P., EPA, and other state and federal regulatory agencies are not foolproof and accident proof. Therefore, due to the fact that an accidental spill, leak, or escape of a hazardous waste material, or any other dangerous or noxious material, can occur even from a business properly following all state and federal regulations (such as happened on November 22, 1999 at Weavertown Environmental on Rt. 50 in Cecil, Penna.), it is the intent of the Board of Supervisors, to further protect the surrounding residents, to augment and supplement state and federal regulations and guidelines, concerning the storage, treatment, and disposal of hazardous waste according to the following:

- a. The applicant shall present evidence of valid licenses and/or permits from the Pennsylvania Department of Environmental Protection (DEP) for the proposed transportation, storage, treatment, or disposal of hazardous waste.
- b. Valid licenses and/or permits from DEP shall be maintained continuously throughout the operation of any transportation, storage, treatment, or disposal of hazardous waste. Any suspension or revocation of the valid licenses or permits shall result in revocation

of Township zoning approval and shall represent a violation of this Chapter subject to penalty provisions herein.

- c. The applicant shall demonstrate that the proposed transportation, storage, treatment, or disposal of hazardous waste shall not adversely affect any lawful existing permitted uses of adjacent property, or any stream or ground water supply.
- d. The applicant shall show the proposed routes of all trucks to be utilized for hauling, if any; the estimated weight of the trucks; and the types of hazardous waste to be hauled in those trucks. The applicant shall comply with all weight limits on Township roads and shall design hauling routes to minimize impact on local roads.
- e. The applicant shall post a bond in an amount determined by the Township Public Works Director to guarantee restoration of Township roads used for hauling, if any, and to guarantee compensation of Township employees and/or emergency medical and fire services for clean-up or abatement of any hazardous waste spilled or otherwise deposited on roads or properties within limits of the Township. Any person who intentionally, accidentally, or negligently causes any such spill or deposit shall be liable for all costs incurred by the Township, including but not limited to: traffic control, evacuation, relocation, substance monitoring, establishment of medical care facilities, and repair or restoration of Township roads. The applicant shall certify that a general liability insurance policy in an amount determined by the Township to cover these potential costs either is or shall be in effect during the operation.
- f. Storage areas shall be located inside an enclosed building. The enclosed building shall be constructed of brick or concrete block and shall contain protective separations between different types of hazardous wastes stored and between the storage area and areas devoted to other activities in the building. The hazardous waste storage areas shall be visibly posted with warning notices and shall be adequately secured at all times to protect public safety.
- g. All storage containers shall be clearly marked as to the contents, and instructions shall be provided for safe handling and emergency handling, posted at the site, and supplied to and made available to all emergency services providers.
- h. The minimum site required for storage of hazardous waste when it is the principal use on a site shall be fifty (50) acres. The minimum site required for storage of hazardous waste as an accessory use to another principal use on a site shall be five (5) acres.
- i.
 - 1. The minimum site required for treatment and/or disposal sites that do not emit or release, or do not have the potential to emit or release any airborne gases, vapors, or particulates shall be one hundred (100) acres. Such treatment and disposal facilities shall not be located within one (1) mile of any airport, school, community park, hospital, nursing home, church, retail center, or any residential dwelling. Such treatment and disposal facilities shall not be located within five hundred (500) feet of any property line.
 - 2. The minimum site required for treatment and /or disposal sites which do emit, or do have the potential to emit any hazardous, or potentially hazardous or noxious gases, vapors, or particulates, either directly or indirectly into the air shall be five hundred (500) acres. Such treatment and disposal facilities shall not be located within one and one quarter (1-1/4) miles of any airport, community park, church, or retail center. Such treatment and disposal facilities shall not be located within one and one half (1-1/2)

miles of any school, hospital, nursing home, or any residential dwelling. Treatment and disposal facilities shall not be located within one thousand (1000) feet of any property line.

- j. Storage sites, other than those which include treatment or disposal, shall not be permitted within six hundred (600) feet of any residence or within ¼ mile of any church, school, hospital, nursing home, public building, historic structure, or municipal park.
- k. Treatment and/or disposal sites shall be adequately secured and shall be visibly posted to protect the public safety. Treatment and/or disposal areas shall be located not closer than two hundred (200) feet to any property line and shall be adequately screened by an opaque fence or earthen mound at least eight (8) feet in height or landscaped with a dense, compact, year-round vegetative screen which attains a height of at least eight (8) feet within three (3) years of planting.
- l. Any change or expansion of the activity on a site which includes transportation, storage, treatment, or disposal of hazardous waste which is not authorized by the original special exception approval shall require the submission of a new application for special exception for the changed or expanded activity.
- m. The application for use by Special Exception shall include written and graphic materials containing the following information:
 - i. A boundary and topographic survey of the property;
 - ii. The location of all existing and proposed structures on the site;
 - iii. The proposed location of the hazardous waste storage area on the site;
 - iv. A planimetric map of all physical features within ¼ mile radius of the proposed storage area on the site;
 - v. If a treatment and disposal facility is proposed, a planimetric map of all physical features with one (1) mile radius of the proposed treatment and disposal facility on the site;
 - vi. The names and addresses of all property owners within five hundred (500) feet of the property boundaries of the site;
 - vii. The location of all access and haulage roads and their intersection with all existing public roads;
 - viii. A statement from a registered professional engineer certifying that the proposed storage, treatment, or disposal of hazardous waste shall not have a deleterious effect on adjacent land uses, surface water, ground water, or floodplains;
 - ix. A copy of all applicable DEP licenses and/or permits;

- x. The amount and type of performance bond to be posted and the amount and type of liability insurance required in accordance with the requirements of DEP licenses or permits;
- xi. The duration of the proposed transportation, storage, treatment, or disposal activity;
- xii. The type and amount of hazardous waste to be stored, the proposed method of storage and the proposed method of treatment or disposal of hazardous waste at the site.
- n. The applicant shall present evidence from a registered professional engineer or other qualified expert whose credentials are acceptable to the Township to document compliance with these express standards and criteria.

E. Area and Bulk Regulations

Minimum Lot Size	2 acres
Minimum Lot Width at Front Yard Setback. **	250 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	Adjoining Residential District or Use: 200 feet Adjoining All Other: 75 feet
Minimum Rear Yard Setback	Adjoining Residential District or Use: 200 feet Adjoining All Other: 75 feet
Maximum Building Height	60 feet
Maximum Lot Coverage	See Maximum Impervious Surface Coverage
Maximum Impervious Surface Coverage – Includes Building, Parking, and Sidewalks,	70%

**In a Planned Industrial Development, the Developer may create multiple parcels of a minimum of fifty (50) feet each at the front yard setback, with the provision that a minimum of five (5) parcels must be combined for each Industrial site or lot created for sale or development. Multiple parcels at a minimum of five (5) shall be combined together by deed declaration and description, with no further Township process being required to combine multiple parcels. A notation must be placed on the recorded plan describing the minimum number of parcels to be combined to comply with the intent of this provision, to ensure a minimum of 250 foot width at building front yard setback per each lot sold or developed. Site Plan application shall reflect the combination as proposed or recorded.

F. Environmental Standards - specified in Part 16 of this Chapter.

G. Site Plan Review - specified in Part 4, Section 405 of this Chapter.

SECTION 913. SD, SPECIAL DEVELOPMENT DISTRICT

A. STATEMENT OF INTENT

In addition to the goals listed in Part 1 of this Chapter and in the Land Use Plan Goals and Objectives of the Comprehensive Plan, the districts established by these regulations are intended to achieve the following:

1. To allow flexibility in design, and in the application of zoning regulations, to encourage the economic development of a special district where the creation of a coordinated living and working environment can be accomplished.
2. To provide incentives for the public and private investment in the coordinated and orderly development of large sites with special development characteristics in areas with high growth potential for the purpose of regional economic development and the creation of regional employment.
3. To respond to the demand for a special district which can accommodate a variety of uses in an area adjacent to a proposed Federal Highway interchange.
4. To provide a procedure which can respond to changes in market conditions and availability of financing to support residential, commercial, and industrial economic development in a special district, and which complements County and Commonwealth redevelopment controls in effect for development of a special district.

B. APPROVAL PROCEDURE

The establishment of an SD district shall follow approval of an Illustrative Site Plan by conditional use hearing before the Board of Supervisors, followed by submission of a subdivision plan or plans as required in this Part. An Illustrative Site Plan indicates the proposed land use category (residential, commercial, or industrial) designated for each lot or parcel within the entire tract proposed as the SD district. In addition, the Illustrative Site Plan may also indicate the specific use by right (professional office, research laboratory, etc.) proposed for each lot or parcel. The Board of Supervisors may authorize one or more of the following land use categories on a lot or parcel, upon review by the Planning Commission: residential land use category, commercial land use category, and industrial land use category.

C. STANDARDS FOR CONDITIONAL USE APPROVAL OF AN ILLUSTRATIVE SITE PLAN

1. The minimum tract for which an Illustrative Site Plan shall be submitted shall be five hundred (500) acres. An existing SD district may, however, after gaining approval for rezoning, incorporate additional land into the district provided that at least twenty-five percent (25%) of the perimeter property boundary of the proposed added land is coincident with the boundary of the SD district. Additionally the minimum tract of land for any residential development within an SD district shall not be less than 30 acres.
2. The Illustrative Site Plan shall include a written description of the various proposed uses for each lot or parcel, when known. When not known at time of submission, the proposed land use category of each lot or parcel shall be indicated on the Plan. The Plan shall also show the proposed layout of the street network within the tract and its connection(s) with existing streets.
3. The Illustrative Site Plan shall be accompanied by evidence that the tract can be serviced by public water and sewer systems or by public water and a community sewage treatment system subject to approval by the Pennsylvania Department of Environmental Protection (DEP).

4. The tract shall have frontage on an arterial street, as defined by the Comprehensive Plan, or shall have direct access to such street within a distance of five hundred (500) feet of a principal entrance to the site.
5. The tract shall be subject to the redevelopment laws of the Commonwealth.
6. The Board of Supervisors shall hold a public hearing on the Illustrative Site Plan to assess the compatibility of the land uses proposed in the Plan, to determine the need for reasonable and appropriate conditions and safeguards to protect the public health, safety, and welfare, and to implement the purposes of this Chapter.
7. The Board of Supervisors shall determine whether the design of the proposed major street network shall provide safe and efficient flow of traffic through the site, prevent congestion, accommodate peak traffic demands without hazard or great delay, and provide accessibility for emergency vehicles.

D. PROCEDURE FOR REVIEW AFTER CONDITIONAL USE APPROVAL OF AN ILLUSTRATIVE SITE PLAN

1. Following the grant of conditional use approval for the Illustrative Site Plan for the tract, the applicant shall present a subdivision plan in accordance with the requirements of this Chapter. The subdivision plan may propose recording of the entire tract area or a portion thereof provided that no subdivision shall be less than the required area for the land use approved on the illustrative site plan and specified in table 913.7. The land use category approved for each lot or parcel through Illustrative Site Plan procedures shall be shown within the property boundaries of each lot or parcel.
2. The Board of Supervisors shall consider whether the existing physical characteristics of the subdivision plan, such as topography, vegetation, and natural waterways, or proposed man-made features such as streets, will create adequate buffers between adjoining areas proposed for residential and non-residential land use categories. The Board shall also consider the compatibility of the proposed land use categories within the subdivision plan with existing uses of property outside the SD district that adjoin its boundaries.
3. After subdivision approval, the development of each lot or parcel shall require submission of an individual site plan reflecting the area and bulk regulations of Section 913.H of this Part for the applicable land use category, the requirements of Part 4, Section 405, Site Plan Review and Section 403.H Additional Criteria for a Traditional Neighborhood Design in an SD (Special Development District).

E. VARIATIONS BETWEEN ILLUSTRATIVE SITE PLAN AND SUBDIVISION PLAN

Minor variations between the Illustrative Site Plan and any subdivision plan, such as preliminary locations of buildings on individual sites when shown on the Illustrative Site Plan, shall not require re-approval of the Illustrative Site Plan through conditional use procedures. However, major variations between the Illustrative Site Plan and any subdivision plan, such as changes in the layout of the major street network and/or principal points of ingress or egress, shall require re-submission of a conditional use application for Illustrative Site Plan approval. The Township shall classify variations as either major or minor. Resubdivision of an original Illustrative Site Plan lot shall not require a new conditional use hearing, but shall require delivery to the Township, along with the recorded plan for the resubdivided lot, of an updated Illustrative Site Plan showing the resubdivided lot.

F. EFFECT OF PROPOSED CHANGE OF LAND USE CATEGORY FOR INDIVIDUAL LOTS

1. Any proposed change in the land use category of a vacant lot or parcel in a recorded plan of subdivision shall be addressed as follows: The Board of Supervisors shall hold a public hearing to assess the compatibility of the proposed change in land use, and further, to determine the need for reasonable and appropriate conditions and safeguards to protect the public health, safety, and welfare of adjacent properties within and outside of the SD development tract.
2. Any proposed change in the land use category of a developed lot or parcel in a recorded plan of subdivision shall require the submission of a conditional use application proposing revision to the Illustrative Site Plan. If conditional use approval is granted, submission of a revised subdivision plan showing the new land use category shall be required for approval and recording. Any change in use or occupancy of the lot or parcel shall then be subject to the applicable area and bulk regulations contained in Section 913.G.7, below, for the new land use category.

G. LAND USE REGULATIONS AND DEVELOPMENT STANDARDS

Once conditional use approval has been granted to an Illustrative Site Plan which assigns land use categories to each lot or parcel within the SD district, and following recording of a subdivision plat or plats, the uses indicated below in the respective land use categories shall be permitted, subject to individual site plan approval as required by Part 4, Section 405 of this Chapter.

1. Uses by Right, Residential Land Use Category

- a. Single-Family Detached, Attached, and Semi-Detached Dwelling
- b. Two-Family Dwelling
- c. Multi-Family Dwelling
- d. Customary Accessory Uses, including:
 - i. Private garage
 - ii. Swimming pool, tennis court, and other private recreational use
 - iii. Private satellite dish
 - iv. Private greenhouse
 - v. Private shed or other storage building
- e. Home Office
- f. Essential Service
- g. Community or private membership outdoor recreational facilities including, but not limited to, parks, swimming pools, tennis courts and clubs, country clubs, golf courses and clubs, and the like.
- h. Farm, subject to Section 1209, Agricultural Regulations

2. Uses by Right, Commercial Land Use Category

- a. Farm, subject to Section 1209, Agricultural Regulations
- b. Apparel and clothing accessories store
- c. Furniture, home furnishings, hardware, and household appliance store
- d. Bakery
- e. Specialty food store (excluding supermarket)
- f. Eating establishment, including restaurant, lunch counter, and delicatessen
- g. Drinking establishment

- h. Pharmacy
- i. Convenience store
- j. Gift shop, including camera, book, stationery, antique, musical supplies, cosmetics, candy, tobacco, flower, hobby, jewelry, leather, and luggage shop
- k. General merchandise store
- l. Business and professional office
- m. Research and development, and high technology business
- n. Business service
- o. Personal service
- p. Essential Service
- q. Public building, excluding sanitarium and correctional institution
- r. Clubs, Lodge, or Fraternal Organization
- s. Indoor recreational facility
- t. Indoor theater
- u. Art, Music, or Photography studio
- v. Library
- w. Museum
- x. Motel or hotel
- y. Video rental
- z. Nursing home, hospital, clinic, and diagnostic center
- aa. Day care center, subject to Section 902.B.2. of this Chapter
- bb. Accessory uses, including restaurant or cafeteria facilities for employees only; outdoor private swimming pools and tennis courts; antenna and satellite dishes; and accessory buildings.

3. Uses by Right, Industrial Land Use Category

- a. Assembly and packaging of finished goods
- b. Contractor's Office (not including Contractor's Yard)
- c. Distribution Business (not including Truck Terminal)
- d. Laboratory
- e. Manufacturing of furniture, medical equipment, musical instruments, and scientific instruments
- f. Manufacture, compounding, processing, or treatment of such products as: Bakery goods, confections, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and toiletries.
- g. Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, concrete products, cellophane, canvas, hair, horn, leather, paper and paper board, plastic, precious or semi-precious metals or stones, marble, metals, shell, straw, textiles, wood, yarn, or paint.
- h. Printing Service
- i. Research Activity
- j. Warehousing and Storage, Indoor
- k. Wholesale Trade, Indoor
- l. Business and Professional Office
- m. Essential Service
- n. Accessory Uses, including restaurant or cafeteria facilities for employees only; outdoor private swimming pools and tennis courts; antenna and satellite dishes; and accessory buildings.
- o. Farm, subject to Section 1209, Agricultural Regulations

4. Conditional Use, Residential Land Use Category

Traditional Neighborhood Design overlay district as provided for and subject to the standards and criteria as specified in Part 4 Section 403.C “Additional criteria for a Traditional Neighborhood Design (TND) Development in a Special Development (SD) District

5. Conditional Uses in any Land Use Category

- a. Communications Facilities, subject to the express standards and criteria stated in Section 1212 of this Chapter.
- b. Heliports, subject to the express standards and criteria stated in Section 1214 of this Chapter.

6. Special Exception, Residential Land Use Category

Home Occupations, subject to the same standards and criteria set forth in Section 902.C.1 of this Part, and the same are incorporated herein by reference as fully as though set forth at length.

7. Special Exception, Industrial Land Use Category

Any proposed use that is not specifically listed in Section 913.G.3, above, shall be reviewed through Special Exception procedures, subject to the following criteria:

- a. Uses of the same general character as any use listed as permitted by right in the Industrial Land Use Category shall be allowed after determination of the Zoning Hearing Board that the impact of the proposed use on the environment and adjacent properties and streets is equal to or less than any use specifically listed as a use by right for the Industrial Land Use Category. In making such determination, the Board shall consider the following characteristics of the proposed use:
 - i. The number of employees;
 - ii. The floor area of the building or gross area of the lot devoted to the proposed use;
 - iii. The type of products, materials, equipment and/or processes involved in the proposed use;
 - iv. The magnitude of walk-in trade;
 - v. The traffic and environmental impacts and the ability of the proposed use to comply with the Environmental Standards contained in Article 16 of this Chapter.
- b. The proposed use shall comply with all applicable area and bulk regulations of the Industrial Land Use Category.
- c. The proposed use shall comply with any applicable express standards and criteria specified in this Chapter for the most nearly comparable conditional use specifically listed for the I-1 (Light Industrial) district.
- d. The proposed use shall be consistent with the Statement of Intent for the SD district and shall be consistent with the Land Use Plan Goals and Objectives of the Comprehensive Plan.

- e. Such uses shall involve processes and products equivalent to the processes and products characteristic of the permitted uses by right in the I-1 district. Uses authorized in the I-2 district and/or associated with heavy manufacturing shall not be permitted.

H. Area and Bulk Regulations

1. Section 913.H.1. The minimum area and bulk regulation for residential development as a use by right in this part shall be accordance with Section 903 R-2 Medium Density Residential Bulk and Area Requirements.
2. Additions to existing buildings shall follow the setback requirements that existed at the time the building was originally constructed.
3. Parcels developed and used as Golf Course are not to be considered as Residential District, Residential Land Use Category, or Residential Use for purposes of Setback Requirements and Landscaping and Screening Requirements.
4. Area and Bulk Regulations Table.

Minimum Subdivision / Site Size	Planned Commercial Planned Industrial Residential Development	5 Acres 10 Acres 30 Acres
Minimum individual lot within site size	Commercial With public sewers Without public sewers Industrial With Public Sewers Without Public Sewers	2 Acres 3 Acres 2 Acres 3 Acres
Minimum Lot Width at Front Yard Setback	Commercial Land Use Category (LUC) Industrial Land Use Category (LUC)	100 Feet 150 Feet
Minimum Front Yard Setback	Commercial LUC: Industrial LUC:	45 Feet 45 Feet
Minimum Side Yard Setback	Commercial and Industrial LUC: Adjoining Residential District, Use or LUC Adjoining al other uses	100 Feet 25 Feet
Minimum Rear Yard Set Back	Commercial and Industrial LUC: Adjoining Residential District, Use or LUC Adjoining al other uses	100 Feet 40 Feet
Maximum Building Height	Commercial and Industrial LUC:	5 Stories or 65 Feet
Maximum Lot Coverage including Building, Parking lot and Sidewalks	Commercial and Industrial LUC: Regardless if surface is impervious or not.	70%

** Parcels developed and used as Golf Course are not to be considered as Residential District, Residential Land Use Category, or Residential Use for purposes of Setback Requirements and Landscaping and Screening Requirements.*

**Additions to existing buildings shall follow the setback requirements that existed at the time building was originally constructed.*

I. Environmental Performance Standards - specified in Part 16 of this Chapter.

J. Site Plan Review - specified in Part 4, Section 405 of this Chapter.

SECTION 914. BPD, BUSINESS PARK PLANNED DEVELOPMENT DISTRICT

A. Purpose

This district is intended to accommodate the development of a mix of office and light industrial uses in a campus environment. Such uses shall be clean, quiet, free of objectionable elements, and shall operate entirely within enclosed structures. This district differs from the I-1 (Light Industrial) district in that outdoor storage of any type is prohibited. Storage and service yards are not permitted, even with screening. The district is also intended to foster a more creative approach in land and building site planning, and to encourage an efficient, aesthetic, and desirable use of open space.

B. Permitted Uses

1. Assembly and packaging of finished goods
2. Laboratory
3. Manufacturing of furniture, medical equipment, musical instruments, and scientific instruments
4. Manufacture, compounding, processing, or treatment of such products as: bakery goods, confections, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, and toiletries.
5. Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, concrete products, cellophane, canvas, hair, horn, leather, paper and paper board, plastic, precious or semi-precious metals or stones, marble, metals, shell, straw, textiles, wood, yarn, or paint.
6. Printing Service
7. Research Activity
8. Warehousing, Indoor Storage
9. Wholesale Trade, Indoor
10. Business and Professional Office
11. Medical Offices and Clinics
12. Essential Service
13. Farm, subject to Section 1209, Agricultural Regulations.
14. Accessory Uses, including restaurant or cafeteria facilities for employees only; outdoor private swimming pools and tennis courts; antenna and satellite dishes; and accessory buildings.

C. Limitations on Flexibility of Planned Developments

It is not intended that the Township automatically grant approval to the initial plan of development proposed by an applicant. The Board of Supervisors shall approve only such plans of development which are consistent with the public benefits resulting from the Planned Development. Therefore, the Board of Supervisors may require any reasonable condition, limitation, or design factor, including preparation of a traffic impact analysis, which will promote proper development of the Planned Development.

D. Minimum Size of Proposed Planned Development

No Planned Development shall be considered unless it contains a minimum area of fifteen (15) contiguous acres.

E. Area and Bulk Regulations for Business Park Planned Development

Minimum Site & Lot Size	Site Area:	15 acres
	Individual Lot within Site	
	with Public Sewer:	32,670 sq.ft.
	without Public Sewer:	43,560 sq.ft.
Minimum Lot Width		150 feet
Minimum Front Yard Setback		45 feet
Minimum Side Yard Setback	Adjoining Residential District or Use:	100 feet
	Adjoining All Other:	25 feet
Minimum Rear Yard Setback	Adjoining Residential District or Use:	100 feet
	Adjoining All Other:	40 feet
Maximum Building Height	Lesser of Four (4) stories or 52 feet	
Minimum Building Separation		55 feet
Maximum Building Coverage	See Maximum Impervious Surface Coverage	
Maximum Impervious Surface Coverage – Includes Building, Parking, and Sidewalks		65%

F. Procedure

The authorization of a Planned Development shall require approval of a sketch plan, preliminary development plan, and final development plan as stipulated in this Section.

1. Sketch Plan Submission

Upon petition of the owners of the area involved in the application, a sketch plan for the proposed Planned Development shall be presented to the Director of Planning. The applicant shall meet with the Director of Planning to discuss the sketch plan and its relationship to the requirements of the Comprehensive Plan, other public policy, and best planning practices. Said sketch plan shall then be presented to the Planning Commission for review. The sketch plan may be an approximate drawing, but it shall be prepared in a manner that will explain the features to be included and which would allow the testing of engineering feasibility. Review of the sketch plan is not binding on the Township and is not a part of the review process which has time limitations specified by the Pa. Municipalities Planning Code. Three (3) copies of the sketch plan shall be submitted, and shall include the following information:

- a. Proposed locations, amounts, and types of uses within the area proposed to be developed.
- b. Proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, perimeter treatment of the site, and other pertinent development features.
- c. Preliminary layout at a scale not to exceed 1” = 100’ illustrating streets, structures, open space, lots, drainage, and other elements basic to the proposal in relationship to existing site conditions.

- d. Ownership, zoning, and use of adjacent land.
 - e. Proposed deed covenants, in general terms, proposed to be made part of the Planned Development plan.
 - f. A statement of development sequence and timetable.
2. Preliminary Development Plan Submission

Following a meeting with the Director of Planning to discuss the sketch plan, an application for approval of the Preliminary Development Plan may be submitted to the Planning Commission. This application and supporting documents shall be submitted in accordance with the official filing deadline specified in Section 501.C of this Chapter. Nine (9) copies of the Preliminary Development Plan shall be submitted, and shall include the following information:

- a. Written application for approval of a Planned Development to be made on forms available from the Township.
- b. Name and seal of the registered surveyor responsible for preparing the plan;
- c. Tract boundaries, with bearings and distances
- d. Existing contours at vertical interval of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract. Datum to which contour elevations refer shall be U.S. Coast and Geodetic Survey datum.
- e. All existing watercourses, floodplains, tree masses, and other significant natural features; all existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants, and other significant man-made features; all existing streets on or adjacent to the tract, including name, right-of-way width, and cartway width; and all existing property lines, easements, and rights-of-way, and the purpose for which the easements and rights-of-way have been established.
- f. Proposed maximum site development intensity
- g. Proposed streets, all proposed buildings, their yards and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development.
- h. Narrative explanation of the character of the Planned Development, including a specific explanation of how the proposed development meets the objectives of all adopted land use policies and the stated purpose of this Section.
- i. Statement of present and proposed ownership of all land within the project, including the beneficial owners of a land trust.
- j. Development schedule indicating stages in which the project will be built, with emphasis on area, density, use and public facilities, and open space to be developed within each stage, and dates for beginning and completion of each stage.

- k. Information on all service facilities, driveways, private streets, paths, and off-street parking areas.
 - l. Preliminary general exterior building specifications for all buildings, submitted in sufficient detail to permit an understanding of the style of the development and the design of the buildings.
 - m. Preliminary development plans and feasibility reports for sidewalks, sanitary sewers, storm drainage, water supply system, street lighting, and roads, including classification, width of right-of-way, width of pavement, and construction details.
 - n. General landscape plan for the site showing landscape intent, with site details, where appropriate, to fully explain the concept.
 - o. If requested by the Board of Supervisors, a study of the impact caused by the Planned Development on the surrounding street system.
 - p. If requested by the Board of Supervisors, an environmental assessment showing the impact upon natural vegetation, watercourses, topography, and other natural features as identified by the Department of Planning.
3. Planning Commission Review of Preliminary Development Plan
- d. The Director of Planning shall coordinate a review of the Preliminary Development Plan materials to include all relevant departments, and submit written findings and recommendations to the Planning Commission. The Commission may hold a public hearing on the preliminary application. The Planning Commission shall recommend whether the Preliminary Plan should be approved, approved with modifications, or denied, and shall so notify the Board of Supervisors in writing, including in a recommendation for denial or modified approval any reasons for such recommendation.
 - e. In making its recommendation, the Planning Commission may consider the recommendations of the Township Director of Planning, Township Engineer, Township Municipal Authority, the Washington County Planning Commission, interested residents, and any other agency requested to submit, or submitting, comments on the plan.
 - a. The Planning Commission shall act on the preliminary plan within sixty (60) days of the official filing date, but, in any event, shall act on the plan in time for the Board of Supervisors to render their decision within ninety (90) days from the official filing date, unless an extension of time is agreed to in writing by the applicant.
4. Public Hearing and Board of Supervisors Review of Preliminary Development Plan
- a. Before acting on a Preliminary Development Plan, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. The Board of Supervisors shall act on the preliminary plan within ninety (90) days of the official filing date, unless the applicant has agreed in writing to an extension of time. Failure to do so shall be deemed an approval.
 - e. The Board of Supervisors shall notify the applicant in writing of its decision to approve, approve with conditions, or deny the Preliminary Development Plan. Such notice shall be given to the applicant in person or mailed to him at his last known address not later

than fifteen (15) days following the decision. If the plan is approved with conditions or denied, the Board of Supervisors shall specify in the notice the conditions which must be met or, in the case of denial, the defects found in the plan and the requirements which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled.

- f. Approval of the Preliminary Development Plan shall constitute approval of the project as to the character and intensity of development, and the arrangement and dimensions of streets, lots, buildings, and other planned features. The approval binds the subdivider or developer to the general scheme of the plan as approved, unless a revised plan is submitted, and permits the developer to proceed with final detailed design of improvements, to arrange for guarantee to cover installation of the improvements, and to prepare the Final Development Plan. Approval of the Preliminary Development Plan does not authorize the sale of lots or recording of the plan.
- g. A revised Preliminary Development Plan submitted after denial shall be considered and reviewed as a new preliminary plan.

5. Final Development Plan Submission

- a. The purpose of the Final Development Plan is to specifically designate the land subdivided into conventional lots as well as the division of other lands into common open areas and building sites. The Final Development Plan shall show the general location of each building to be constructed, and a designation of the general internal use for each building. The Final Development Plan also informs those who deal with the Planned Development of the restrictions placed upon the land.
- b. Submission of a Final Development Plan, or first phase of that plan, shall be completed within six months of the approval of the Preliminary Development Plan by the Board of Supervisors. The Board may, however, grant an extension of time for such period as it deems in the public interest. In the event that a Final Development Plan is not approved within the six-month period or an approved extension of time, the action of the Board of Supervisors approving the Preliminary Development Plan shall be declared null and void.
- c. Following Board of Supervisors approval of a Preliminary Development Plan, an application for Final Development Plan may be submitted to the Planning Commission according to the official filing deadline established in Section 501.C of this Chapter. Nine (9) copies of the Final Development Plan shall be submitted, and shall include the following information:
 - i. Written application for approval of a Final Development Plan to be made on forms available from the Township.
 - ii. Name and seal of the registered surveyor responsible for preparing the plan
 - iii. Tract boundaries, with bearings and distances
 - iv. Indication of the land subdivided into conventional lots, as well as the division of other lands, not so treated, into common open space areas and building areas.
 - v. The general location of all buildings to be constructed and the general internal uses of each building, structure, and use of land.

- vi. Infrastructure improvements, including construction details showing centerline elevations, pavement type, curbs, gutters, culverts, etc.
- vii. Such additional information as the Board of Supervisors may have required when approving the Preliminary Development Plan.
- viii. If subdivided lands are included in the Planned Development, a subdivision plat of all subdivided lands in the same form and meeting all requirements of a normal subdivision plat.
- ix. An accurate legal description of each separate unsubdivided use area, including open space.
- x. All permanent signs, site lighting, and street fixtures.
- xi. Final stormwater management plans and construction details.
- xii. Construction schedule
- xiii. Common open space documents, conveying the open space to a municipal or public corporation or to a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Development or adjoining property owners. All lands conveyed there under shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space, or guaranteed by a restrictive covenant describing the open space and its maintenance and improvements, running with the land.
- xiv. Indication of whether the developer anticipates completing required improvements and facilities prior to recording of an approved Final Development Plan or guaranteeing completion, whether said improvements and facilities shall become public or remain private, by submitting financial security, acceptable to the Township, in an amount equal to one hundred ten percent (110%) of the construction cost estimate approved at the time said improvements and facilities are scheduled to be installed according to the Planned Development's staging program
- xv. Each individual lot or parcel sold or developed shall be subject to the Site Plan Review process..

6. Planning Commission Review of Final Development Plan

- a. The Director of Planning shall coordinate a review of the Final Development Plan, to include review by relevant Township departments. The Director shall compile a report of review findings and forward them to the Planning Commission. If the Director, upon review, finds major changes in the Final Development Plan, the plans shall be forwarded to the Planning Commission as per Section 914.J., "Changes in the Planned Development." The Planning Commission shall recommend whether the Preliminary Plan should be approved, approved with modifications, or denied, and shall so notify the Board of Supervisors in writing, including in a recommendation for denial or modified approval any reasons for such recommendation.
- b. In making its recommendation, the Planning Commission may consider the recommendations of the Township Director of Planning, Township Engineer, Township

Municipal Authority, the Washington County Planning Commission, interested residents, and any other agency requested to submit, or submitting, comments on the plan.

- c. The Planning Commission shall act on the preliminary plan within sixty (60) days of the official filing date, but, in any event, shall act on the plan in time for the Board of Supervisors to render their decision within ninety (90) days from the official filing date, unless an extension of time is agreed to in writing by the applicant.

7. Board of Supervisors Review of Final Development Plan

- c. The Board of Supervisors shall act on the Final Development Plan within ninety (90) days of the official filing date, unless the applicant has agreed in writing to an extension of time. Failure to do so shall be deemed an approval.
- d. The Board of Supervisors shall notify the applicant in writing of its decision to approve, approve with conditions, or deny the Final Development Plan. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is approved with conditions or denied, the Board of Supervisors shall specify in the notice the conditions to be met or, in the case of denial, the defects found in the plan and the requirements which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled.
- g. If the Final Development Plan is approved subject to conditions, the Board of Supervisors shall not sign the plat until all of the conditions have been met.

G. Designation of Permanent Common Open Space

A proposed Business Park Planned Development shall not be approved unless such plan provides for permanent landscaped open space totaling twenty-five percent (25%) of the gross acreage.

H. Covenants and Maintenance

1. Covenants shall be required by the Board of Supervisors as an ingredient for stability and longevity of the Planned Development, and shall set forth in detail provisions for the ownership and maintenance of facilities held in common to ensure continuity and conservation. Covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the development or the Township. In such event, the Township may take those remedial steps allowed. A draft of the covenants shall be submitted as part of the Preliminary Development Plan application to the Planning Commission.
2. The Board of Supervisors shall require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the applicant for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes wherever necessary in conformity with the Township Comprehensive Plan.
3. The Board of Supervisors may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in the Planned Development Plan related to lot area, floor area, ratios of floor space to land area, areas in which structures may be built, open space, setback lines, building separation,

structure height, signs, off-street parking and loading space, design standards, and phasing of development.

4. The petitioner shall provide financial assurance for the satisfactory installation of all facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of this Chapter.
5. Adequate provisions shall be made for private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners, if such facilities are part of the Planned Development, In such instances, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
6. Common facilities not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
7. All private streets shall be maintained by the private organization so that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. Said private streets shall be developed in accordance with this Chapter.

I. No Construction Until Approvals Granted

No construction or installation work shall be permitted on public improvements until construction, stormwater management, and erosion and sedimentation control plans, as applicable, have been approved by the Township Engineer. The applicant shall notify the Engineer at least twenty-four (24) hours in advance of his intention to begin such work. Inspections shall be made by the Engineer as work progresses.

J. Recording

1. Upon approval of the Final Development Plan, the subdivider or developer shall prepare one (1) reproducible Mylar of the approved plan, which shall be submitted to the Township within thirty (30) days after approval. Upon satisfaction of any conditions attached to the approval, the plan will be signed by the Board of Supervisors. A copy of the signed Final Development Plan shall be recorded in the office of the Washington County Recorder of Deeds within ninety (90) days after approval of the plan or the approval of the Board of Supervisors shall be null and void. The plan must be recorded before proceeding with the sale of lots or construction of buildings.
2. In addition to the plat prepared for recording, the applicant shall, when required by the Township, submit a computer-readable file in the form specified by the Township which shall provide a true and complete display of the recorded Final Development Plan, excepting the surveyor's seal or signature. The computer-readable file shall be submitted at the same time the Mylar is submitted for signature by the Board of Supervisors.
3. Recording the Final Development Plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to public use, unless reserved by the subdivider as hereinafter provided. The

approval of the final plan shall not impose any duty upon the Board of Supervisors or Township concerning maintenance or improvements by ordinance or resolution.

4. The subdivider shall place a notation on the Final Development Plan if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the owner, and the Township shall assume no responsibility for improvement or maintenance thereof, which fact shall be noted on the final plan.

K. Changes in the Planned Development

1. A Planned Development shall be developed only according to the approved and recorded Final Development Plan and all supporting data. The recorded Final Development Plan and all supporting data, together with all recorded amendments, shall be binding on the applicant, their successors, grantees, and assigns, and shall limit and control the use of the premises (including the internal use of buildings and structures) and location of structures in the Planned Development, as set forth herein.
2. In the exercise of its continuing jurisdiction, the Board of Supervisors may, from time to time, allow modification of the approved Final Development Plan in a manner consistent with the approved Preliminary Development Plan to provide for circumstances and conditions unforeseen at the time of original approval. Such modifications shall constitute major or minor changes, which shall be acted upon as follows:
 - a. Major change shall be defined as any change which alters the concept or intent of the Planned Business Development, including, but not limited to, increases in density, significant increases in building heights, reductions of open space, changes in standards or alignment of roads, or drainage, or changes in the final governing agreements, provisions, or covenants. Major changes may be approved only by submission of a Revised Final Development Plan and supporting data, and following the Final Development Plan approval steps, including holding of a new public hearing at the discretion of the Board of Supervisors, and subsequent amendment of the Final Development Plan.
 - b. Minor changes shall be defined as any change that is not considered a major change. The Board of Supervisors may approve minor changes that do not change the concept of intent of the development, without going through the Final Development Plan approval steps. Any approved minor change not properly recorded with the County Recorder in the time period allowed shall automatically be deemed to be a major change.

L. Abandonment or Expiration

Abandonment of a development authorized under this Section shall occur when one or more of the following conditions occur:

1. No improvements are made pursuant to the Final Development Plan for twelve (12) consecutive months, or upon the expiration of two (2) years from the approval date of the Final Development Plan.
2. If construction of public improvements, including streets, parks, walkways, and utility installation identified in the approved Final Development Plan is less than fifty percent (50%) completed in terms of the approved development schedule.

For a development which has not been completed, the Board of Supervisors may grant a time extension for such development not to exceed one (1) year.

Section 915. PARK, ATHLETIC, AND RECREATION DISTRICT.

A. Uses by Right – Land Use

In this district, the land may be used and improved for walking, biking, and hiking trails, ball fields, outdoor sport complexes, municipal parks, and the like. Improved means grading and planting and placing replaceable material on the earth to facilitate the intended athletic or recreational use. Any structure to be built or erected in this district will fall under the conditional use category immediately following.

B. Conditional Uses -Structures

Any proposed structure to be erected in this district shall require a conditional use hearing conducted by the Board of Supervisors. In addition to the express standards listed below, the Board of Supervisors may attach other conditions and stipulations it deems necessary to preserve and protect the safety and welfare of adjacent and nearby residential dwellings, and to minimize any adverse effect that may result to the surrounding properties.

- 1) Due to the probability of unique and unusual parcel configurations in a district of this type (such as rails-to-trails property), setbacks for all sides of a proposed structure shall be determined on a case by case basis as a part of the Conditional Use hearing. A minimum of five (5) feet shall always be required, but longer distances up to the standards for R-1 Districts will be required if space permits.
- 2) Parking, buffer areas, screening and landscaping requirements will be determined as a part of the Conditional Use hearing, applying standards of Part 13 and Part 15, where practical. Deviations from Parts 13 and 15 may be permitted by the Township Supervisors where unique and/or unusual parcel configurations or use does not merit strict compliance.
- 3) Signs, access, lighting, etc. will be addressed through the Site Plan review process.

SECTION 916. (TC) TOWN CENTER OVERLAY IN SPECIAL DEVELOPMENT (SD) DISTRICT

A. Statement of Intent

In addition to the goals listed in Part 1 of this Chapter and in the Land Use Plan Goals and Objectives of the Comprehensive Plan, the overlay district established by these regulations is intended to achieve the following:

1. To allow flexibility in design, and in the application of zoning regulations, to encourage the economic development of an overlay to the special district where the creation of a coordinated living and working environment can be accomplished.
2. To provide incentives for the public and private investment in the coordinated and orderly development of a Town Center district with special development characteristics.
3. To respond to the demand for an overlay at the special district which can accommodate a mixed- use development.
4. To provide a procedure that can respond to changes in market conditions and availability of financing to support residential and commercial economic development in a mixed use district, and which complements County and Commonwealth redevelopment controls in effect for development of a special district.
5. Create a traditional Town Center environment that encourages lively retail and entertainment facilities.
6. Provide outdoor gathering places for the public such as courtyards, plazas, and public open space.
7. Promote pedestrian orientation of streets and buildings to establish a pedestrian friendly community with sidewalks and pedestrian walkways that connect buildings, parking areas and public spaces.
8. Create an attractive and welcoming streetscape.
9. Accommodate off-street parking in areas such that the Town Center environment is preserved.

B. Definitions

COURTYARD – An outdoor space open to the sky and bounded on three or more sides by exterior building walls or other enclosing devices.

GARDEN / URBAN GARDEN – Grounds adorned with flowers, lawns, shrubs, and trees for public enjoyment, and which may include paved or stone paths.

GROSS LEASABLE AREA (GLA) – The number of square feet of floor area on all levels, measured to the exterior surface of exterior walls, but excluding [1] floor area occupied by mechanical, telephone, or other operating equipment, [2] patios or exterior dining or merchandising areas that are not climate controlled, [3] truck docks, trash collection, or delivery areas that are not climate controlled, [4] floor area dedicated to public toilet rooms, maintenance facilities, vertical circulation elements, and fire and service corridors.

MIXED USE – A designation for a parcel of land or a building where the intended occupancy includes multiple separated uses as defined in this chapter or as agreed to by conditional use.

PLAZA – An open paved area, at, above, or below street level where vehicular traffic is not permitted.

SQUARE – An open quadrilateral area at the intersection of two or more streets, upon which vehicular traffic is restricted or not permitted.

TOWN CENTER (TC) – A well-defined parcel which includes a pedestrian friendly development featuring buildings that may include mixed uses with grade level retail or office uses and wherein may be permitted office and residential uses at their upper stories, as well as a variety of open spaces.

TOWN CENTER DRIVES – All driveways, streets, roads, alleys, and ring roads, located solely within a Town Center District. Town Center drives may not be considered public streets. In the event a private Town Center Drive is designated to become a public street, that street must conform to public street design and construction standards prior to being converted to public designation.

VISIBILITY TRIANGLE – The area necessary to provide clear visibility at public roadway intersections as required by PART 12 of this Chapter.

WAYFINDING – A term used to describe a signage system that gives direction, most typically as it relates to pedestrian movement.

C. Approval Procedure

At the developer's option, a Town Center Overlay Development may be established by conditional use on property in the SD, Special Development District provided all of the requirements of this Section are met. A Preliminary Land Development Plan for the area of the Town Center shall be submitted with the application for conditional use approval as a basis for determining compliance with this Section. The applications for conditional use approval and Preliminary Approval of the land development may be processed concurrently, if the land development plan meets all of the application requirements of Section 504-B of this Ordinance.

The establishment of a TC district shall follow approval of an illustrative Site Plan by conditional use hearing before the Board of Supervisors, followed by submission of a subdivision plan or plans as required in this Part. An Illustrative Site Plan indicates the proposed land use category (residential, commercial, or mixed-use) designated for each lot, parcel, or building within the entire tract proposed as the TC district. In addition, the Illustrative Site Plan may also indicate the specific use by right (retail, professional office, residential, etc.) proposed for each lot, parcel or building. The Board of Supervisors may authorize one or more of the following land use categories on a lot, parcel, or building, upon review by the Planning Commission: residential land use category, commercial land use category, and mixed-use land use category.

1. Standards for conditional use approval of an illustrative site plan

- a. The minimum tract for which an Illustrative Site Plan shall be submitted shall be thirty (30) acres. An existing TC district may, however, after gaining approval for rezoning, incorporate additional land into the district provided that a portion of the perimeter property boundary of the proposed added land is coincident with the boundary of the TC district.
- b. The Illustrative Site Plan shall include a written description of the various proposed uses for each lot, parcel, or building when known. When not known at time of submission, the proposed land use category of each lot, parcel, or building shall be indicated on the Plan. The Plan shall also show the proposed layout of the street network within the tract and its connection(s) with existing streets.

- c. The Illustrative Site Plan shall be accompanied by evidence that the tract can be serviced by public water and sewer systems or by public water and community sewage treatment system subject to approval by the Pennsylvania Department of Environmental Protection (DEP).
- d. The tract shall have frontage on an arterial street or collector, as defined by the Comprehensive Plan, or shall have direct access to such street within a distance of five hundred (500) feet of a principal entrance to the site.
- e. The tract shall be subject to the redevelopment laws of the Commonwealth.
- f. The Board of Supervisors shall hold a public hearing on the Illustrative Site Plan to assess the compatibility of the land uses proposed in the Plan, to determine the need for reasonable and appropriate conditions and safeguards to protect the public health, safety, and welfare, and to implement the purposes of this Chapter.
- g. The Board of Supervisors shall determine whether the design of the proposed major street network shall provide safe and efficient flow of traffic through the site, prevent congestion, accommodate park traffic demands without hazard or great delay, and provide accessibility for emergency vehicles.

2. Procedure for review after conditional use approval of an illustrative site plan

- a. Following the grant of conditional use approval for the Illustrative Site Plan for the tract, the applicant shall present a subdivision plan in accordance with the requirements of this Chapter. The subdivision plan may propose recording of the entire tract area or a portion thereof not to be less than thirty (30) acres. The land use category approved for each lot, parcel, or building through Illustrative Site Plan procedures shall be shown within the property boundaries of each lot, parcel, or building.
- b. The Board of Supervisors shall consider whether the existing physical characteristics of the subdivision plan, such as topography, vegetation, and natural waterways, or proposed manmade features such as streets, will create adequate buffers between adjoining areas proposed for residential and non-residential land use categories. The Board shall also consider the compatibility of the proposed land use categories within the subdivision plan with existing uses of property outside the TC district that adjoin its boundaries.
- c. After subdivision approval, the development of each lot, parcel, or building shall require submission of an individual site plan reflecting the area and bulk regulations of this Part for the applicable land use category, and the requirements of Part 4, Section 405, Site Plan Review. This requirement shall not apply to townhouses included as part of a PRD or to individual single-family homes.

3. Variations between illustrative site plan and subdivision plan

Minor variations between the Illustrative Site Plan and any subdivision plan, such as preliminary locations of buildings on individual sites when shown on the Illustrative Site Plan, shall not require re-approval of the Illustrative Site Plan through conditional use procedures. However, major variations between the Illustrative Site Plan and any subdivision plan, such as changes in the layout of the major street network and/or principal points of ingress or egress to public streets and roadways, shall require re-submission of a conditional use application for Illustrative Site Plan approval. The Township shall classify variations as either major or minor. Re-subdivision of an original Illustrative Site Plan lot shall not require a new conditional use hearing, but shall require delivery to the Township, along with the recorded plan for the re-subdivided lot, of an updated Illustrative Site Plan showing the re-subdivided lot.

4. Effect of proposed change of land use category for individual lots

- a. Any proposed change in the land use category of a vacant lot, parcel, or building in a recorded plan of subdivision shall be addressed as follows: The Board of Supervisors shall hold a public hearing to assess the compatibility of the proposed change in land use, and further, to determine the need for reasonable and appropriate conditions and safeguards to protect the public health, safety, and welfare of adjacent properties within the outside of the TC development tract.
- b. Any proposed change in the land use category of a developed lot, parcel, or building in a recorded plan of subdivision shall require the submission of a conditional use application proposing revision to the Illustrative Site Plan. If conditional use approval is granted, submission of a revised subdivision plan showing the new land use category shall be required for approval and recording. Any change in use or occupancy of the lot, parcel, or building shall then be subject to the applicable area and bulk regulations contained in this Section.

D. Modifications

The Supervisors shall consider whether proposed waivers or modifications in any requirement of this Section or the Chapter will make for a more attractive and harmonious planned development. If such modifications, in the judgment of the Supervisors, constitute a more beneficial use of the site for the affected/future residents and the public interest, than provided for under the requirements of this Section or Chapter or the zoning district in which the site of the Town Center is located, the Supervisors, in their sole discretion, may grant the modifications as part of the TC approval process.

Any inconsistencies in this Section/Ordinance with the Cecil Township Unified Development Ordinance will be resolved in favor of this Section.

E. Design and improvement standards

The standards and requirements outlined below shall be considered minimum standards and requirements for the promotion of the public health safety, morals and general welfare.

1. Streets, driveways, cul-de-sacs, and alleys within the TC District shall be designated "Town Center Drives", as defined in this Section.
2. Cartway construction shall meet the minimum design criteria set forth by the Township.
3. Street name signs, stop signs, and traffic control signs shall be provided and installed by the Developer.
4. Locations of easements for public utilities inside a TC District shall be coordinated with the respective utility.
5. Sidewalks and Pedestrian Ways.
 - a. The minimum width of sidewalks on the Town Center streets shall be ten (10) feet across retail store fronts, office building entries and entries to residential buildings.
 - b. If outdoor seating is proposed for a restaurant or similar business, the maximum encroachment into any sidewalk shall be five (5) feet.
 - c. Crosswalks shall be provided at each street intersection. Each crosswalk shall be indicated by signs and a change in pavement type such as pavers, stamped concrete or similar designation. Cross-walks shall be handicapped accessible.

- d. Sidewalks shall be required to connect the street frontage to all front building entrances, parking areas and public spaces.
- e. Sidewalks shall continue across driveways.
- f. Sidewalks or other paved pedestrian ways shall be provided from parking areas at the rear of buildings to rear entrances to the buildings and/or through public spaces to sidewalk along the street frontage.

F. Land use regulations and development standards

Once conditional use approval has been granted to an Illustrative Site Plan which assigns land use categories to each lot, parcel, or building within the TC district, and following recording of a subdivision plat or plats, the uses indicated below in the respective land use categories shall be permitted, subject to individual site plan approval as required by Part 4, Section 405 of this Chapter. Only the following uses shall be authorized in a Town Center Overlay Development in the SD, Special Development, District. Any use not specifically listed in this Section shall be subject to review as outlined in 3., Comparable Uses, below.

- 1. Uses by Right, Residential Uses
 - a. Garden Apartment buildings (maximum 3 stories or 40 feet) and Mid-rise Apartment buildings (maximum 5 stories or 65 feet)
 - b. Apartments on the upper floors of a building containing offices or retail stores on the lower floor or floors

- 2. Uses by Right, Non-residential Uses
 - a. Parking Garage
 - b. Retail Stores
 - c. Business and Professional Offices
 - d. Personal Services
 - e. Restaurants
 - f. Outdoor Dining
 - g. Financial Institutions
 - h. Studios for dance, music, fitness, art, or photography
 - i. Gallery, Museum, Library
 - j. Theater, live or motion picture
 - k. Hotel, Motel, Inn
 - l. Public Buildings
 - m. Public Park, Plaza, Square, Courtyard, Urban Garden
 - n. Transit Facilities
 - o. Farmer’s Market
 - p. Pedestrian Take-out Windows
 - q. Street Vendors – duly authorized
 - r. Schools
 - s. Religious Institutions
 - t. Government Offices, including Post Office, etc.

3. Comparable Uses

Comparable Uses not specifically listed, as determined by the Board of Supervisors in accordance with the following criteria:

- a. The proposed use is consistent with the statement of intent for the Town Center Development Overlay.
- b. The proposed use is similar to one of the foregoing authorized uses in the following characteristics:
 - i. Number of employees
 - ii. Magnitude of walk-in trade
 - iii. Floor area of building or gross area devoted to the use
 - iv. Types of products or services offered
 - v. Traffic and environmental impacts

4. Excluded Uses

- a. Automobile or other vehicle – sales (new and/or used)
- b. Automobile or other vehicle – service, repair, bodywork and painting
- c. Automobile or other vehicle – washing or detailing
- d. Automobile or other vehicle – fuel filling station
- e. Restaurant drive-through facilities
- f. Adult entertainment
- g. Tattoo parlor
- h. Any use not permitted in this district
- i. Uses determined to be of similar nature to the excluded uses in this section

5. Outdoor Activities or Uses

- a. The display of merchandise or seating out of doors is permitted within this TC district. Except as provided below, all display areas or seating for restaurants out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, or within any common pedestrian areas designated on the final site plan. Such display or seating may be permitted to extend the entire length and width of any sidewalk or plaza areas directly adjacent to the main business, provided that the minimum pedestrian access is maintained as required elsewhere in this Ordinance. There shall be no requirement that any display or seating be located wholly under any permanent part of a main business building such as a marquee. In addition, sales and display areas may be located in any kiosk or pushcart location designated on the final site plan.
- b. The temporary sale of Christmas trees and products associated with celebration of holidays or national events on any property in the TC district or the temporary sale of goods in relation to special events (e.g., Hanukkah, Presidents’ Day, Easter, etc.) shall be permitted for a period of sixty (60) days prior to the day of the special event or holiday celebration. No permit shall be required provided the sale area is as specified in Paragraph a., above.

G. Area and Bulk Regulations

- 1. Size of Lots:
 - a. Minimum Lot Size: No minimum required
 - b. Minimum Lot Frontage: No minimum required
 - c. Minimum Lot Depth: No Minimum required.
 - d. Maximum Number of Lots: No limit on the number of lots that may be created

- e. Maximum Impervious Surface Coverage – Includes Building, Parking, and Sidewalks: Ninety Percent (90%).

2. Size of Yards:

- a. Minimum Front Yard – No front yard is required between any lots or land uses created within the TC District. A Thirty-five foot (35') setback shall be required adjacent to any TC district boundary that directly abuts residential development that is OUTSIDE the boundary of this TC District.
- b. Minimum Side Yard – No side yard is required between any lots or land uses created within the TC District. A Thirty-five foot (35') setback shall be required adjacent to any TC district boundary that directly abuts residential development that is OUTSIDE the boundary of this TC District.
- c. Minimum Rear Yard - No rear yard is required between any lots or land uses created within the TC District. A Thirty-five foot (35') setback shall be required adjacent to any TC district boundary that directly abuts residential development that is OUTSIDE the boundary of this TC District.

3. Lot and Setback Standards:

- a. TC Districts shall not be restricted relative to the number of buildings per lot.
- b. The minimum building setback adjacent to a specified public thoroughfare or public R.O.W. shall be thirty-five feet (35').
- c. The minimum setback for all off-street parking, maneuvering and loading areas from the right-of-way line of a specified public thoroughfare or public R.O.W. shall be five feet (5').
- d. The minimum setback for all screening walls and fences from the right-of-way line of a public thoroughfare or public R.O.W. shall be ten feet (10').
- e. The minimum setback for any outside service area from the right-of-way line of a public thoroughfare or public R.O.W. shall be one hundred and fifty feet (150'). The setback may be reduced to thirty-five feet (35') if such area is screened to one hundred percent (100%) opacity with a screening wall that matches the primary on-site building material or with live vegetation.
- f. Buildings, parking areas, or other visual obstructions shall not be located in any required visibility triangle.
- g. The required setback area as described above shall be landscaped, and shall be included in the calculation of pervious area that may be required.
- h. No building setback shall be required from any town center drive created within the TC District.

4. Height Restrictions:

Maximum height for buildings inside a TC district shall be 75', or six (6) stories as measured pursuant to the Building Height definition specified in this ordinance, and is applicable to all land use categories inside the district.

5. Usable Open Space:

- a. Urban Gardens shall be required for each 50,000 square feet or portion thereof, of GLA. This requirement may be modified if a plaza, square, or courtyard is also proposed in the TC district, provided the total area devoted to urban gardens, plazas, squares or courtyards equals at least 500 square feet for each 50,000 square feet of GLA.

- i. The minimum area of an urban garden shall be 500 square feet.
 - ii. An urban garden shall be located where it is visible from and accessible from a public sidewalk or pedestrian way.
 - iii. Sixty percent (60%) of the urban garden area shall be planted with trees, vines, shrubs and seasonal flowers with year 'round interest.
 - b. Plazas, squares, or courtyards may be proposed in the Town Center district.
 - i. The minimum area required for a plaza, square, or courtyard shall be 1,000 square feet.
 - ii. The plaza, square or courtyard shall be located where it is visible and accessible from a sidewalk or pedestrian way.
 - iii. Thirty percent (30%) of the plaza, square or courtyard shall be landscaped with trees, shrubs and mixed plantings with year 'round interest. The remainder of the area in the plaza, square or courtyard shall be hardscape, lawn or ground cover or a mixture thereof.
 - iv. Plazas, squares, or courtyards shall connect to other activities such as outdoor cafes, restaurants and building entrances.
 - c. Open space amenities
 - i. Public art, statues, and fountains are encouraged.
 - ii. Seating space shall be provided where pedestrian activity occurs.
 - iii. Refuse containers shall be integrated with the architectural theme for the TC and shall be distributed throughout the garden, plaza, square or courtyard, along pedestrian ways, and proximate to parking areas or structures.
 - iv. Lighting shall be provided.

H. Off-Street Parking and Loading:

- 1. Parking for mixed uses inside a Town Center District will be permitted, subject to Section 1303, and Section 1306 of this Chapter.
- 2. Parking inside a Town Center District shall be calculated based on the following:
 - a. Amount of GLA for retail and restaurant uses
 - b. Net Floor Area for office uses
 - c. Number of seats in cinemas, theaters, and conference centers
 - d. Rental unit of hotels and inns
 - e. Per each residential unit (owner or rental).
- 3. Parking Ratios
 - a. Retail: Four (4) spaces per 1,000 square feet
 - b. Restaurant – Fast Casual: One (1) space per 75 square feet
 - c. Restaurant: One (1) space per 100 square feet
 - d. Office: Two and one-half (2.5) spaces per 1,000 square feet
 - e. Cinema, Theater, Conference Center: One (1) space per four (4) seats
 - f. Hotel, Motel, Inn: One (1) space for each rental unit
 - g. Residence: One and one-half (1.5) spaces for each studio or one-bedroom unit; two (2) spaces for each two-or-more-bedroom unit
- 4. Shared Parking Requirements

The number of shared parking spaces inside a Town Center District shall be determined by calculation, utilizing the following formula, and subject to review and final approval by the Township’s Board of Supervisors.

- a. Multiply the individual uses by the minimum required percentages, per time period, as contained in the five (5) vertical columns of Table 916.
- b. Add the sum of the calculations.
- c. The required parking is the largest number of spaces resulting from the calculations.

5. TABLE 916. SHARED PARKING CALCULATIONS

USE	Weekday: Midnight to 6 AM	Weekday: 9 AM to 4 PM	Weekday: 6 PM to Midnight	Weekend: 9 AM to 4 PM	Weekend: 6 PM to Midnight
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail and Commercial	5%	70%	90%	100%	70%
Hotel	80%	80%	100%	80%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
Others-as approved	100%	100%	100%	100%	100%

6. Loading Requirements

- a. Loading spaces inside a Town Center District shall not be required. However receiving areas shall be provided as follows:
 - i. One (1) receiving area for each multi-tenant building;
 - ii. One (1) receiving area for each freestanding restaurant.
 - iii. Receiving areas and any loading spaces shall be screened.

I. Signage:

The Developer shall submit a complete and comprehensive environmental graphic and way finding package, specific to the project, and subject to review and final approval by the Township’s Board of Supervisors.

J. Landscape planting and hardscape:

The Developer shall submit a complete and comprehensive landscape planting and hardscape package, including plant and material lists, specific to the project and subject to review and final approval by the Township.

K. Lighting

1. Lighting shall be designed to complement the architectural style of the buildings and provide a consistent theme throughout the Town Center.
2. Lighting shall be designed to provide adequate illumination for safe pedestrian access throughout the Town Center:
3. Minimum illumination for sidewalks - commercial: 1.0 foot-candles
4. Minimum illumination for sidewalks - residential: 0.6 foot-candles
5. Lighting shall be designed to provide adequate illumination for streets and open parking areas throughout the Town Center:
6. Minimum illumination - streets and open parking areas: 1.0 foot-candles
7. Spillover lighting across a property line that directly abuts residential development that is OUTSIDE the boundary of this TC District shall not exceed 0.2 foot-candles.
8. Mercury vapor lights shall not be permitted.
9. All lighting devices that utilize low pressure or high-pressure sodium, halide, fluorescent, quartz or incandescent bulbs in excess of 160 watts shall be designed completely shielded, and shall direct and cut off light at a cut-off angle that is sixty (60) degrees or less.
10. The Developer shall provide a photometric plan showing the level of illumination across the TC District, as well as light fixture specifications, demonstrating compliance with these requirements.

L. Common Area Maintenance:

All common areas within the Town Center district shall be maintained by the Developer, or as provided in the Private Easement, Restriction and Operating agreement to be developed for the entire Town Center Development.

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PART 10

Planned Residential Development (PRD)

- Section 1001. Statement of Purpose and Intent
 - Section 1002. General Requirements for Planned Residential Development
 - Section 1003. PRD Regulations for R-2 Districts
 - Section 1004. Application for Planned Residential Development
 - Section 1005. Special PRD Regulations for R-4 Districts
-

SECTION 1001. STATEMENT OF PURPOSE AND INTENT

It is the purpose of these regulations to establish zoning controls, regulations, and standards for minimum land area, the use of land and buildings, amount and kind of open space land, provisions for off-street parking, and other similar requirements necessary to regulate Planned Residential Development (PRD) within the limits of the Township and in accordance with the Pennsylvania Municipalities Planning Code and other laws of the Commonwealth of Pennsylvania.

The basic intent of these PRD regulations is to replace the usual approval process, involving rigid use and bulk specifications, with more flexible procedures involving a PRD plan submitted by a developer and approved by the Township. These regulations recognize that, while the standard zoning functions (use and bulk) and the standard subdivision functions (platting and design) are appropriate for the regulation of land uses in areas or neighborhoods of the community that are already substantially developed, these controls represent a type of pre-regulation and regulatory rigidity which would frustrate the application of the PRD concept. Thus, where PRD techniques are permitted, the normal use and dimensional specifications contained elsewhere in this Chapter and applicable to the respective Residential districts are herein replaced by an approval process in which the approved plan becomes the basis for continuing land use controls. Planned Residential Development does not necessarily correspond in minimum lot size, type of dwelling unit, density, lot coverage, or required open space, to any other residential district requirements. The regulations set by this Part are minimum regulations within the Residential districts and shall apply uniformly to each classification or kind of lot and structure within the respective Residential districts.

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

- A.** The Planning Commission shall review all Planned Residential Developments pursuant to the provisions of this Chapter and shall make recommendations for approval, approval with conditions, or denial, in writing, to the Board of Supervisors.
- B.** The Planning Commission shall ensure that the applicant conforms to all requirements, standards, controls, and regulations as are set forth in this Chapter.
- C.** The Planning Commission and the applicant shall comply with all procedures as set forth in this Chapter pertaining to application and hearings on tentative and final approval of a proposed PRD.

SECTION 1002. REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENT

A. Permitted Zoning Districts

- a. Planned Residential Developments (PRD's) shall be permitted in R-2 Medium Density Residential and R-4 Mobile Home Districts.

B. Area and Bulk Regulations

1. The general location of all structures shall be shown on the final approved plan. The location and arrangement of all structures shall be such that proper light and air are provided.
 - a. The setback distance from property line to building line shall not be less than the following.
 - i. Front setback, minimum twenty-five feet (25').
 - ii. Side setback, minimum ten feet (10').
 - iii. The, rear-to-rear space between buildings, except for accessory buildings, shall be not less than two times the height of the lowest building or fifty (50) feet, whichever is greater.
 - b. Architectural features such as unenclosed front porches or stoops, bay or bow windows, uncovered balconies, chimneys, gutters, may be permitted to encroach no more than 6 feet into the building setback. Bump-outs, for interior floor space, where floor joist and exterior walls are pushed out from the main structure are not permitted in any case to protrude over any building setback line.
2. Where a PRD borders an existing single-family use or R-1 district, the two-family and multi-family portions of a PRD shall be developed within the interior rather than the periphery of the tract so that single-family detached residences border the adjacent single-family use or R-1 district.
3. Minimum lot sizes, building setbacks, lot coverage, and lot width are not specifically regulated by this Part; however, the relationship of buildings to each other, the local street system, the utility systems, and the open space land pattern shall be consistent with the purpose and intent of this Part and Chapter.
4. A Perimeter Buffer Easement shall be maintained and dedicated as common area, intended for the use and enjoyment of the public and to provide screening between developments around the entire PRD Perimeter and maintained by a Home Owners Association or the Developer.
 - a. The Perimeter Buffer Easement shall be subject to Chapter 1504, Landscaping and Screening Design Standards of the Unified Development Ordinance.
 - b. The easement shall have a minimum dimension of fifty feet (50') in width.
 - c. No portion or part of a Perimeter Buffer Easement shall be located on or owned by an individual lot owner.
 - d. Perimeter Buffer Easement shall be free of structures including sidewalks / boardwalks but may contain such improvements as approved in the final development plan such as walking trails, benches or seating areas. **Exception:** Fences, walls, berms, a combination of such or other methods may be approved by the municipality to visually shield or block noise, light, or other nuisances specific to the location of the PRD subject to the restrictions hereinafter set forth.

- i. Walls or berms shall not exceed eight feet (8') in height.
 - ii. Walls and fences, utilized as screening, shall be solid and opaque and constructed of wood or masonry and at least one shrub, or evergreen, as specified in 1504.A.2, shall be planted on the outside of the wall or fence for every 10 feet in length.
 - iii. Fences and walls shall not be permitted to separate one residential zoning district from another.
 - e. The Perimeter Buffer Easement shall be maintained in the natural state unless otherwise approved by the Supervisors.
 - i. Exceptions: diseased and noxious or invasive weeds, trees, shrubs may be removed to promote growth of native non-invasive plants.
 - f. When a Perimeter Buffer Easement intersects at a road or driveway entry point nothing shall be erected, placed, planted or allowed to grow in excess of two and one half feet (2 ½') nor may portions of trees or other vegetation be permitted to hang below ten feet (10') measured from the centerline grade of the intersecting entry point and a line joining points on each street or driveway seventy five feet (75') from their intersection along the cart way.
 - g. Where a Perimeter Buffer Easement crosses open pasture / grassland, or sparsely vegetated area, a buffer of vegetative material shall be planted in two (2) rows to promote the establishment of a Perimeter Buffer as follows.
 - i. Each row shall consist of a mixture of (30%) deciduous shade trees and (70%), evergreen trees as specified in 1504.A.1. The deciduous trees in each row shall be spaced a Maximum of ten (10) feet apart, measured from the vertical centerline of adjacent trees. The two rows shall be staggered to result in adjacent trees in the two rows being approximately five (5) feet apart. Evergreen trees shall be staggered within the buffer to promote sufficient screening and buffering.
 - ii. No Trees, Shrubs or Bushes shall be planted within 8 feet of the Perimeter Buffer Easement line.
 - h. The Supervisors may waive or modify, at their sole discretion, the requirements for a Perimeter Buffer Easement along sections of the PRD adjacent to properties, which the following exists,
 - i. The adjacent land cannot be developed due to topographic, environmental or other situations that may arise which will prevent or prohibit development of the adjacent property.
 - ii. In the case of a Traditional Neighborhood Design (TND) Development in a Special Development (SD) District.
 - iii. In each case an alternative buffer landscaping plan shall be presented which in the opinion of the supervisors provides for adequate buffers between the proposed land use categories within a SD / TND development as well as the adjoining areas outside the proposed development while still maintaining the goals and intent of the PRD and TND design.
5. Because of the unique nature of a PRD, developers must maintain the existing plant cover to the maximum extent possible. Existing trees shall be maintained, as much as possible, beyond twenty (20) feet of all perimeter building walls, except in areas where roads, parking, sewer lines, water impoundments, foot or bicycle paths, etc., are required.
6. The height limitation for all residential buildings shall be four (4) stories or forty-five (45) feet, whichever is less.

C. Common Open Space Land

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

D. Public Land

The Township may at any time, or from time to time, accept dedication of common open space land and facilities, including streets and open space land, as the Township deems appropriate, proper, and necessary for the general welfare of the Township residents, but will never be under any obligation to accept any dedication.

SECTION 1003. PRD REGULATIONS FOR R-2 DISTRICTS

A. Use Regulations

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

1. Residential uses of any variety or type. In developing a balanced community, the use of a variety of housing types shall be deemed most appropriate in keeping with the intent of this Part.
2. Accessory commercial, service, and other non-residential uses (such as barber and beauty shops, convenience stores, gift shops, dry cleaners, candy or ice cream or delicatessen shop, excluding sit down trade, and other personal services) may be permitted or required where such uses are scaled primarily to serve the residents of the PRD and the surrounding community. Because of the primarily residential nature of a PRD, only those commercial uses compatible with reasonably associated residential development shall be permitted, but not to exceed five (5) percent of the land area. No industrial uses shall be permitted. The non-residential portions of any PRD may not be occupied until at least seventy-five (75) percent of the total number of residential dwelling units proposed in all phases of the PRD is completed.

Any commercial uses in a PRD shall be subject to all landscaping and buffer requirements that are required in Part 15, Landscaping and Screening, referring specifically to, but not limited to, commercial uses abutting a residential district or residential use.

The proposed locations for the commercial areas must be approved by the Board of Supervisors.

Notice of proposed commercial uses shall be included in Homeowners Association Charters.

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

B. Site Characteristics

The minimum area for a tract to qualify for a PRD within the R-2 district shall be twenty (20) contiguous acres of land. Where an applicant can demonstrate that the characteristics of his land will meet the intent of this Chapter, the Township may consider projects having less acreage than the minimum, but such projects may not be less than ten (10) acres in size. Access to the PRD shall be limited to arterial or collector roads as identified in the Comprehensive Plan.

C. Ownership

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

D. Density Permitted

For the purposes of this Section, residential uses of any variety or type may be constructed, provided that an overall gross density of eight (8) dwelling units per acre of site area is not exceeded and providing that all requirements of this Chapter are met and public sewer and water facilities are installed or available. Adjustments in overall permitted density may be made by the Township, where deemed appropriate, following detailed engineering evaluations relative to surface water runoff control, provisions for sanitary sewer facilities, erosion control procedures, and such other engineering data as the Township may prescribe. Adjustments shall be considered after written recommendations by the Township Engineer, and tentative approvals granted by the Department of Environmental Protection and other related agencies having an interest in the proposed development.

E. Area and Bulk Requirements (See Section 1002.A of this Part, above.)

F. Common Open Space Land (See Section 1002.B of this Part, above.)

G. Public Land (See Section 1002.C of this Part, above.)

H. Off-Street Parking Requirements (See Part 13 of this Chapter.)

SECTION 1004. APPLICATION FOR PLANNED RESIDENTIAL DEVELOPMENT

A. General

When any Planned Residential Development is proposed, before any permit for the erection of a permanent building in such PRD is granted, and before any subdivision plan for any part thereof may be filed in the office of the Township, the developer or his authorized agent shall apply to the Township for approval of such PRD. A public hearing shall be held, pursuant to public notice of said hearing and in accordance with Article VII Section 707 of the Municipal Planning Code.

B. Application for Tentative Plan Approval of Planned Residential Development

1. In order to provide an expeditious method for processing a plan for a PRD under the terms of this Chapter, and to avoid the delay and uncertainty which would arise if it were necessary to

secure approval by a multiplicity of local procedures, of a platted subdivision or resubdivision, as well as approval of a change in the zoning regulations otherwise applicable to the property, application for tentative approval of a plan for PRD shall be filed on behalf of the landowner.

2. The application for tentative plan approval shall include, but need not be limited to, the following:
 - a. A survey of the property to be included in the PRD, prepared and sealed by an engineer or surveyor licensed to practice land surveying in the Commonwealth of Pennsylvania.
 - b. A written statement indicating the nature of the landowner's interest in the PRD.
 - c. A topographic map showing contour intervals of not more than five (5) feet. Also included on this map shall be important physical features, water courses, major trees and tree masses, existing structures, roads, sewer lines, water lines, power and gas lines, and related elements.
 - d. A site plan showing the location and approximate size and height of all proposed structures; the location and size of all roads, parking areas, loading areas, and ingress and egress drives; the location, proposed development, and disposition for all open space land, including parks, playgrounds, and open space reservations.
 - e. A small-scale map showing the generalized land use pattern within three hundred (300) feet of the boundaries of the proposed PRD.
 - f. A phasing plan for all projects requiring phasing.
 - g. Provisions for stormwater drainage and sewage disposal.
 - h. Provisions for a complete water main supply system which shall be connected to a municipal water supply or to a community water supply approved by the engineer of the applicable water utility company and the Department of Environmental Protection, with satisfactory provision for the maintenance thereof.
 - i. Street, off-street, and parking area lighting plan.
 - j. A written statement concerning the suitability of the site for the application of the PRD concept, the proposed dwelling unit density, the suitability of the proposed uses, an approximate percentage allocation of the dwelling units by type for the first project phase, methods for solving engineering problems connected with the site, and probable overall phasing and timing of the project.
 - k. A written statement concerning the disposition of open space lands and the provisions for their maintenance and control. The financial responsibility for such open space lands must be clearly indicated.
 - l. A written statement concerning the purpose, location, and amount of common open space land in the PRD, the reliability of the proposal for maintenance and conservation of such common open space, and the adequacy or inadequacy of the amount and purpose of such common open space land as related to the proposed density and type of development.

- m. A written statement by the landowner setting forth the reasons why, in his/her opinion, a planned residential development would be in the public interest and would be consistent with the Comprehensive Plan for the development of the Township.

C. Tentative Plan Approval

In order to provide an expeditious method for processing a plan for PRD, the Township shall review the Tentative Plan and its related documents and shall inform the applicant of its approval or denial, in whole or in part, in writing. The Township may refer the Tentative Plan to other public and quasi-public agencies or any private consultant deemed necessary to provide a sound review of the proposal. Notwithstanding anything to the contrary contained herein, applications and accompanying documents shall be submitted for study and recommendation to the Washington County Planning Commission according to law. In approving a plan, the Township may take into account the following:

1. Proposal conformance with the Township Comprehensive Plan.
2. Proposal conformance with the purpose and intent of the Planned Residential Development concept, as expressed in Section 1001 of this Part.
3. Proposal conformance with required application components.
4. The conceptual soundness of the proposal inasmuch as it meets community needs and conforms to accepted design principles in land use configuration, proposed functional roadway systems, proposed functional utilities systems, open space land systems, and the scale of these elements, both absolutely and to one another.
5. The purpose, location and amount of the common open space land in the PRD, the reliability of the proposals for maintenance and conservation of the open space land, and the adequacy or inadequacy of the amount and purpose of such common open space land as related to the proposed density and type of development.
6. In the case of a PRD proposing development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents and owners of the PRD in the integrity of the plan.

D. Application for Final Plan Approval

An application for Final Plan approval shall be submitted to the Township by the applicant within twelve (12) months after Tentative plan approval. A plan submitted for final approval shall be deemed in substantial compliance with the plan previously given tentative approval provided that modification of the plan as tentatively approved does not:

1. Vary the proposed gross residential density or intensity of use by more than five percent (5%); nor,
2. Involve a reduction of the area set aside for common open space nor the substantial relocation of such areas; nor
3. Increase by more than ten percent (10%) the floor area of proposed non-residential uses; nor,
4. Increase by more than five percent (5%) the total ground area covered by buildings nor involve a substantial change in the height of buildings.

E. Township Action on Final Plan

The Township Board of Supervisors shall, within forty-five (45) days following the receipt of the Final Plan, approve or deny the Final Plan, in whole or in part, based upon, but not limited to, the following considerations:

1. Substantial conformance of the Final Plan with the previously approved Tentative Plan.
2. Plan conformance with the requirements of this Chapter.

In the event the plan submitted for final approval is not in compliance with the plan given tentative approval, the Township shall, within forty-five (45) days of the date of application for final approval, so notify the applicant in writing setting forth the particular ways in which the plan fails to be in substantial compliance. The applicant shall direct his course of action based upon the alternatives permitted under Pennsylvania Municipalities Planning Code guidelines.

F. Phasing and Plan Changes

A plan which requires more than twenty-four (24) months to complete shall be constructed in phases and the phasing plan must be submitted to the Township with application for Tentative plan. In a phased PRD, it is expected that changes in the approved Final Plan will be required from time to time. Specifically, it is envisioned that a Final Plan for a particular phase may propose either a lesser or greater number of dwelling units than the number shown for that phase on the Tentative Plan. Such changes are permitted without a new public hearing as long as the approved overall density for the entire PRD is not exceeded. In order to preserve the flexibility that is fundamental to the PRD concept, plan changes are permitted subject to the limitations listed below:

1. The changed plan must meet the basic objective of all regulations and all requirements of this Chapter.
2. All changes in the final plan must meet the Statement of Community Development Objectives of the Township.
3. All plan changes must be submitted to the Township for review and approval in accordance with the requirements of this Chapter.

SECTION 1005. SPECIAL PRD REGULATIONS FOR R-4 DISTRICTS

A. Permitted Uses

1. Primary Use – Mobile Home Park
2. Accessory Uses – Customary uses accessory to the above, and essential services.

B. Site Requirements

1. The minimum site area required for a tract to be developed as a mobile home park shall be ten (10) contiguous acres. Individual mobile home lots shall have a minimum width of fifty (50) feet and a minimum length of one hundred (100) feet.

2. The location of all mobile home parks shall comply with the following minimum requirements:
 - a. The site shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents.
 - b. The site shall not be subject to flooding.
 - c. The site shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor, or glare.
 - d. The site shall include stormwater management controls as required by Section 611 of this Chapter.
 - e. No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.
3. Exposed surfaces in all parts of every park shall be paved, covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather. Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

C. Design Standards

1. Required Setbacks, Buffer Strips, and Screening
 - a. All mobile homes and mobile home lot lines shall be located at least thirty (30) feet from any park property boundary line.
 - b. There shall be a minimum distance of fifteen (15) feet between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a park street, or common parking areas or other common areas.
 - c. All mobile home parks shall be required to provide a planted visual screen along all property lines adjoining residential use or zoning classification, according to Section 1506.B.6 of this Chapter.
2. Required Separation Between Mobile Homes
 - a. Mobile homes shall be separated from each other and from service buildings and other structures by at least thirty (30) feet, and shall be located not less than six (6) feet from the mobile home lot boundary.
 - b. An accessory structure, such as a carport, awning, or patio cover, which has a horizontal area exceeding twenty-five (25) square feet, is attached to a mobile home and/or located within ten (10) feet of its window, and has an opaque or translucent top or roof that is higher than such window shall, for purposes of this separation requirement, be considered to be part of the mobile home.
3. Street System

- a. All streets to be offered for public dedication will conform to the Design and Improvement Standards required by Part 6 of this Chapter.
- b. All streets not to be offered for public dedication shall be provided with a smooth, hard, and dust-free surface which shall be durable and well-drained under normal weather conditions, and which conform to the following standards:
 - i. A safe and convenient vehicular access shall be provided from abutting public streets or roads.
 - ii. The entrance road connecting the park streets with a public street or road shall have a minimum cartway width of twenty (20) feet with six-foot (6') crushed stone shoulders.
 - iii. Surfaced internal streets shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
 - aa. Internal streets shall have a minimum cartway width of twenty (20) feet with six-foot (6') crushed stone shoulders, except one-way streets which shall have a minimum cartway width of ten (10) feet with six-foot (6') crushed stone shoulders.
 - bb. Dead-end streets shall be provided at the closed end, with a turnaround having an outside cartway diameter of at least forty (40) feet.
 - iv. Grades of all streets shall be sufficient to ensure adequate surface drainage, but shall be not more than eight (8) percent. Short runs, not exceeding five hundred (500) feet, with a maximum grade of ten (10) percent, may be permitted, provided traffic safety is assured by appropriate surfacing, adequate leveling areas and avoidance of lateral curves.
 - v. Within one hundred (100) feet of an intersection, streets shall be at approximately right angles. A distance of at least one hundred fifty (150) feet shall be maintained between centerlines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.

4. Parking Areas

- a. Areas shall be provided for the parking of motor vehicles. Such areas shall accommodate at least two (2) parking spaces for each mobile home lot provided.
- b. Off-street parking areas may be provided in all mobile home parks for the use of park occupants and guests.
- c. Required car parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of one hundred (100) feet from the mobile home that it is intended to serve. Said parking and related drives, when located within the confines of the mobile home lot, shall not occupy more than twenty (20) percent of the area of the mobile home lot.

5. Mobile Home Lot Improvement

The area of the mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home. The mobile home lot shall be designed so as not to heave, shift, or settle unevenly under the weight of the mobile home because of frost action, inadequate drainage, vibration, or other forces acting on the superstructure.

6. Mobile Home Base Structure

An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

7. Open Space Requirements

a. All mobile home parks shall provide and so indicate on the plan of the mobile home park suitable areas for recreation and open space uses by using the standard of twenty (20) percent of the total area of the mobile home park. One half (1/2) of the area shall be in one contiguous usable parcel in a convenient location. The remainder may be used to provide pedestrian connecting links to the recreation areas.

b. The recreation and open space shall be located as centrally as possible within the mobile home park in order to be easily accessible to the residents of the park. The open space shall be landscaped with a water absorbent surface except for recreational facilities and walkways utilizing a hard surface. The open space must be maintained by the mobile home park operator or it can be dedicated to the Township provided the Township is willing to accept and maintain the open space.

c. The maximum impervious surface coverage shall be sixty (60) percent.

D. Plan Requirements

In addition to the site requirements of this Part, the plan of proposed development shall show:

1. Location and width of all streets and rights-of-way, with a statement of any conditions governing their use.
2. Suggested street names and utility easement locations.
3. Proposed building setback lines along each street.
4. Lot lines with dimensions.
5. A statement of the intended use of all nonresidential lots and parcels.
6. Lot numbers and a statement of the total number of lots and parcels.
7. Sanitary and/or storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.
8. Parks, playgrounds, streets, and other areas dedicated or reserved for public use, with any conditions governing such use.

E. Water Supply

1. An adequate supply of water shall be provided for mobile homes, service buildings, and other accessory facilities as required by this Part. Where a public water supply system of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and its supply shall be used exclusively. A P.R.D. development shall not be permitted where a satisfactory public water supply system is not available.
2. Where a public supply of water is provided, fire hydrants shall be installed as agreed upon by the Board of Supervisors and the agency responsible for the water supply.
3. Individual Water-Riser Pipes and Connections
 - a. Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby ensuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
 - b. The water-riser pipe shall have a minimum inside diameter of three-quarter (3/4) inches and terminate at least four (4) inches above the ground. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.
 - c. Adequate provisions shall be made to prevent freezing of the water lines, valves and riser pipe, and to protect risers from heaving and shoving actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
 - d. A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless their types of manufacture and their method of installation are approved by the Board of Supervisors.

F. Sewage Disposal

1. An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings, and accessory facilities. Such system shall be designed, constructed, and maintained in accordance with Pennsylvania Department of Environmental Protection requirements and Township ordinances.
2. Individual Sewer Connections
 - a. Each mobile home stand shall be provided with at least a four-inch (4") diameter sewer-riser pipe. This pipe shall be embedded in poured concrete, minimum twelve-inch (12") diameter and a minimum eighteen-inch (18") depth. The rim of the riser pipe shall extend at least one-half inch (1/2") above ground elevation. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.
 - b. The sewer connection shall have a nominal inside diameter of not less than three (3) inches, and the slope of any portion thereof shall be at least one-fourth inch (1/4") per foot. All joints shall be watertight.
 - c. All materials used for sewer connection shall be semi-rigid, corrosive resistant, nonabsorbent, and durable. The inner surface shall be smooth.
 - d. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser.

G. Electrical Distribution System

1. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances that shall be installed and maintained in accordance with Township ordinances regulating such systems.
2. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground, and shall have a minimum vertical clearance of eight (8) feet above any mobile home, service building, or other structure.

H. Service Buildings and Other Community Service Facilities

All structural requirements for all service, recreation, and other community service facilities (management offices, repair shops, storage areas, laundry facilities, indoor recreation areas) shall be in accordance with the Township building code.

I. Refuse Disposal

The storage, collection, and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution, and shall be in accordance with Township ordinances.

J. Fire Protection

Fire protection provisions shall be in accordance with the Township Fire Prevention Code.

K. Fuel

All piping from outside fuel storage tanks or cylinders to mobile homes shall be copper or other acceptable metallic tubing and shall be permanently installed or securely fastened in place and shall not be located inside or beneath the mobile home or less than five (5) feet from any mobile home exit.

L. Supervision

1. The person to whom a permit for a mobile home park is issued shall operate the park in compliance with this Part and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
2. The park manager or park owner shall apply for a township occupancy permit for each mobile home hooked up but before actual occupancy.
3. The park management shall supervise the placement of each mobile home on its stand, which includes securing its stability and installing all utility connections.
4. The park management shall give the Board of Supervisors, or their representatives, free access to all mobile home lots, service buildings, and other community service facilities for the purpose of inspection.
5. The management shall maintain a register containing the names and addresses of all park occupants. Such register shall be available to any authorized person inspecting the park, and shall be offered to Cecil Township officials upon request.

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PART 11

Mobile Homes and Mobile Home Parks

Section 1101. Individual Mobile Homes

Section 1102. Mobile Home Parks

SECTION 1101. INDIVIDUAL MOBILE HOMES

Single mobile homes on individual lots shall be permitted in any residential district as a single-family detached dwelling when such mobile home is 1) bolted to a continuous eight-inch (8") concrete block foundation placed upon a continuous sixteen-inch by eight-inch (16" x 8") concrete footing located three feet (3') below grade, or 2) has it's main beams strapped to concrete or block piers, which have a bottom extending three (3) feet below grade. All mobile homes mounted without a full outside continuous block foundation shall be required to install rigid, architecturally sound and attractive full perimeter skirting.

SECTION 1102. MOBILE HOME PARKS

A. Grant of Power

Provisions regulating mobile home parks as set forth in this Part are those pursuant to Section 501 of the Pennsylvania Municipalities Planning Code.

B. Purpose, Authority, and Jurisdiction

The purpose, authority, and jurisdiction for land development as a mobile home park are the same as contained in Part 1 of this Chapter.

C. General Procedure and Plan Requirements

The general procedure and plan requirements for land development as a mobile home park shall be in accordance with the requirements contained in Part 5 of this Chapter.

D. Design Standards

The arrangement and other design standards of streets, easement, blocks, lots, stormwater management, erosion and sedimentation control, and flood plain regulations shall be in accordance with the requirements contained in Part 6 of this Chapter and the area and bulk regulations for the R-4 district contained in Part 9 of this Chapter.

E. Improvements and Construction Requirements

In a mobile home park, all improvements, construction requirements, and engineering specifications for the improvements required shall be provided in accordance with Parts 6 and 7 of this Chapter.

F. Fees

The fee schedule for filing, inspection, and engineering fees for land development as a mobile home park shall be in accordance with the requirements contained in Part 5 of this Chapter.

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PART 12

General Regulations

Section 1201. Allowable Use of Land and Buildings
Section 1202. Number of Buildings Per Lot
Section 1203. Allowable Setback Encroachments
Section 1204. Accessory Uses
Section 1205. Visibility at Intersections
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Section 1208. Slope Controls
Section 1209. Agricultural Regulations
Section 1210. Abandoned Vehicles
Section 1211. Animals
Section 1212. Communications Facilities
Section 1213. Adult Businesses
Section 1214. Heliports
Section 1215. Traffic Impact Studies
Section 1216. Bed & Breakfast Establishments

SECTION 1201. ALLOWABLE USE OF LAND AND BUILDINGS

- A.** No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B.** No structure shall be erected or altered to provide for greater height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Chapter.
- C.** No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements set forth herein. No part of a yard or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this Chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

SECTION 1202. NUMBER OF BUILDINGS PER LOT

In no case shall there be more than one principal building used for residential purposes located on one property, except as otherwise provided in this Chapter for a Mobile Home Park, Planned Development, or Land Development. If two or more principal non-residential buildings are proposed on a property, the space between such buildings shall be as established by the building setback requirements of the district in which the use is located, and the proposed development shall be required to apply for Land Development approval as prescribed in this Chapter.

SECTION 1203. ALLOWABLE SETBACK ENCROACHMENTS

No structure shall be erected, placed, or moved to within any setback area except certain accessory structures as provided in Section 1204.A. of this Part. The following portions of structures may project into required yards:

- A. Unenclosed, uncovered steps, entrance platforms, terraces, stoops, or landings, not over thirty-six (36) inches above grade level, and not exceeding six (6) feet) in projection. Roofs or balconies, not exceeding six (6) feet in projection, and covering porches, stoops, or entrances per above, may be constructed into required yards setbacks.
- B. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding twenty-four (24) inches.
- C. An eave, cornice, roof overhang, awning, balcony, or bay window not exceeding three (3) feet in projection.
- D. Exterior stairways and fire escapes not exceeding four (4) feet in projection.

SECTION 1204. ACCESSORY USES

Accessory uses and structures are permitted in all zone districts in accordance with the provisions of this Section and the International Residential Code. This section applies only to detached one (1) and two (2) family dwellings and multiple attached single-family dwellings not more than three (3) stories in height. All other accessory uses shall comply with the with the height and area regulations of International Building Code as defined under “Utility and Miscellaneous Group U Section. Accessory uses and structures shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the property; and shall be operated and maintained under the same ownership and on the same property, or on adjoining property under the same ownership, as the principal use. Except for agricultural purposes, accessory uses shall be constructed clearly subordinate in height, area, bulk, extent, and purpose to the principal use served, subject to the chart set forth below and shall not exceed the height from the lowest grade level to the uppermost portion of the roof, nor shall the area of the accessory use structure exceed the area of the total livable space of the primary structure as listed below. All other bulk and area restrictions of the specific district in which the structure is located will apply.

Lot Size	Percent of Primary Structure		Height
Up to 21,780 Sq.Ft. (½ Acre)	35%	Max 625 Sq. Ft.	14 Feet
½ Acre to .9 Acres	50%	Max. 900 Sq. Ft.	18 Feet
1 Acre to 2.9 Acres	75%	Max 1600 Sq. Ft.	28 Feet
3 Acres to 4.5 Acres	100 %	Max 2000 Sq. Ft.	30 Feet
5 Acres and above	200% the primary Structure.		38 Feet

Total area of all Accessory Structure combined shall not exceed the requirements in the above table.

A. Height Limitation:

The height of the accessory structure shall be measured from the lowest point of grade to the peak of roof. Accessory use structures shall not exceed two (2) stories.

B. Accessory Structures Exempt from Building Permit and Setback Requirements

Accessory uses such as essential services, sidewalks, driveways, curbs, drainage installations, retaining walls, mail boxes, nameplates, lamp posts, bird baths, and structures of a like nature

are permitted in any required front, side, or rear yard without the issuance of any permit; however, such uses shall be subject to all other regulations for accessory structures found in this Section.

C. Storm Water Management

All accessory structures with impervious area, including any access roads, driveways, and walks in excess of 1200 square feet of roof area shall comply with all storm water management provisions contained within section 611 “Storm water Drainage” of this code.

D. Swimming Pools

1. All private permanent in-ground or above ground swimming pools containing over 24 inches of water for swimming or recreational bathing, are considered structures for the purpose of permits, and for regulations of other ordinances. For the purpose of this Chapter, they are not counted as floor area in computing the lot coverage, but shall not be located in any required setback area. All swimming pools shall be installed in accordance with the International Residential and or Commercial Building Code adopted at the time of application.
2. No permanent swimming pool containing over 24 inches of water shall be constructed in the Township except in accordance with a permit previously secured from the Zoning Officer upon written application, accompanied by a plan showing the size, shape, and location of the swimming pool and its enclosure, and such other information as may be deemed necessary to enable the Zoning Officer to determine whether the pool complies with this Chapter.
3. Hot tubs and spas do not require a building permit or fence so long as an approved cover which complies with ASTM F 1346 is installed and maintained prevent accidental entry.
4. A licensed electrical inspector shall inspect all portable pools, hot tubs and spas, which do not require a building permit, but require the addition of electrical equipment for filtration and pumps, and a report of the inspection shall forwarded to the Township Building Department.

Accessory uses and structures are permitted in all zone districts in accordance with the provisions of this Section. Accessory uses and structures shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the property; and shall be operated and maintained under the same ownership and on the same property, or on adjoining property under the same ownership, as the principal use. Except for agricultural purposes, accessory uses shall be clearly subordinate in height, area, bulk, extent, and purpose to the principal use served, shall not exceed fifty percent (50%) of the square footage of the principal building, and shall not exceed fourteen (14) feet in height at the measuring point of the respective roof type. Accessory uses shall not be permitted prior to the erection and operation of the principal use on a parcel, or adjoining parcel under the same ownership. For purposes of this Section, “agricultural” use shall include any land, building, or structure that, through its operation of farming, generates income as proven by an income tax return.

E. Fences, Walls, and Hedges

1. Fences, walls, and hedges may be permitted in any required yard or along the edge of any yard, provided that driveway entrances are not shielded by the fence, wall, or hedges in

such a way as to obstruct the view of a driver entering a road from the driveway. In addition, fences shall not obstruct visibility at intersections.

2. No fence, wall, or other obstruction (except a required retaining wall) shall be more than six (6) feet in height, except when located within a platted residential subdivision. No barbed wire (except in agricultural areas), metal spikes, or other dangerous fence shall be erected or maintained unless in a Commercial or Industrial district with such dangerous portion of the fence at least eight (8) feet above the ground.
3. In a platted residential subdivision; fences, latticework, screens, or walls not more than six (6) feet in height may be located in the required side or rear yard, and a hedge, open fence, or a wall maintained so as not to exceed three (3) feet in height may be located in any front yard. For purposes of this section, those portions of the side and rear yards which abut a street shall be treated as front yards.
4. For purposes of fence, wall, and hedge regulations, any yard that abuts a street from which access is prohibited shall be treated as either a side or rear yard, but not as a front yard.

F. Satellite Dishes

1. Satellite dishes shall be subject to all zone district setbacks, which shall be measured from that part of the dish that extends closest to the adjoining property or right-of-way line.
2. Within residential subdivisions or commercial or industrial zone districts, ground-mounted satellite dishes larger than twenty-four inches (24") in diameter shall be screened from adjacent uses or public rights-of-way by a continuous evergreen screen no less than seven (7) feet in height at maturity, provided, however, that no screening shall be required that would interfere with line of sight to the satellite. When the distance from the satellite dish to a property or right-of-way line exceeds thirty (30) times the height of the dish, no screening shall be required between the dish and that property or right-of-way line.

I. Private Dog House and Private Dog Pen

1. Private dog houses and/or pens shall be located on the Owner's property at a point closer to the Owners dwelling than it is to the nearest neighboring residential dwelling. Fenced in yards are not considered dog pens for purposes of this Section.

SECTION 1205. VISIBILITY AT INTERSECTIONS

On the corner lot or at any point of entry on a public road, nothing shall be erected, placed, planted or allowed to grow in such a manner that obscures the vision between the height of two and one-half (2½) feet and ten (10) feet, measured from the centerline grade of the intersecting streets or driveways and within the area bounded by the street lines of such corner lots and a line joining points on these street lines seventy-five (75) feet from their intersection along the lot lines.

SECTION 1206. EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this Chapter shall not apply to church spires, belfries, domes, monuments, observation towers, windmills, chimneys, smokestacks, flag poles, masts and aials, silos, and similar structures or projections neither intended nor used for human occupancy. Public utility structures, other than buildings, necessary for the distribution of essential services to the general public shall not be subject to the height limitations of this Chapter. Structures such as cellular

communications towers, erected by private companies, are not considered essential services and are subject to applicable height restrictions.

SECTION 1207. STRIPPING OF TOPSOIL, EXCAVATION OF CLAY, SAND, GRAVEL, OR ROCK

Operations defined by the title of this Section may be conducted, in all zoning districts, only under the following conditions:

- A.** As part of the construction or alteration of a building or the grading incidental to such building, or preparation of ground in anticipation of future building.
- B.** In connection with normal lawn preparation and maintenance.
- C.** In connection with the construction or alteration of a street or utility improvement.
- D.** In farming operations where such use is permitted, provided sound soil conservation practices are observed.

SECTION 1208. SLOPE CONTROLS

A. Specific Intent

In addition to the general goals stated in the Land Use Plan Goals and Objectives included in the Comprehensive Plan, the purpose of this Section is to prevent the erection of non-residential structures in areas unsuitable for building sites; to minimize danger to public health by protecting watersheds; to discourage erosion of soils by maintaining adequate foliage cover on hills; and to promote the perpetuation of open space on hillsides. Slope areas may be located within the confines of any zoning district. Residential structures are permitted, subject to the controls of this Section.

B. Definition of Slope Area

For purposes of this Section, a slope area is considered to be any land having an average slope in excess of twenty-five percent (25%).

C. Permitted Land Uses

The following uses are the only uses permitted in areas subject to slope controls:

1. Parks and outdoor recreational uses shall be permitted so long as their activities do not conflict with the use of the land as a watershed.
2. Tree farming, forestry, and other agricultural uses, when conducted in conformance with conservation practices that ensure adequate protection against soil erosion.
3. Residential uses on a one-acre minimum site subject to Section 1208.E. of this Part, unless more restrictive regulations apply.

D. Application Procedure

Any person desiring to change or in any way modify an existing use of land in an area subject to these controls shall supply a statement to the Planning Commission signifying his intentions

that the intended use of the land will be a use permitted by these regulations. If such a change involves the construction of any building, the applicant shall, in addition, furnish the Zoning Officer with a statement prepared by a registered civil engineer or surveyor to the effect that the proposed building will not be erected on any land where the percentage of grade exceeds forty percent (40%).

E. Residential Uses

Single-family residential structures may be constructed on a slope with a grade in excess of twenty-five percent (25%) if the building is constructed in such a manner that does not disturb the existing grade and natural soil conditions. The applicant shall supply the Township with the following:

1. A site plan of the property indicating existing grades, with contour lines at two-foot intervals, and proposed grades, along with indication of proposed paved areas and storm drainage facilities.
2. A landscaping plan indicating existing and proposed ground cover, and the location, size and species of existing and proposed trees and shrubs.
3. Architectural plans, elevations, and sections.
4. A statement prepared by a registered architect indicating the building methods to be used in overcoming foundation and other structural problems created by slope conditions and the requirement to preserve natural watersheds and prevent soil erosion.
5. An engineering statement, prepared by a professional engineer, certifying the stability of a slope after grading.

F. Area and Bulk Regulations

The following development standards shall be observed for single-family residential uses only on all slope lands:

Minimum Lot Size	1 acre
Minimum Lot Width	150 feet
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback	40 feet
Minimum Rear Yard Setback	60 feet
Maximum Building Height	3 stories or 35 feet
Maximum Lot Coverage	10%

SECTION 1209. AGRICULTURAL REGULATIONS

Where permitted by this Chapter and unless otherwise controlled by other Township ordinances or regulations, operations involving the use of buildings and land for farming, gardening, nurseries, greenhouses, riding academies, livery or boarding stables, stock raising, dairying, and poultry shall be permitted subject to the following safeguards and regulations:

- A. Storage of manure or odor- or dust-producing substances shall not be permitted within two hundred (200) feet of any lot line.
- B. Greenhouse heating plants shall not be operated within one hundred (100) feet of any lot line.

- C. Side and rear setbacks for buildings or enclosures in which animals or poultry are kept are established as follows:
1. Fifty (50) feet in cases where the farm abuts land currently used for agriculture.
 2. Fifty (50) feet in cases where the farm abuts a Planned Residential Development which has a fifty (50) foot conservation easement in place.
 3. One hundred (100) feet in cases where the farm abuts a conventional subdivision in any residential zone.
- D. The selling of products raised, bred, or grown on the premises shall be permitted, provided that all stands or shelters used for such sales be constructed according to good building practice and maintained in good condition throughout the off season when not in use.
- E. Setbacks from public road rights-of-way for all buildings and structures other than those listed in Section 1209.C., above, shall be:

R-1	35 feet
R-2	35 feet
R-3	35 feet
C-1	45 feet
I-1	45 feet
I-2	50 feet

- F. Side and rear yards in other than Residential zones shall be as follows:
- | | |
|--------------------------------------|---------|
| C-1, if adjacent to C-1, I-1, or I-2 | 25 feet |
| I-1, if adjacent to C-1, I-1, or I-2 | 25 feet |

SECTION 1210. ABANDONED VEHICLES (Nuisance Vehicles are addressed in Chapter 10, Part 3 of the Township Code of Ordinances, entitled “Motor Vehicle Nuisances.”)

No abandoned vehicle shall be permitted on any public property or upon any street or alley within the Township. Unless otherwise provided by law, the Township Police, or the Zoning Officer, shall notify the owner or possessor of the vehicle to remove the vehicle within ten (10) days. Upon failure of refusal to remove such vehicle, the Township may remove the same and charge the cost of removal to the owner or possessor of the vehicle, or proceed against the owner or possessor by summary proceedings. In addition, the Township may institute proceedings in courts of equity.

SECTION 1211. ANIMALS

No horses, cows, poultry, goats, sheep, or similar animals (excluding dogs or cats), and no wild animals of any kind shall be permitted on any tract of land less than ten (10) acres in size.

SECTION 1212. COMMUNICATIONS FACILITIES

Express standards and criteria for considering Conditional Use approval for communications facilities shall be as follows:

- A. Proposed communications facilities, including towers and antenna additions to existing structures, shall be located only in the R-1, C-1, I-1, I-2, and SD zoning districts. Proposed new

communications towers must gain approval by Conditional Use from the Board of Supervisors of Cecil Township. As part of the Conditional Use application, the applicant shall provide notification by Certified Mail of the intent to seek such approval. This notification shall be provided to all property owners within three hundred (300) feet of the property lines of the parcel on which the facility is to be located. Proposed antenna additions or electronic equipment buildings to existing structures need not gain Conditional Use approval; however, all other applicable requirements of this Section shall be imposed for such antenna addition.

- B.** Any applicant proposing a new communications tower shall demonstrate that efforts have been made to obtain permission to mount an antenna or antennae on an existing building, public utility transmission structure, or communications tower rather than erect a separate tower. The applicant shall contact, by Certified mail, all owners of potentially suitable structures within a one-quarter-mile radius of the proposed site. If utilization of an existing structure is not an option, the applicant shall provide written proof to this effect which shows that one of the following situations exists:
1. The proposed equipment would exceed the structural capacity of the existing building, public utility transmission or storage structure, or communications tower and reinforcement of the existing structure cannot be accomplished.
 2. The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that existing structure and the interference cannot be prevented.
 3. Existing buildings, public utility transmission structures, or communications towers do not have adequate space, access, or height to accommodate the proposed equipment.
 4. Addition of the proposed equipment would result in NIER (Non-Ionizing Electromagnetic Radiation) levels which exceed adopted Federal or State emissions standards.
 5. A reasonable business arrangement cannot be achieved.
- C.** The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications facility. At any time during the calendar year that an amendment to the FCC license is issued, a copy of the amended license shall be submitted to Cecil Township within thirty (30) days of issuance.
- D.** Proof shall be provided that the proposed communications facility complies with safety standards and electromagnetic field limits established by the Federal Communications Commission (FCC). In the event that the FCC imposes more stringent standards at a later date, those standards shall apply.
- E.** Proof shall be provided that the communications facility has been reviewed, and has not been determined to be a hazard, by the Federal Aviation Administration (FAA). The communications tower shall meet all FAA regulations and any Airport Zoning Regulations.
- F.** The applicant shall submit evidence that the tower, or an antenna addition to an existing tower or structure, and its method of installation has been designed by a civil or structural engineer registered in the Commonwealth of Pennsylvania and is certified by that engineer to be structurally sound and able to withstand wind and other loads in accordance with applicable building codes.

G. The owner of any communications tower shall be required to conduct periodic inspections of the tower to ensure structural integrity. Such inspections will be required as follows:

1. Monopole towers - at least once every ten (10) years.
2. Self-Supporting towers - at least once every five (5) years.
3. Guyed towers - at least once every three (3) years.

Inspections shall be conducted by an engineer licensed by the Commonwealth of Pennsylvania. The cost of the inspection shall be borne by the tower owner. The result of the inspection shall be provided to the Township. Based upon the results of the inspection, the Township may require repair or removal of the communications tower.

H. Adequate access by means of a public street or an access easement to a public street shall be provided to facilitate periodic visits by maintenance workers. Said access drive shall be composed of an all-weather, dust-proof surface.

I. The distance between the base of the communications tower and any property line shall at least equal the height of the tower. If the facility is erected on a leased parcel taken from a parent tract, this distance may be measured to the property line of the parent tract. In addition, self-supporting towers shall be sited no closer than one thousand (1000) feet to any recorded plan of subdivision. An accessory structure erected in connection with the facility shall meet ordinance setback requirements for the district in which it is located.

J. The maximum height of any monopole communications tower shall be one hundred (100) feet. The height of any guyed or self-supporting communications tower may not exceed two hundred (200) feet.

K. The applicant shall demonstrate that the proposed height of the communications facility is the minimum height necessary to function effectively.

L. For communications facilities other than those added to existing structures, enclosure by a chain-link or similar fence eight feet in height shall be required. Said fence shall have a self-latching gate to limit accessibility to the general public.

M. All guy wires and all guyed towers shall be clearly marked so as to be visible at all times. All guy wires shall be a minimum of five (5) feet from any property line.

N. Landscaping shall be installed and maintained by the owner of any communications tower as necessary for proper screening of associated equipment storage or maintenance buildings. The Planning Commission will determine the extent of screening during site plan approval.

O. All lighting, other than that required by the Federal Aviation Administration (FAA), shall be shielded and reflected away from adjoining properties.

P. The facilities which are erected to maintain a communications facility may not include offices, long-term vehicle storage, other outdoor storage, broadcast studios, or other uses that are not needed to send or receive signals, unless such facilities are permitted by right in the zoning district.

Q. In January of each year, the owner of a communications tower shall submit written verification to the Township Building Inspector that there have been no changes in the operating characteristics of the communications tower as stated at time of approval of the use by Conditional Use, including, at a minimum:

1. Copy of the current FCC license;
2. Name, address, and emergency telephone number for the operator of the communications tower;
3. Copy of Certificate of Insurance at a level of coverage acceptable to the Municipal Solicitor, with Cecil Township added as a named insured on the policy.

R. All Conditional Uses approved under this Section will automatically lapse if the communications facility is not used for six (6) continuous months. In such case, all portions of the communications facility will be removed by the party responsible for erecting the facility, with costs of removal to be borne by that party.

SECTION 1213. ADULT BUSINESSES

Express standards and criteria for considering conditional use approval for adult businesses shall be as follows:

- A.** Adult businesses, as defined in Part 2 of this Chapter, may be permitted, after Conditional Use review by the Township Board of Supervisors, only on land designated with an I-1 (Light Industrial) or I-2 (Heavy Industrial) zoning classification.
- B.** Adult businesses shall not be located within five hundred (500) feet of the property boundary within which is located an existing public or private pre-elementary, elementary, middle, secondary, or high school; church, day care center, library, hospital, group care facility, personal care boarding home, public park or playground, other existing or proposed adult business, or any establishment which is licensed to serve and/or sell alcoholic beverages. No more than one adult business may be located in the same building, structure, or portion thereof.
- C.** Adult businesses shall not be located within five hundred (500) feet of any property which is residentially zoned or which contains a residential use.
- D.** Distances indicated in subsections B and C, above, shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business is conducted to the nearest property line of the premises of the several uses or zoning districts specified in those subsections.
- E.** An adult business lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the adult business permit, of a church, public or private pre-elementary, elementary, middle, secondary, or high school; day care center, library, hospital, group care facility, personal care boarding home, public park or playground, or residential use within five hundred (500) feet of the adult business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.
- F.** An application for a permit to operate an adult business must be made on a form provided by the Zoning Officer of Cecil Township before the establishment is open for business. The application must be accompanied by a site plan of the premises, a diagram showing the configuration of the interior floor area, drawn to scale, and narrative statements detailing the adult business licensing history of the applicant for the five (5) years immediately preceding the date of application and an indication of whether or not the applicant has been convicted of criminal activity. The applicant shall provide all such information as requested by the Township (including fingerprints and photographs) as to enable the Township to determine whether the applicant meets qualifications set forth in this Section.

- G.** Applicants proposing to operate an adult business shall pay to the Township an application/investigation fee of \$250 plus, where applicable, an additional \$200 for each officer of the corporation or each member of the partnership proposing establishment of the business. The fees will enable the Cecil Township Police Department to verify the substance of the narrative statements of all parties signing an application for an adult business. If an applicant who wishes to operate an adult business is an individual, he/she must sign the application for a permit as applicant. If the applicant is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit as applicant. If a corporation or partnership is listed as the entity wishing to operate an adult business, each individual having a direct or indirect interest of ten percent (10%) or greater in the corporation or partnership must sign the application for permit as applicant.
- H.** The Township Zoning Officer shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless it is found that one of more of the following is true:
1. An applicant is under eighteen (18) years of age.
 2. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
 3. An applicant is residing with a person who has been denied a permit by the Township to operate an adult business, or residing with a person whose license to operate an adult business has been revoked by the Township.
 4. The premises to be used for the adult business has been reviewed and disapproved by either the Zoning Officer or the Building Inspector as not being in compliance with applicable laws and ordinances.
 5. The permit fee required by this ordinance has not been paid.
 6. An individual applicant or any individual holding a direct or indirect interest of more than ten percent (10%) of a corporate applicant, or any of the officers and directors of a corporate applicant, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person in charge of the operation of the applicant's business, has or have been convicted of an offense involving prostitution or promotion of prostitution; sale, distribution, or display of harmful material to a minor; possession or distribution of child pornography; public indecency; engagement in organized criminal activity; sexual assault; gambling; or possession or distribution of a controlled substance. In order for approval to be denied pursuant to this subsection, the person or persons' conviction or release in connection with the offense must have occurred within two (2) years of the date of application in the event of a misdemeanor and within five (5) years of the date of application in the event of a felony.
 7. The applicant has not applied for and obtained Conditional Use approval from the Cecil Township Board of Supervisors.
- I.** An applicant shall permit the Zoning Officer, representatives of the Police and Fire Departments, or other Township officials to inspect the premises of an adult business for the purpose of ensuring compliance with Township codes, at any time that the business is occupied or open for business. Failure to permit such a lawful inspection will be deemed a violation of this Chapter.

- J.** An adult business shall be initially granted permit approval when it has met the requirements of this Section. The permit shall be valid through December 31st of the year in which the permit is initially issued. For each year thereafter that the applicant intends to operate, the owner or operator shall seek renewal of the license. The application for renewal shall be submitted to the Zoning Officer by November 1st of the year prior to the year for which the permit is sought. When application is made after November 1st, the pending application will not prevent the expiration of the permit. The lack of a permit or failure to renew such permit in a timely manner shall be grounds for the Township to deny or revoke an occupancy permit for the adult business.
- K.** If the Township Zoning Officer denies the renewal of a permit, the applicant shall not be issued a permit for one (1) year from the date of denial; however, after ninety (90) days have elapsed since the date of denial, the Zoning Officer may grant a permit if it is found that the basis for denial of the renewal permit has been abated or corrected.
- L.** The Zoning Officer shall suspend a permit for a period not to exceed thirty (30) days if it is determined that an applicant or employee of an applicant has:
1. Violated or is not in compliance with any section of this Chapter.
 2. Engaged in excessive use of alcoholic beverages while on the premises of the adult business.
 3. Refused to allow an inspection of the adult business premises as authorized by this ordinance.
 4. Knowingly permitted gambling by any person on the adult business premises.
 5. Failed to man managers' stations and/or viewing rooms as set forth in subsection O.3., below.
- M.** The Zoning Officer shall revoke a permit if a cause of suspension set forth in subsection L., above, occurs and the permit has been suspended within the prior twelve (12) months. Revocation shall also result if any of the following has been determined:
1. The applicant, or any of the persons specified in subsection H.6., above, is or has been convicted of the offenses specified in subsection H.6.
 2. An applicant gave false or misleading information in the material submitted to the Township during the application process.
 3. An applicant or an employee of the applicant has knowingly allowed possession, use, or sale of controlled substances on the premises.
 4. An applicant or an employee of an applicant has knowingly allowed prostitution, sexual intercourse, sodomy, oral copulation, masturbation, or other explicit sexual conduct to occur on the premises.
 5. An applicant or an employee of an applicant knowingly operated the adult business during a period of time when the applicant's permit was suspended.
- N.** When the Zoning Officer revokes an adult business permit, the revocation shall be effective for one (1) year, and the applicant shall not be issued an adult business permit for one (1) year from

the date the revocation became effective, except that if the revocation is pursuant to subsection M.1., above, the revocation shall be effective for two (2) years in the event of a misdemeanor or five (5) years in the case of a felony. After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant shall have the right to appeal said action and to seek prompt judicial review of such administrative action in any court of competent jurisdiction.

- O.** An applicant who operates or causes to be operated an adult business which exhibits on the premises, in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other image production or reproduction which depicts nudity or sexual conduct, as defined herein, shall comply with the following requirements:
1. The application for a permit to operate an adult business shall be accompanied by a floor plan diagram of the premises specifying the location of one or more manager's stations, the location of all viewing rooms, partitions and doors, the location of all overhead lighting fixtures, and designating any portion of the premises in which patrons will not be permitted. The plan shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas to an accuracy of plus or minus six (6) inches. The Zoning Officer may waive such a plan for renewal applications if the applicant certifies that the interior spaces represented by the floor plan previously submitted have not been altered.
 2. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Township.
 3. At least one (1) employee shall be on duty and situated in each manager's station at all times that any patron is present inside the premises.
 4. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station to every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms shall not contain video reproduction or viewing equipment. If the premises has two or more designated manager's stations, the interior of the premises shall be configured in such a manner that there is an unobstructed view from at least one of the manager's stations of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The view required by this subsection must be by direct line of sight from the manager's station.
 5. It shall be the duty of the owners and operators, and it shall also be the duty of any agents and employees present on the premises, to ensure that the view area specified in subsection O.4., above, remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
 6. No viewing room may be occupied by more than one (1) person at any time. No connections or openings to an adjoining room, except for the entrance, shall be permitted.
 7. The premises shall be equipped with overhead lighting fixtures of sufficient intensity, at an illumination of not less than three (3) foot-candle measured at the floor level, to illuminate every place to which patrons are permitted access.

8. It shall be the duty of the owners and operators, and it shall also be the duty of any agents and employees present on the premises, to ensure that the illumination described above is maintained at all times that any patron is present on the premises.
 9. Any party having a duty under subsections O.1. through O.8., above, shall be considered in violation of this Chapter if he/she knowingly fails to fulfill that duty.
- P.** An applicant shall not transfer his/her permit to another person. An applicant shall not operate an adult business under the authority of a permit at any place other than the address designated in the application.
- Q.** No adult business may expose, place, post, exhibit, or in any other fashion display in any location, whether public or private, lewd material as described herein in such a manner that it may be readily seen and its contents or character distinguished by viewing it in or from a public place or vehicle.

SECTION 1214. HELIPORTS

Express standards and criteria for considering Conditional Use approval for a heliport shall be as follows:

- A.** Heliports, as defined in Part 2 of this Chapter, may be permitted, after Conditional Use review by the Township Board of Supervisors, only on land designated with an SD (Special Development) zoning classification. This subsection shall not apply to life flights or other cases of medical or police emergency.
- B.** The application for conditional use shall include the following documentation:
1. A survey showing that the heliport is to be located at least three hundred (300) feet from any lot line and five hundred (500) feet from any principal structure.
 2. An engineering study showing the minimization of detrimental impact on the essential character of the neighborhood caused by the heliport and related activities. The Township will specifically consider the following in this respect:
 - a. Screening or other landscaping around the heliport.
 - b. The type of helicopter to be used at the heliport and attendant noise levels generated thereby, especially for anticipated readings above fifty (50) decibels, measured at the property lines of the land on which the heliport is located.
 - c. Proposed flight paths to be used by the operator, especially during takeoffs and landings.
 - d. The effect on property values.
 - e. The location of the heliport, both on the property itself and in relation to surrounding properties.
 - f. Any anticipated downdrafts or other air displacements generated by craft using the heliport.
 3. Compliance with all applicable Federal and State laws regulating helicopters and heliports, including, but not limited to, approval of flight paths and approach patterns by the aviation

department of the Pennsylvania Department of Transportation and the Federal Aviation Administration (FAA).

4. Compliance with all Township ordinances and a certification that the property where the heliport is proposed does not contain a deed restriction or land covenant that would preclude the installation of a heliport or the landing of a helicopter.
5. A report from a reputable acoustic or aviation consultant showing the computer prediction model developed by the FAA, referred to in 14 C.F.R. Part 150, Sec. A150.103.
6. Proof of holding of helicopter liability insurance in an amount not less than five million dollars (\$5,000,000) for any one (1) accident or occurrence.
7. An application for a heliport or helipad on a roof shall be accompanied by certification by a registered engineer that the loads imposed by the helicopter will be supported by the structure.

C. Heliports shall further be subject to the following additional conditions:

1. The minimum site size for a heliport or helipad shall be fifteen (15) acres.
2. No more than two (2) takeoffs and two (2) landings may occur at a heliport in any one (1) day.
3. No takeoffs or landings may occur between the hours of 7:00 p.m. and 9:00 a.m.
4. The heliport or helipad shall be at least 60 feet square or a circle with a 60-foot diameter.
5. The heliport or helipad shall be clearly marked with the insignia commonly recognized to indicate a helipad.
6. The heliport or helipad landing pad shall be paved, level, and maintained dirt free. Rooftop pads shall be free of all loose stone and aggregate.
7. The fence enclosing the heliport or helipad must be secured at all times to preclude access by the general public and at least five (5) parking spaces shall be established outside of the fenced area.
8. At least two (2) approach lanes to each heliport shall be maintained free of obstructions and shall be provided in accordance with the guidelines and requirements of the Penn DOT Bureau of Aviation and the FAA.
9. Required approach lanes shall not be permitted over churches, schools, hospitals, nursing homes, stadiums, school or Township parks or athletic facilities, or other places of public assembly, nor over private residences during descent from a minimum cruising altitude of one thousand (1,000) feet or ascent to such minimum cruising altitude of one thousand (1,000) feet.
10. Clear areas for emergency landings of the helicopter in the event of mechanical failure shall be available. These emergency landing areas shall be located within the normal glide range of the helicopter with one engine off when operating within the approved takeoff or landing lane from the heliport or helipad.

11. Lighting shall be shielded away from abutting residential properties.
 12. Maintenance of aircraft shall be prohibited, except for maintenance of an emergency nature.
 13. There shall be no storage of fuel at the heliport or helipad.
 14. There shall be no basing or overnight parking of aircraft at any heliport or helipad.
- D.** If, after approval of the conditional use by the Township of Cecil, the use of the heliport or the heliport itself ceases to comply with any of the foregoing requirements of subsections B and C, the conditional use shall be deemed to have immediately and automatically expired and be of no further effect. This stipulation shall be considered part of any approval granted or deemed to be granted by the Township, whether or not expressly set forth therein.

SECTION 1215. TRAFFIC IMPACT STUDIES

Where deemed necessary by the Township, a traffic impact study shall be performed as part of an application for development. A scope of work for the study shall be submitted for Township approval. The study shall be performed by a qualified professional traffic engineer. The following outline of issues to be addressed by the study is provided:

- A.** Description of the proposed project in terms of land use type and magnitude.
- B.** An inventory of existing conditions in the site environs, including:
 1. Roadway network and traffic control
 2. Existing traffic volumes in terms of peak hours and Average Daily Traffic (ADT)
 3. Planned improvements to roadways by others
- C.** An analysis of existing traffic conditions, including:
 1. Intersection levels of service
 2. Roadway levels of service (where appropriate)
 3. Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.
- D.** Projected site-generated traffic volumes in terms of:
 1. Peak hours and ADT
 2. Approach/departure distribution, including method of determination
 3. Site traffic volumes on roadways
 4. Comparison of existing zoning to proposed site generation
- E.** An analysis of future traffic conditions, including:
 1. Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic)
 2. Intersection levels of service
 3. Roadway levels of service (where appropriate)
 4. Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.

- F. A description of the recommended access plan and off-site improvements, including:
1. Schematic plan of access and on-site circulation
 2. General description of off-site improvements required

SECTION 1216. BED & BREAKFAST ESTABLISHMENTS

Bed & Breakfast Establishments shall be considered Special Exceptions within the R-1 zoning district and, where permitted, shall only be located within, and accessory to, an owner-occupied single-family home. Bed & Breakfast Establishments shall be bound by the standards below as well as the applicable requirements of the zoning district in which they are located, along with any additional conditions established by the Zoning Hearing Board after a public hearing.

A. Procedural Standards

1. Operation of a Bed & Breakfast Establishment shall not commence until approval has been granted by the Zoning Hearing Board.
2. No party shall operate a Bed & Breakfast Establishment unless the establishment has in place panic and fire safety precautions as deemed satisfactory by the Zoning Hearing Board, and complies with any and all applicable regulatory agency requirements.
3. No ancillary use inconsistent with the description of a Bed & Breakfast Establishment shall be operated in connection with an approved Bed & Breakfast Establishment. Examples of such ancillary uses include, but are not limited to:
 - a. operation of a commercial restaurant; (food service is permitted to overnight guests only).
 - b. sales of items to the general public;
 - c. procurement of an alcoholic beverage sales permit;
 - d. provision or recreation or conference facilities to other than guests;
 - e. operation of services such as beauty and barber shops, on-site dry cleaning or laundry services, and gift shops.
4. The location of a Bed & Breakfast Establishment in a residential district shall not be considered a precedent for the granting of any Conditional Use, Variance, or other Special Exception that would allow other commercial and industrial development in the same district. Operation of a Bed & Breakfast Establishment is not to be considered, classified, or permitted as a Home Occupation.

B. Development Standards

1. A Bed & Breakfast Establishment shall include no more than eight (8) guest rooms for rent.
2. Accommodations shall not be provided to a particular guest for more than thirty (30) consecutive days.
3. Parking areas in residential districts must be so designated and maintained so as not to alter the existing character of the district. All parking shall be screened from view from adjacent

residential uses according to a landscaping plan conforming to the requirements of this Chapter, said plan to be required by the Zoning Hearing Board as a condition of approval.

4. Parking lot illumination, if proposed, must not result in a detrimental condition to any adjacent residential property boundary. A parking lot lighting plan indicating illumination at the property lines must be submitted as part of the application to be heard by the Zoning Hearing Board. Parking lot lighting must be of a down-directed variety, (such as shoe box fixtures), the standards for which may not exceed a height of eighteen (18) feet and must be of an architectural style specifically approved by the Zoning Hearing Board.
5. Signage for Bed & Breakfast Establishments shall be limited to the display of one (1) non-illuminated sign per street frontage, limited to a size of no more than nine (9) square feet.

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PART 13

Off-Street Parking and Loading

- Section 1301. Purpose
 - Section 1302. Scope and Application
 - Section 1303. Required Off-Street Parking Ratios
 - Section 1304. Design Standards for Parking Lots and Driveways
 - Section 1305. Parking Spaces Accessible to the Disabled
 - Section 1306. Shared Parking
 - Section 1307. Loading Requirements
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SECTION 1301. PURPOSE

The regulations of this Part are designed to alleviate or prevent congestion of streets by establishing minimum requirements for on-site storage, loading, and/or unloading of motor vehicles in accordance with the use by which a property is occupied. Off-street parking and loading facilities shall be provided and maintained for all buildings, structures, or premises used for purposes permitted by this Chapter in accordance with the provisions of this Part.

SECTION 1302. SCOPE AND APPLICATION

A. Non-Conforming Parking

1. No use previously lawfully established shall be required to provide and maintain the parking and loading requirements herein, but shall maintain the parking and loading requirements as previously approved or originally required by the Township for such use.
2. For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking and loading facilities equivalent to those maintained or required at the time of such damage or partial destruction shall be restored and continued in operation provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Chapter for equivalent new uses.
3. See Section 1802.E for regulations regarding establishing a permitted land use on a nonconforming lot with limited parking.

B. Additional Parking Required

1. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, additional parking and loading facilities as required herein shall be provided only for such increase in intensity of use.
2. Whenever the existing use of a building, structure, or premises shall hereafter be changed or converted to a new use permitted by this Chapter, parking and loading facilities shall be provided as required herein for such new use.

C. Additional Parking Permitted

Nothing in this Chapter shall be deemed to prevent the voluntary establishment of additional off-street parking or loading facilities to serve any existing use of land or buildings, unless a maximum requirement is imposed, provided that all regulations herein governing the location, design, and operation of such facilities are followed.

D. Use of Parking by Other Uses is Limited

Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and no parking space or portion thereof shall serve as a required space for more than one use, unless authorized by Site Plan Approval as Shared Parking, pursuant to Section 1306 of this Part.

E. Distinction Between Parking and Loading Areas

Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces. In addition, required off-street parking spaces, including aisles, shall not be used for loading or unloading purposes except during hours when business operations are suspended.

F. Limitations on Parking Areas

1. Use of Parking Areas Limited

Accessory off-street parking facilities shall be utilized solely for the parking of passenger automobiles or light trucks of less than one (1) ton capacity, of patrons, occupants, or employees of specified uses. Said parking facilities shall not be used for the storage, display, repair, dismantling, or wrecking of any vehicle, equipment, or material. Further, no repair, work, or service of any kind shall be permitted in association with accessory off-street parking facilities, unless such facilities are enclosed in a building and such work or service is otherwise permitted in the district. Parking facilities shall not be used for the sale of any material, unless the material is seasonal in nature, the area to be used comprises ten percent (10%) or less of the parking area, and approval has been obtained from the Zoning Hearing Board as a Temporary Use.

2. Commercial and Recreational Vehicles on Residential Lots

On residential lots, a maximum of one (1) off-street parking space may be provided for a commercial vehicle of no more than eight (8) tons capacity (manufacturer's rating), or more than 26,000 lb. G.V.W. Grass areas in front yard setbacks are not considered off-street parking areas and shall not be utilized as such.

3. Drive-Through Stacking

A property owner proposing a drive-through facility shall provide five stacking spaces for each drive-through station in addition to the parking required by this Section. Each lane of stacking space must be at least nine feet wide and must be delineated with pavement markings. Each stacking space must be at least eighteen (18) feet long; however, individual spaces within the lane need not be delineated with pavement markings. Stacking lanes may not be located within required driveway, internal circulation, or parking aisle widths.

G. Approvals

Parking and Loading requirements will be determined through Site Plan Review process.

SECTION 1303. REQUIRED OFF-STREET PARKING RATIOS

A. Computing Number of Required Spaces

In determining the minimum required number of off-street parking or loading spaces, the following instructions shall be applicable in such computations:

1. Determining Floor Area

Off-street parking requirements shall be calculated based on gross square footage of the use to which the parking is accessory, or as otherwise provided in Section 1303.B., below.

2. Fractions

If the calculation of required parking spaces results in a fraction, said fraction shall be considered as being the next unit and shall be counted as requiring one (1) space.

3. Public Assembly Seating

In sports arenas, churches, and other places of assembly in which patrons occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such seating shall be counted as one seat for the purpose of determining requirements hereunder.

4. Determining Parking Requirements for Other Mixed Uses

The required number of parking spaces for mixed use facilities shall be determined by the Township on the basis of the gross square footage of each use, the required parking for each use, and the degree to which such uses produce individual vehicle trips.

5. Determining Parking Requirements for Unlisted Uses

For uses not specified in Section 1303.B., below, the number of parking spaces shall be determined by the Township, on the basis of requirements for similar uses, the gross square footage of the use, and the relationship between the size of the use and the number of persons served or employed.

B. Required Parking Ratios

USES	REQUIRED PARKING SPACES
Residential	
Dwelling Unit, Single-Family	Two spaces
Dwelling Unit, Two-Family	Two spaces per dwelling unit
Dwelling Unit, Multi-Family	Studio units: 1.5 spaces One bedroom units: 1.5 spaces Two or more bedroom units: 2 spaces
Townhouse or Garden Apartment	Two spaces per unit
High-Rise Apartment	One space per unit

Mobile Home Park	Two per mobile home site, plus one per 300 square feet of office area, plus auxiliary lot(s) containing a total of one space per three (3) mobile home berths
Home Occupation	Two (maximum) in addition to residence requirement
Bed and Breakfast	Two spaces, plus one additional space per guest room
Commercial Retail and Service	
Automobile or Trailer Sales Area	One employee space for each 200 square feet of indoor floor area; plus one employee space for each 20 outdoor vehicle display spaces; plus one customer space for each 20 outdoor vehicle display spaces
Automobile Repair and Fuel Sales	Two (2) spaces per service bay, plus one space per 250 square feet of accessory retail sales area, plus one space per employee
Banks and Financial Offices	One space per 250 square feet
Bar, Lounge, Tavern, or Nightclub	One space per 35 square feet of indoor public floor area; plus one per 200 square feet of outdoor public seating area
Day Care Center	One space for each staff person plus four spaces designated for visitors
Day Care Home	One space for each staff person plus two spaces designated for visitors
Drive-Through Facilities	Five stacking spaces for each window
Furniture and Appliance Stores	Up to 15,000 square feet: One space per 500 square feet 15,000 square feet or more: One space per 500 square feet for the first 15,000 square feet; one space per 800 square feet thereafter
Greenhouse (commercial) or Facilities for Raising or Breeding Non-Farm Animals	Three spaces plus one per 125 square feet of sales area
Grocery or Supermarket	One space per 300 square feet
Hotel, Motel	One space for each separate sleeping unit in addition to five (5) parking spaces per 100 units or fraction thereof; and 1 space per each employee
Medical and Dental Clinics	One per employee plus three per doctor
Mortuary	One space per two seats capacity, plus one per 30 square feet of public assembly area
Nursing Homes	One space for every three beds, plus one per staff on peak shift
Office/Business/Professional Services	One per 300 square feet
Personal Care Boarding Home	One space for every two full-time staff plus one space for every three residents
Plant Nurseries, Building Material Sales, Equipment Rental or Sales Yards, and similar uses	One space per 300 square feet of sales and display area, not including green house area.

Regional Shopping Center (over 200,000 square feet)	One space per 250 square feet
Free-Standing Stores and Shopping Centers (less than 200,000 sq. ft..)	One space per 300 square feet
Restaurant (Carry-out)	One space per 140 square feet
Restaurant (Fast food, high turnover)	One space per 60 square feet
Restaurant (Sit down, low turnover)	One space per 75 square feet
Veterinary Clinic	Two spaces, plus one per three animal cages, kennels, or pens, plus one per treatment room
Industrial	
Manufacturing and Industrial Establishments	One space per 500 square feet (in industrial park) One space per 800 sq. ft. (outside industrial park)
Warehousing or Wholesaling Establishments	One space per 2000 square feet
Junk Yards	Two spaces per acre
Self-Service Storage Facility	One space per 50 storage spaces, plus one per 300 square feet of office space
Energy, Communication, and Transportation Uses	
Radio or TV Tower/Studio	One space per 500 square feet
Railway Station or Bus Station	One space per 10 seats in waiting room, plus one per 300 square feet of office area, plus one per 250 square feet of retail area
Sewage Disposal Plant with on-site office	One space per 400 square feet devoted to office use, with two spaces minimum
Telephone Exchange or Public Utility Substation	One space
Institutional	
Cemetery, Crematory, or Mausoleum	Two spaces, plus one per four seats provided for any place of assembly
College or University	One space per four students, based on projected maximum enrollment; plus one per four seats in auditorium and/or gymnasium areas; plus one per 200 square feet of office area
High School	One space per six students, based on projected maximum classroom capacity; plus one per four seats in auditorium and/or gymnasium areas; plus one per 200 square feet of office area
Elementary and Junior High School	One space per classroom; plus one per four seats in auditorium and/or gymnasium areas; plus one per 200 square feet of office area
Kindergarten or Preschool	One space per 200 square feet
Trade School, Business School, or Commuter College	One space per two students, plus one space per 200 square feet of office area
Fire Station	Six spaces per truck bay; if social hall is incorporated, additional one space per three seats in primary room of assembly
Police Station	One space per 250 square feet, plus one per police

	vehicle.
Hospitals	One space for each bed plus one space for each staff and employee on peak shift
Houses of Worship	One space per four seats in main auditorium, plus one per 300 square feet of classroom and meeting areas – Stacked parking is permitted
Penal or Correctional Institution	One space per ten inmates capacity
Post Offices	One space per 200 square feet
Private Club, Lodge, or Recreational Facility	One space per 250 square feet of floor area in any principal building
Library or Museum	One space per 500 square feet
Community Recreation Buildings	One space per 200 square feet
Civic Offices	One space per 250 square feet
Entertainment	
Billiard Hall	Two spaces per billiard table
Bowling Alley	Three spaces per lane plus one per four spectator seats
Campground	One space per campsite plus one per cabin
Dancing Academy	One space per 200 square feet
Game Centers	One space per 100 square feet
Health or Fitness Studio	Less than 10,000 square feet: One per 150 sq. ft. 10,000 to 19,999 square feet: One per 200 sq. ft. 20,000 to 29,999 square feet: One per 250 sq. ft. Over 30,000 square feet: One per 300 sq. ft.
Riding Stable	One space per two horse stalls
Stadium or Coliseum	One space per four seats
Swimming Pools, Skating Rinks, Tennis Clubs, and similar facilities	One space per 500 square feet of gross area or five per 100 square feet of water or court area, whichever is greater
Public Golf Course	One space per 200 square feet of floor area in any main building, plus one per every two practice tees, plus four for each green in the playing area
Theater/Cinema (indoor)	One space per four seats

SECTION 1304. DESIGN STANDARDS FOR PARKING LOTS AND DRIVEWAYS

A. Applicability

All off-street parking areas shall be developed in accordance with the standards of this Section 1304, except in the case of one- and two-family uses (unless otherwise noted), agricultural uses, and storage of vehicular merchandise not counting toward the minimum requirements as set forth in this Chapter. For purposes of this Section 1304 only, requirements for commercial and industrial uses shall also apply to multi-family residential developments, with exceptions as noted.

B. Dimensions and Layout

Each off-street parking space shall open directly upon an aisle or driveway according to the width and design as indicated below so as to provide safe and efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

<u>Parking Angle</u>	<u>One-Way Aisle Width</u>	<u>Two-Way Aisle Width</u>	<u>Stall Width</u>	<u>Stall Length</u>
90 degrees	24 feet	24 feet	9 feet	18 feet
60 degrees	18 feet	24 feet	9 feet	18 feet
45 degrees	15 feet	24 feet	9 feet	18 feet
0 degrees (parallel)	15 feet	24 feet	9 feet	22 feet

The parking angle shall be measured between the centerline of the parking space and the centerline of the aisle. Stall length, except for parallel parking spaces, shall be measured at right angles to the edge of the usable parking area forming the angles.

Driveways connecting parking area to street shall be a minimum width of twenty (20) feet.

C. Location and Access of Off-Street Parking and Loading Areas

1. Right-of-Way Access

- a. All off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- b. Acceleration and deceleration lanes may be required, as determined through Township and State review procedures.

2. Driveway Location

- a. Commercial or industrial driveway entrances or exits, and entrances into or exits from multi-family developments, shall be located at least twenty-five (25) feet from an adjoining residential property line; ten (10) feet from an adjoining non-residential property line, and at least one hundred (100) feet from the cartway of an intersection. In the event that the property is less than 100 feet in frontage, the driveway shall be at the furthest extremity from the intersection cartway that is feasible. Such drives shall intersect the street at an angle of between 75 and 105 degrees. Highway occupancy permits must be obtained for access onto State roads.
- b. Commercial and industrial driveways, but not including those driveways within multi-family developments which serve individual residential uses, shall be limited to one (1) per street frontage, with a width of no less than twenty (20) feet and no more than thirty (30) feet, exclusive of a required curb return radius. Two driveways, not exceeding thirty (30) feet in width each, may constitute a single entrance-divider-exit designed driveway provided such entrances/exits shall be limited to one per street frontage and shall be approved by the Township Engineer. Further, the Township may, through site plan review, approve one additional drive cut per street frontage where the length of lot frontage warrants. Driveways intended for oversize vehicles may exceed the maximum width specified in this paragraph through approval from the Township.

- c. Owners of adjoining properties shall provide combined driveways wherever practical. In conjunction with approval of a development, Cecil Township may require a property owner to provide an access and circulation easement to an abutting owner where joint access is reasonable to minimize traffic congestion in serving future development. Such entrances or exits shall be designed so as not to interfere with traffic movement.
- d. Single-family and two-family residential driveways, and those driveways within multi-family developments which serve individual residential uses, shall be limited to two (2) per street frontage and a width of no less than eleven (11) feet and no greater than twenty-two (22) feet at the right-of-way line. Such drives for corner lots exiting onto arterial or collector roads shall be located as far as possible from the nearest intersection curb line, and shall intersect the street at an angle of between 75 and 105 degrees.

A proposed driveway located will be denied , if, in the opinion of the Township engineer, an unsafe condition will be created. The determination will made on the basis of speed and volume of traffic on the roadway being connected to, and the curve data and elevations of the roadway with regards to safe sight distance.

3. Location of Accessory Parking and Loading on the Same Lot

Accessory off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Chapter, and may be situated as one or more individual areas.

4. Location of Parking in Relation to Property Line

- a. Accessory off-street parking areas, including aisles serving spaces, may be located no closer than 8 feet to any property line and shall adhere to any additional setbacks as required by section 1506 between incompatible uses. (Residential driveways not included)

5. Interior Circulation Requirements

- a. Required off-street parking spaces shall be so designed, arranged, and regulated as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.
- b. Designated public or private fire lanes shall be required as deemed necessary by a Township designated fire department agent to enable effective and efficient operation of fire apparatus. Fire lanes shall have a minimum width of twenty (20) feet, a minimum vertical clearance of 13'6". Said lanes shall be maintained free of obstructions and vehicles, and shall be identified by "Fire Lane" pavement markings and posting of "No Parking - Towing Zone" signs. All designated fire lane signs or markings shall be maintained in a clean and legible condition at all times and replaced when necessary to ensure adequate visibility. Where access to the sides or rear of buildings is required for fire lanes, but paved drives are not needed in these areas for other reasons, such as service of parking areas or loading docks, a porous pavement system consisting of interlocking, prefabricated, perforated blocks may be substituted for a conventional paved surface. In such cases, provision of pavement markings and signs shall not be required.

D. Improvement Standards for Parking Lots and Driveways

1. Required Paving and Maintenance

Except for one and two family residences, parking and driveway areas shall be paved with an impervious surface . Design of bituminous surfaces shall be four (4) inches of binder and one (1) inch of topping, or five (5) inches of stone, two and one half (2 1/2) inches of binder, and one (1) inch of topping. Design of concrete surfaces shall conform to current recommendations of the Portland Cement Association, or a minimum of four (4) inches , whichever is less. Such parking and driveway areas shall be maintained in a safe condition. Broken or crumbling paving sections shall be replaced.

2. Curbs on driveways and parking areas in any multi-family residential or non-residential development, shall conform to the following standards:

- a. Asphalt curbs shall consist of a wedge design with an overall base of eighteen inches (18”), a minimum width of one foot (1’) with a six inch (6”) rise, with six inches (6”) of the base exposed on the back side.
- b. Concrete curbs and gutters shall be installed subject to approval by the Township Engineer or such inspector as may be designated by the Board of Supervisors.

3. Drainage

Parking areas and driveways shall be graded and/or properly drained in such a manner that there will be no free flow of water onto adjacent property or public rights-of-way. Any runoff generated by such improved areas shall be disposed of in appropriate drainage facilities. Downspout leaders day lighting onto a curbed and guttered street shall be installed through a cut out of the curb so that the top of the pipe is below the top of the curb. After cutting curb, suitable patching and sealing shall be required around the pipe. Downspout drains may discharge directly onto a curb and gutter street, so long as the discharge does not flow out into the traveled cartway.

4. Marking of Parking

Parking areas shall be so lined or designated as to ensure the most efficient use of the parking spaces and provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard or landscaped area, or over adjoining property. Short-term visitor parking spaces shall be differentiated from long-term employee spaces by suitable markings.

5. Parking Lot Lighting

For commercial and industrial uses, a minimum of one foot-candle of illumination shall be provided throughout the parking lot for all hours of activity between sunset and sunrise. Illumination of off-street parking areas shall be arranged and/or shielded so as not to reflect direct rays of light onto adjacent properties or streets.

6. Slope

The maximum permissible slope of any parking area shall be seven percent (7%). If parking spaces are provided in an area that exceeds five percent (5%) slope, all such spaces shall be parallel to the contour lines of the area.

E. Landscaping

All off-street parking areas shall be landscaped pursuant to Section 1505 of this Chapter.

SECTION 1305. PARKING SPACES ACCESSIBLE TO THE DISABLED

Pursuant to the Americans with Disabilities Act (ADA) of 1990, handicap-accessible parking shall be provided by any building or use initiated after the effective date of this Chapter according to requirements of said Act and any further requirements hereafter adopted by federal, state, or local law. The required number of handicap-accessible spaces shall be provided in addition to the required number of spaces indicated in Section 1303.B of this Part. Further, the number of handicap-accessible spaces shall be calculated prior to any applied reduction in parking requirements otherwise approved by the Planning Commission or provided pursuant to Section 1303.B.

SECTION 1306. SHARED PARKING

A. Purpose and Applicability

Generally, a group of non-residential uses may provide a joint parking area if the number of spaces in the area at least equals the aggregate of the spaces required for the several uses. However, uses that require parking at times when nearby uses do not need their parking facilities may, through site plan approval by the Township, use those facilities instead of providing their own, subject to recorded legal agreements and cross-easements.

B. Requirements

The Township may approve shared parking facilities located on adjoining separate properties or on a single site according to the following requirements:

1. Facilities located on adjoining separate properties must be within 600 feet of the uses they are intended to serve.
2. A convenient pedestrian connection shall be provided between the properties.
3. The availability of parking for all affected properties or uses shall be indicated by directional signs.
4. The number of spaces proposed shall meet the following restrictions:
 - a. Where the uses to be served by shared parking have overlapping hours of operation, the property owner or owners shall provide spaces equal to the total of the individual parking requirements for the uses served, reduced by ten percent (10%) of that total number. The Township may approve a further reduction of that number if the property owner(s) demonstrates to the satisfaction of the Township that the resulting provision of parking will be adequate for the proposed uses.

- b. Where the uses to be served by shared parking do not overlap their hours of operation, the property owner or owners may provide parking stalls equal to the greater of the applicable individual parking requirements.

C. Written Agreement Required

Prior to establishing shared use of parking, the property owner or owners shall file with the Department of Planning a written agreement approved by the Township, providing for the shared parking use. The agreement shall state, among other terms, the responsibilities and obligations of each party in the event that one or more of the parties involved contemplate a change in ownership or use, which may affect the sharing capabilities of each site. The agreement shall be recorded in the Recorders Office of Washington County, Pa., upon the title records of each affected property, and shall indicate the establishment of cross-easements where applicable. In the event of a change in the type of land use for any property involved in a shared parking agreement, a new agreement between the new parties must be submitted to the Township for approval. Should the parties mutually desire to discontinue shared parking, each party must then provide for their own separate parking spaces that meet the ordinance.

SECTION 1307. LOADING REQUIREMENTS

A. Purpose

Off-street loading and unloading space(s), with proper and safe access from the street, service street, or parking lot, shall be provided on each lot where it is deemed by the Township that such facilities are necessary to adequately serve the use proposed.

B. Requirements

At least one (1) off-street loading space shall be provided, when deemed necessary by the Township, for all commercial, industrial, institutional, and educational establishments in excess of 3500 square feet of gross floor area. The number of loading spaces shall be as follows:

<u>Gross Floor Area of Building</u>	<u>Number of Off-Street Loading Spaces</u>
3500 - 20,000 square feet	1
20,001 - 50,000 square feet	2
over 50,000 square feet	3
each additional 100,000 square feet	1

C. Berth Size, Access, and Maneuverability

Each off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and which will not restrict the access of surrounding uses, and shall be subject to approval by the Township. The following standards shall apply:

1. Each loading berth shall be a minimum of sixty (60) feet in length and fourteen (14) feet in width.
2. A minimum maneuvering apron of sixty (60) feet shall be provided.
3. A minimum height clearance of fifteen (15) feet shall be maintained.

4. Access aisles for dock approach shall be a minimum of eighteen (18) feet for one-way aisles and twenty-four (24) feet for two-way aisles.

D. Design and Improvement Standards

1. Loading berths shall be paved with a hard or dustproof surface (asphalt, concrete, aggregate) and be curbed with an approved concrete or bituminous roll- or wedge-type curb. Loading area paving shall be capable of bearing a live load of two hundred (200) pounds per square foot.
2. Loading spaces and maneuvering aprons shall not be located in any required setback.
3. Loading and unloading facilities shall be designed so that trucks need not back in or out of, nor park in, the public right-of-way.

E. Central Loading

Central loading facilities may be substituted for loading berths on individual zoning lots provided the following conditions are fulfilled:

1. Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade.
2. No zoning lot served shall be more than five hundred (500) feet removed from the central loading area.
3. Total area of off-street loading berths provided shall meet the minimum requirements herein specified, based on the sum requirements of the several types of uses served.

F. Loading Waivers

The Township may waive loading dock requirements when it can be shown to the satisfaction of the Township that the building use and occupancy will not have need for large truck deliveries. Provisions must be included in the site plan, which would reasonably accommodate a future loading dock should a change of use of the building or property occur.

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PART 14

Sign Regulations

Section 1401. Purpose
Section 1402. Exempt Signs
Section 1403. Prohibited Signs
Section 1404. Temporary Signs
Section 1405. Permanent Signs
Section 1406. Regulations for Primary Signs
Section 1407. Regulations for Secondary Signs
Section 1408. Designation Signs
Section 1409. Installation, Operation, and Maintenance
Section 1410. Permits
Section 1411. Non-Conforming Signs

SECTION 1401. PURPOSE

The purpose of this Part is to provide a legal framework for a comprehensive and balanced system of land use signs to facilitate an easy and pleasant communication between people and their environment and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this Chapter to authorize the use of signs that are:

- A. Compatible with their surroundings;
- B. Appropriate to the activity that displays them;
- A. Expressive of the identity of individual activities and the community as a whole;
- B. Legible in the circumstances in which they are seen; and,
- C. Cognizant of the need for adequate business identification while promoting an attractive appearance throughout the community through the use of sensible quality control, through adequate maintenance and inspection, and by reasonable guidelines formulated to minimize clutter.

SECTION 1402. EXEMPT SIGNS

The following signs are subject only to the regulations of this Section 1402, Exempt Signs:

- A. Flags of any country, state, unit of local government or non-profit organization.
- B. Government signs and legal notices.
- C. Directional signs providing information for the convenience of the public such as the location of exits, entrances, and parking lots, not exceeding four (4) square feet in area nor four (4) feet in height from ground to top of sign.
- D. Public information signs identifying telephones, restrooms, and similar facilities. Advertising matter is not permitted on such signs.

- E. Corporate flags when flown in conjunction with the flag of the United States of America. Such corporate flags shall be no larger than twenty-four (24) square feet, nor larger than the accompanying American flag.
- D. Matter appearing on gasoline pumps, newspaper vending boxes, automatic teller machines, and vending machines, or matter appearing on or adjacent to entry doors such as “Push,” “Pull,” “Open,” or “Closed” signs, or matter appearing on display windows or doors denoting hours of operation, credit cards accepted, and similar information.
- E. Memorial plaques and cornerstones, and historical markers.

SECTION 1403. PROHIBITED SIGNS

- A. Signs, which by color, location, or design resemble or conflict with traffic control signs or signals, or obstruct the view of an intersection of a street or highway with a railroad crossing, or which are located upon, over, or in any street or highway right-of-way.
- B. Signs attached to telephone poles, light poles, or other such standards.
- C. Portable signs, as defined in Part 2 of this Chapter.
- D. Signs which advertise activities, businesses, projects, or services no longer conducted on the premises upon which the sign is located within three (3) months of the end of business activity.
- E. Signs containing flashing, moving, neon, or oscillating lights or elements, except for time and temperature devices.
- F. Signs erected off of the property on which the activity is conducted.
- G. Signs placed on parked vehicles or trailers where the apparent purpose is to advertise a product or to direct people to a business or activity located on the same or a nearby property.
- H. Motor vehicles with a sole apparent purpose to advertise business. Motor vehicles with the primary purpose of the cartage of goods or the transport of passengers are exempt from this restriction.
- I. Inflatable images such as balloons, beer cans, gorillas, etc., except as provided in Section 1404.B.2., Lighter-than-air Displays for Commercial Use.
- J. Signs painted directly on the surface of any building.
- K. Billboards and business signs on the same parcel of real estate.
- L. Billboards in residential districts or within 300 feet of a residential district or use.
- M. Business or industrial signs placed to face an abutting residential zoning district, except when authorized as a Special Exception.
- N. Wall signs on residential buildings that have been converted to non-residential uses.
- O. Banners as permanent signs.

P. Signs containing information stating or implying that a property may be used for any purpose not permitted under the provisions of this Chapter.

Q. Roof-mounted signs, and building-mounted signs that extend above the roof line.

SECTION 1404. TEMPORARY SIGNS

The following signs are permitted subject only to the regulations of this Section 1404, Temporary Signs:

A. Temporary Signs Not Requiring a Permit (See Sec. 901.2., Zoning)

1. Real Estate Availability Signs

One (1) sign advertising the sale, lease, or rental of property per each street, highway, expressway, or off-street public parking area on which the property has frontage. Such signs shall be removed upon completion of the sale, lease, or rental.

- a. For properties under two (2) acres, the sign must be set back at least five (5) feet from the edge of the right-of-way, and be no more than six (6) square feet in area and no more than four (4) feet in height.
- b. For properties from two (2) to five (5) acres, the sign must be set back at least five (5) feet from the edge of the right-of-way, and be no more than twenty-four (24) square feet in area and no more than six (6) feet in height.
- c. For properties over five (5) acres, the sign must be set back at least ten (10) feet from the edge of the right-of-way, and be no more than thirty-two (32) square feet in area and no more than eight (8) feet in height.

2. Construction Signs

One (1) sign indicating the architect, engineer, project name, source of financing, and contractor, or “coming soon” sign, not to exceed thirty-two (32) square feet and eight (8) feet in height, and displayed during the construction period on a construction site.

3. Event Signs, Minor, for Institutional Uses

One (1) sign erected by community, social, religious, and fraternal organizations, not to exceed a display period of two (2) weeks for each of three (3) events per year for a fund raising or community event, and placed only on the premises where the event is to be conducted. Such sign shall not exceed twelve (12) square feet in area or sixty (60) inches in height.

4. Political Signs

Political signs when erected not sooner than thirty (30) days prior to a primary or general election and removed within seven days following the election date. The total surface area of each such sign shall not exceed thirty two (32) square feet. In the case of double-sided signs, one side shall be used for calculation.

B. Temporary Signs Requiring a Permit

1. Event Signs, Major

Temporary signs and parking lot or exterior store displays consisting of streamers, pennants, and banners may be displayed for special events on the property where the event is to be held. Such displays shall be permitted for a maximum of four weeks at a time for no more than two such events per year per business.

2. Lighter-than-Air Displays for Commercial Use

Large, lighter-than-air displays, affixed to the ground on the property of the business erecting the display, are allowed for a total of twenty-one (21) days per calendar year. The display may not exceed eighteen feet from the ground to the top of the display.

SECTION 1405. PERMANENT SIGNS

A. Overview of Permitted Permanent Signage

1. Items of Information; Frontages Permitted

Each non-residential land use is entitled to display primary and secondary signs containing a total of up to ten (10) items of information on each street, highway, or public parking lot to which it has frontage.

2. Primary Signs

Each non-residential use may display one wall sign and one ground sign. The information on all primary signs shall count toward the items of information allowed for the frontage on which they are located.

3. Secondary Signs

Each non-residential use may also display one or more secondary signs. Secondary signs may consist of auxiliary entry signs, permanent window signs, canopy or awning signs, or time and temperature signs. The material on all secondary signs shall count toward the items of information allowed for the frontage on which they are located.

4. Designation Graphics

An industrial park, office park, apartment development, subdivision development, or shopping center that does not display any other ground signs and has a setback of at least forty-five (45) feet may display one (1) designation sign per entrance. The material on designation signs shall not count toward the items of information allowed for the frontage on which they are located, but shall be limited to a total of fifteen (15) items of information. Designation signs shall be subject to special regulations as described in Section 1408, Designation Signs.

B. Items of Information Allowance

1. An "item of information" means any of the following: a word, an abbreviation, a number, a geometric shape. In addition, signs combining several different geometric *or non-*

geometric shapes, or shapes of unusual configuration are to be assessed one additional item for each non-continuous plane.

2. In computing items of information, the following lettering shall not be included:
 - a. letters or numbers less than three (3) inches in height, if contained in a wall sign;
 - b. letters less than eighteen (18) inches in height carved into or securely attached in such a way that they are an architectural detail of a building, provided they are not illuminated apart from the building, made of a reflecting material, or exceed one (1) inch in thickness.

SECTION 1406. REGULATIONS FOR PRIMARY SIGNS

A. Ground Signs

1. Where Permitted

If a ground sign is proposed, the use may display one (1) ground sign adjacent to each street, highway, expressway, or public off-street parking area on which it has frontage if the use is accessible by automobile and has off-street parking on its premises.

2. Size

Gross Surface Area – Maximum twenty (20) square feet.

Height – Maximum six (6) feet above the ground on which the sign is located.

3. Location

All ground signs must be set back at least five (5) feet from the edge of the street right-of-way.

B. Wall Signs

1. Where Permitted

If a wall sign is desired, the use may display one (1) wall sign adjacent to each street, highway, expressway, or public off-street parking area on which it has frontage.

2. Design and Installation

- a. Boxed signs and signs consisting of individual letters shall be permitted.

- b. Wall signs may be attached to or pinned away from the wall, but must not project from the wall by more than ten (10) inches and must not interrupt architectural details.

3. Size

- a. Gross Surface Area – Maximum five (5) percent of the area of the front facade of the building, as further defined below:

-area of front façade shall be determined by multiplying the overall building's front length times the overall building height. The building front shall be considered as the longest wall of the building facing the roadway on which it has access. Buildings with multiple front setback facades and building projections may include all the front faces together in determining area of front façade. However, any front facing wall, which is setback more than twenty (20) feet from the furthest front facing wall ahead of it, shall not be included in the calculations to determine area of front face.

-buildings located on corner lots may add an additional sign on the side of the building facing the secondary street using the above calculations with the exception of percentage. The maximum gross area of the sign shall be two and one half (2 1/2) percent.

4. Location on Building Facade

- a. A wall sign shall not be permitted to extend above the roof or top ridge of any building.

5. Ground Signs and Wall Signs Used in Combination

Ground signs and wall signs may be used in combination. Where so permitted, the size allowed for each sign shall not exceed the size allowed individually for either location.

C. Projecting Signs

1. Where Permitted

Activities authorized to display projecting signs by the Table of Permitted Permanent Signs may display one (1) such sign adjacent to each street, highway, expressway, or public off-street parking area on which it has frontage.

2. Size

Projecting signs must comply with the area requirements contained in the Table of Permitted Permanent Signs.

3. Location and Installation

- a. Projecting signs must clear sidewalks by at least eight feet in height.
- b. Such signs may project no more than four (4) feet from the building or one-third (1/3) the width of the sidewalk, whichever is more.
- c. Projecting signs must be spaced at least thirty (30) feet apart.
- d. Projecting signs shall not extend vertically above the window of a second story.

4. Projecting Signs and Ground Signs Used in Combination

Projecting signs and ground signs may be used in combination. The size allowed for each sign shall not exceed the size allowed individually for each location.

SECTION 1407. REGULATIONS FOR SECONDARY SIGNS

A. General

1. A use may display a secondary sign, as permitted by the Table of Permitted Permanent Signs, that also complies with any additional regulation contained in this Section.
2. Items of information displayed by secondary signs are counted against the items of information allowance for the land use.
3. An awning, marquee, canopy, or permanent window sign may be utilized as a Primary Sign, but shall not exceed the regulations given in this Section 1407.

B. Awnings, Marquees, and Canopies

Awnings, marquees, and canopies may extend to within one (1) foot of the vertical plane of the curb. Letters, numbers, or symbols may be attached to or painted, stenciled, or otherwise placed on these special signs. Changeable copy displayed on theater marquee signs is not debited against the items of information allowance. Internally lit awnings are prohibited.

C. Permanent Window Signs

Permanent window signs shall be limited to one (1) per business and a maximum size of twenty-five percent (25%) of the area of the window(s) through which the sign may be seen. Temporary window signs shall be limited to one (1) per business and a maximum size of fifteen percent (15%) of the area of the window(s) through which the sign may be seen or six (6) square feet, whichever is less.

D. Time and Temperature Devices

Time and temperature devices may be displayed as wall signs or projecting signs, subject to the regulations for such signs. No more than one (1) time and temperature device may be displayed on each parcel.

SECTION 1408. DESIGNATION SIGNS

A. Where Permitted

An industrial park, office park, apartment development, subdivision development, or shopping center may display one (1) designation sign. A main shopping center sign incorporating the names of all tenants of the center is an example of a designation sign. Signs naming an industrial, commercial, or residential plan or park, of ten (10) or more acres, are permitted, subject to the following conditions. One sign per entrance is permitted.

B. Size – Gross Surface Area and Maximum Height

Residential Plans – Maximum thirty two (32) square feet in area and maximum height of six (6) feet above ground level.

Non-residential Plans – Maximum eighty (80) square feet in area and maximum height of sixteen (16) above ground level.

C. Items of Information

Designation signs may not contain more than fifteen (15) items of information.

D. Location

All designation signs must be located in such a position as to not interfere with the requirements of traffic safety and be appropriately landscaped. A sign may be located in a street right-of-way or in an island within the plan entrance drive, so as long as an agreement is in place that states the Township will not be responsible for maintenance of the sign and landscaping. The agreement shall be between the Township and the party to be responsible for maintenance, and shall include any terms of maintenance. The sign may be located on a lot if the Homeowners Association or similar entity responsible has an easement to enable it to maintain the sign and landscaping.

E. Designation Signs and Other Signs Used in Combination

Within an industrial park, office park, or shopping center that displays a designation sign, individual activities may display wall or projecting signs as allowed by this Part.

SECTION 1409. INSTALLATION, OPERATION, AND MAINTENANCE

- A.** All signs shall be maintained and kept in compliance with applicable ordinances. Exposed surfaces shall be clean and painted, if paint is required, and should be properly lit. Defective parts shall be replaced.
- B.** Floodlighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated thereby.
- C.** No sign shall obstruct in any way a driver's vision of the road, or hinder passage in any way. Further, no sign shall be placed so as to hinder or obstruct any pedestrian path.
- D.** If the message portion of a sign is removed, leaving only the supporting shell of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of any portion of Part 18 of this Chapter (Nonconforming Properties, Uses, and Structures).
- E.** No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:
 - 1. Within the right-of-way of any public street or road, unless the work is done pursuant to express written authorization by the Township.
 - 2. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.
 - 3. In any area where such trees or shrubs are required to remain under a permit issued under this Chapter.

SECTION 1410. PERMITS

- A.** No person shall erect or display a sign unless the Zoning Officer has issued a permit for the street sign or unless this section exempts the sign from the permit requirement. A permit shall be issued if the sign complies with the regulations contained in this Part or if the sign has been authorized through a Variance proceeding.
- B.** A person proposing to erect or display a sign shall file an application for a permit with the Zoning Officer. The application shall contain:
 - 1. Information concerning the location, height, and size of sign and the date on which it is to be erected or displayed.
 - 2. An elevation drawing of the building facade and/or a plot plan indicating the location of the proposed sign and all existing signs displayed on the property.
 - 3. If the application is for a wall sign, a drawing to scale showing the location of the sign within the signable area of the building and the percentage of the signable area covered by the wall sign.
 - 4. Specifications for construction of the sign and for its illumination, if any is to be provided.

SECTION 1411. NON-CONFORMING SIGNS

Signs shall be considered structures subject to applicable regulations contained in Part 18 of this Chapter (Nonconforming Properties, Uses, and Structures). A legal non-conforming sign shall immediately lose its legal non-conforming designation if:

- A.** The sign is not kept in good repair and/or in safe condition and if said condition continues for three (3) months;
- B.** The sign is relocated;
- C.** The complete sign is replaced;
- D.** The permit, variance, or condition under which the sign was allowed expires;
- E.** The sign is altered to show an increase in size, height, or items of information;
- F.** The use changes.

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PART 15

Landscaping and Screening

- Section 1501. Purpose
 - Section 1502. Application
 - Section 1503. Landscaping Plan Content
 - Section 1504. Design Standards
 - Section 1505. Parking Lot Landscaping
 - Section 1506. Landscape Buffers Between Incompatible Uses
 - Section 1507. Screening
 - Section 1508 Performance and Maintenance Bonds
 - Section 1509. Inspection
 - Section 1510. Changes to Approved Landscaping Plans
-

SECTION 1501. PURPOSE

These landscaping requirements are intended to foster aesthetically pleasing development that will preserve and enhance the appearance, character, health, safety, and welfare of the community. These regulations are intended to further the compatibility of adjacent uses and, in doing so, minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by adjoining or nearby uses.

SECTION 1502. APPLICATION

Any application for a building permit for other than a single- or two-family dwelling, and related accessory structures, shall include a landscaping plan, as described herein, approved by the Township. No building permit shall be issued without Township approval of such landscaping plan.

SECTION 1503. LANDSCAPING PLAN CONTENT

- A.** Landscaping plans shall include provisions for the following types of landscaping, as applicable:
 - 1. Parking Lot Landscaping
 - a. Perimeter Parking Lot Landscaping
 - b. Interior Parking Lot Landscaping
 - 2. Landscaping Buffers for Incompatible Uses
- B.** All landscaping plans shall contain the following information, unless specifically waived by the Township:
 - 1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle paths, ground signs, refuse disposal and recycling areas, fences, freestanding electrical equipment, recreational areas, and other freestanding structural features as deemed necessary by the Township.

2. The location of existing buildings, structures, and plant materials on adjacent property within twenty (20) feet of the site, unless waived by the Township.
3. The location, quantity, size, and name, both common and botanical, of all existing plant materials, including trees and other material in any road right-of-way, and indicating plant material to be retained and removed.
4. The location, quantity, size, and name, both common and botanical, of all proposed plant material, including, but not limited to, shade trees, shrubs, groundcover, annuals/perennials, and turf.
5. Existing and proposed grading of the site, indicating contours at five (5) foot intervals. The Township may require contours at two (2) foot intervals .
6. Elevations of all fences and retaining walls proposed for location on the site.
7. Elevations, cross-sections, and other details as determined necessary by the Township.
8. Summary data indicating the total area and percentage of the site comprising the landscaping area.

SECTION 1504. DESIGN STANDARDS

A. Selection

Landscaping materials shall conform to the following:

1. Shade Trees

All shade trees proposed to be used in accordance with any landscaping plan shall be a minimum of eight (8) feet in height and have a minimum trunk diameter, twelve (12) inches above the ground, of two and one-half (2½) inches upon planting. They shall be of a variety that will attain an average mature spread greater than twenty (20) feet.

2. Shrubs

All shrubs shall have a minimum height of twenty-four (24) inches at planting and a maximum height of four (4) feet at maturity for decorative purposes and a height of six (6) to eight (8) feet at maturity for screening purposes. Shrubs used to form hedges shall be of a non-deciduous species and shall be spaced not more than three (3) feet apart so as to form a visual screen attaining a minimum of thirty-six (36) inches in height above grade, under normal growing conditions, within one (1) year after planting.

B. Installation

1. All landscaping material shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen.
2. All landscaping required by the approved landscaping plan shall be installed prior to the issuance of an Occupancy Permit unless approval for postponement is granted by the Zoning Officer for weather related reasons. Where installation must be postponed until the next year's planting season, or for other weather related reasons, a surety bond must be posted

with the Township in an amount equal to one hundred percent (100%) of the estimated installation costs, as determined or accepted by the Township.

C. Maintenance

The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials in accordance with the standards set by this Chapter and as indicated on the landscaping plan approved by the Township. All landscaping materials shall be maintained on a continuing basis, in a healthy condition. If any planting material dies or is otherwise removed for any reason, it shall be the responsibility of the property owner to replace the material immediately. Fences, walls, and other barriers shall be maintained in good repair.

D. General Guidelines

1. Plant Materials

Planting materials used in conformance with this Section shall be of a species normally grown in western Pennsylvania and capable of withstanding the extremes of individual site microclimates. Plant material shall be selected for interest in its structure, texture, color, and ultimate growth. A variety of compatible species should be included in the planting plan for a specific site or development. The use of drought-tolerant plant material is preferred. The use of salt-tolerant plant material is preferred for planting areas adjacent to rights-of-way. Domestic turf grasses should be used in areas with little or no slope to prevent the runoff of irrigation water. Evergreens shall be incorporated in those landscaping areas where screening and buffering is required, as described by Sections 1506 and 1507, below.

2. Scale and Nature of Plant Material

The scale and nature of landscaping materials shall be appropriate to the size of proposed structures. Large scaled buildings, for example, should generally be complemented by larger scaled plantings. Additionally, plant materials should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.

3. Preservation of Existing Plant Material

Significant existing plant material should be incorporated into the landscape treatment of a site. To this end, every development, with the exception of individual single-family dwellings in unplatted subdivisions, shall retain all existing trees eighteen (18) inches or more in diameter unless the retention of such trees would unreasonably burden the development. No excavation or other subsurface disturbance may be undertaken within the drip line of any tree eighteen (18) inches or more in diameter, and no impervious surface may be located within 12½ feet (measured from the center of the trunk) of any tree eighteen (18) inches or more in diameter unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground. A claim of an “unreasonable burden” shall be presented to the Township for determination. The preservation of natural features and landscaping is also a criterion for subdivision review (see Part 6, Section 615).

4. Protection of Plant Materials

- a. The interior dimensions, specifications, and design of any planting area or planting median proposed shall be sufficient to protect the landscaping materials planted therein to provide for proper growth.
- b. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
- c. Where trees of a diameter of eighteen (18) inches or more are required to be retained pursuant to Section 1504.D.3, above, the developer shall establish a Township-acceptable barrier around retained trees or tree stands during construction.

5. Designing for Safety

In no case shall landscaping be approved which would inhibit or make more difficult the use of emergency vehicles, and all approved landscaping plans shall give consideration to safety precautions which will protect the vehicular and pedestrian public which may use the parking lot. In reviewing this aspect of the landscape plan, adequate provision for snow storage shall be considered by the Township.

6. Energy Conservation

Plant material placement should be designed to reduce the energy consumption needs of the development as follows:

- a. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.
- b. Evergreens and other plant materials should be concentrated on the north side of buildings to dissipate the effect of winter winds.

7. Detention/Retention Basins and Ponds

Detention/retention basins and ponds shall be landscaped. Such landscaping should include shade and ornamental trees, evergreens, shrubbery, hedges, groundcover, and/or other plant materials.

SECTION 1505. PARKING LOT LANDSCAPING

A. Intent

Parking lot landscaping required by this Section is intended to promote attractive, safe off-street parking lots by providing minimum requirements for installation and maintenance of landscaped areas while placing a high priority on the safe flow of pedestrians and vehicles within a parking lot. A “parking lot,” as used in this Section, is defined to include all of the area set aside for the accommodation of vehicle parking pursuant to the requirements of this Section, including the access drives, lanes, and drive-through areas located on the property in question.

B. Non-Conforming Parking Lots and/or Parking Lot Landscaping

Where a parking lot and/or any parking lot landscaping legally existed as of the effective date of this Chapter, and does not conform with the provisions of this Chapter, such parking lots and/or

parking lot landscaping shall be considered legally non-conforming. Upon any expansion of a non-conforming parking lot, the entire parking lot, both the existing and expanded portion, shall be subject to the requirements of this Section.

C. Perimeter Parking Lot Landscaping

1. Area and Configuration
 - a. A landscaped area at least eight (8) feet in width shall be provided around the full perimeter of the parking lot, and according to TABLE 15.1 below.
 - b. A street tree located within an adjacent right-of-way shall be counted in the determination of tree requirements within a given lineal border. It is not the intent of this Part to generate a double row of trees resulting from implementation of this Part together with the existing trees within the street right-of-way.
 - c. These requirements may be altered by the Township to protect vehicular or pedestrian traffic, to facilitate free movement of emergency vehicles, or when sight lines into parking lots would be obscured by existing vegetation or existing or proposed structures.
2. Landscaping Material
 - a. All ground between any street right-of-way and any parking lot shall be landscaped.
 - b. Perimeter landscaping for parking lots shall meet and may exceed the minimum requirements indicated in Table 15.1, below.
 - c. No more than seventy percent (70%) of the length of a perimeter parking lot landscaping area in a rear or side yard may be utilized for placement of a berm or a solid fence or wall of wood or masonry construction, as described in Section 1507 of this Part, below. The remaining percentage shall be landscaped according to Table 15.1, below.

TABLE 15.1 Required Perimeter Parking Lot Landscaping

	Front Yards	Rear and Side Yards	
		Abutting or Across from Residential Use	Abutting or Across from Non-Residential Use
Shade Trees	One tree per fifty (50) feet of yard length	One tree per thirty (30) feet of yard length	One tree per fifty (50) feet of yard length
Shrubs	One shrub, measuring a minimum of 24” at planting and not to exceed four (4) feet at maturity, per five (5) feet of yard length, clustered, spaced linearly, or staggered across 100% of the parking lot length.	One shrub, measuring a minimum of 24” at planting and not to exceed four (4) feet at maturity, per three (3) feet of yard length, spaced linearly, or staggered across 100% of the parking lot length.	One shrub, measuring a minimum of 24” at planting and not to exceed four (4) feet at maturity, per five (5) feet of yard length, clustered, spaced linearly, or staggered across 50% of the parking lot length.
Groundcover	Landscape areas outside of shrub and tree plantings shall be planted in turf or other approved groundcover.		

D. Interior Parking Lot Landscaping

1. Area Required

At least five percent (5%) of the gross vehicular area of the parking lot shall be landscaped. Perimeter parking lot landscaping, as required below, shall not be included toward satisfying this requirement.

2. Planting Islands

- a. Planting islands shall be a minimum of one hundred twenty (120) square feet in area and shall be a minimum of seven (7) feet in width, as measured from back of curb to back of curb.
- b. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking to one hundred fifty (150) feet.
- c. If the specific application of interior landscaping requirements will seriously limit functions of the building site, the Township may permit consolidation and relocation of these landscaped areas on the building site.

3. Landscaping Material

The plant material used to improve the planting islands defined above shall conform to the following:

- a. The primary landscaping materials used in parking lots shall be shade tree species in conformance with applicable provisions of section 1504.A.1, above. Ornamental trees, shrubbery, hedges, and other plant materials may be used to supplement the shade tree plantings, but shall not be the sole contribution to such landscaping.
- b. One (1) shade tree shall be provided for every one hundred twenty (120) square feet of landscaping area.
- c. One hundred percent (100%) of every interior parking lot landscaping area shall be planted with an approved groundcover in the appropriate density to achieve complete cover within two (2) year, or a combination of decorative rock, mulch, grass, and/or dense ground cover. No bare dirt or site exposed earth or rock shall show.

E. Parking Garages

Parking structures shall provide, along any street frontage, pedestrian-related amenities such as sitting areas, planters, and visually interesting wall surfaces at the street level. Such amenities shall be evaluated through Site Plan Review.

SECTION 1506. LANDSCAPE BUFFERS BETWEEN INCOMPATIBLE USES

A. General Restrictions

Landscape buffers shall be reserved for the planting of materials and installation of fencing as required within this Section. No parking, driveways, sidewalks, accessory buildings, or other impervious surfaces shall be permitted, unless specifically authorized through the site plan review process. Landscape buffers may be located within required yards as established in the

applicable district regulations. Where both landscape buffers and parking lot landscaping are required, the more restrictive which results in the widest buffer, shall apply. Where natural topography or existing vegetation serves buffering purposes, the Township may waive some or all of the buffering requirements below.

B. Size and Improvement of Landscape Buffers

The size and improvement of landscape buffers between various uses shall be as indicated below. Areas within the landscape buffer that are not planted with trees or shrubs shall be maintained in grass or other acceptable groundcover. Buffer screening shall not be required along the front yard line of a commercial or industrial use which fronts on a public road and which is directly across from a residential district or use. Decorative landscaping only will be required as determined through Site Plan review. Buffer screenings will normally be required to run along the entire length of the line of the abutting property unless a condition exists that may reasonable allow for a lesser length of buffer screening, such as topography or vegetation which will accomplish the screening intent of this Part 15 Ordinance. Such relief may be approved through the Site Plan Review process where the intent of the buffering of an adjacent residential dwelling is maintained.

1. C-1 District

Where a lot in a C-1 district abuts a residential district or use, a landscape buffer twenty-five (25) feet in width shall be provided within the required setback distance. Within the buffer, the following improvements shall be provided along the entire length of the buffer:

- a. A tree screen, consisting of two staggered rows of 30% deciduous, 70% evergreen trees, with individual trees to be at least six (6) feet in height at planting and spaced no more than twelve (12) feet apart.
- b. Shrubs of a non-deciduous species, planted in staggered rows, with individual shrubs to be at least two (2) feet in height at planting and spaced no more than five (5) feet apart.

2. C-2 District

Where a lot in a C-2 district abuts a residential district or use, a landscape buffer twenty (20) feet in width shall be provided within the required setback distance. Within the buffer, the following improvements shall be provided along the entire length of the buffer:

- a. A tree screen, consisting of 30% deciduous and 70% evergreen trees, with individual trees to be at least six (6) feet in height at planting and spaced no more than twelve (12) feet apart.
- b. Shrubs of a non-deciduous species, planted in staggered rows, with individual shrubs to be at least two (2) feet in height at planting and spaced no more than five (5) feet apart.

3. C-3 District

Where a lot in a C-3 district abuts a residential district or use, a landscape buffer eight (8) feet in width shall be provided within the required setback distance. Within the buffer, the following improvements shall be provided along the entire length of the buffer:

- a. A tree screen, consisting of 30% deciduous and 70% evergreen trees, with individual trees to be at least six (6) feet in height at planting and spaced no more than twelve (12) feet apart.
- b. A continuous evergreen or dense deciduous shrub hedge, subject to Section 1504.A.2, shall be planted.

4. All C Districts

Landscaping buffers shall not be required along the lot line where a lot in a Commercial district abuts a Residential district on which exists a legal Commercial use. Decorative landscaping only will be required.

5. I-1 and I-2 Districts

Where a lot in an I-1 or I-2 district abuts a residential district or use, a landscape buffer forty (40) feet in width shall be provided within the required setback distance. Within the buffer, the following improvements shall be provided along the entire length of the buffer:

- a. A tree screen, consisting of three (3) staggered rows of 30% deciduous, 70% evergreen trees, with individual trees to be at least eight (8) feet in height at planting and spaced no more than twelve (12) feet apart.
- b. A continuous evergreen or dense deciduous shrub hedge, subject to Section 1504.A.2, shall be planted.
- c. Landscaping buffers per a. and b. above shall not be required along the lot line where a lot in an Industrial district abuts a Residential district on which exists a legal Commercial or Industrial use. In such cases, landscaping buffers shall be determined on a case by case basis through the Site Plan review process.

6. SD and BPD Districts

Where a commercial or industrial lot in an SD or BPD district abuts a residential district or use, or a commercial or industrial lot in an SD district abuts a residential lot within an SD district, a landscape buffer thirty-five (35) feet in width shall be provided within the required setback distance. Within the buffer, the following improvements shall be provided along the entire length of the buffer:

- a. A tree screen, consisting of three(3) staggered rows of 30% deciduous, 70% evergreen trees, with individual trees to be at least six (6) feet in height at planting and spaced no more than twelve (12) feet apart.
- b. Shrubs of a non-deciduous species, planted in staggered rows, with individual shrubs to be at least two (2) feet in height at planting and spaced no more than five (5) feet apart.

7. Multi-Family or Mobile Home Developments

Where a multi-family or mobile home development abuts an R-1 district or single-family use, a landscape buffer twenty (20) feet in width shall be provided within the required setback distance. Within the buffer, the following improvements shall be provided along the entire length of the buffer:

- a. A tree screen, consisting of 30% deciduous and 70% evergreen trees, with individual trees to be at least six (6) feet in height at planting and spaced no more than twelve (12) feet apart.
- b. Shrubs of a non-deciduous species, planted in staggered rows, with individual shrubs to be at least two (2) feet in height at planting and spaced no more than five (5) feet apart.

8. Uses Within the Same District

When commercial, industrial, or multi-family uses are proposed adjacent to farms, single-family, or two-family uses within the same zoning district, the extent of the required landscaping buffer shall be determined by the Township through site plan review.

SECTION 1507. SCREENING

A. Non-Vegetative Screening as Part of Perimeter Parking Lot Landscaping or Landscape Buffers

Screening by a berm, fence, or wall may supplement or replace portions of the required linear length of perimeter parking lot landscaping and/or landscape buffers as required by this Part. Where permitted through the Site Plan Review process, such screening shall be permitted pursuant to the following:

- 1. Screening materials shall be at least three (3) feet high, but may not exceed six (6) feet in height without the consent of the contiguous property owner, which shall be obtained in writing and filed in the office of the Director of Planning. In no case shall screening exceed seven (7) feet in height.
- 2. A berm shall not exceed a slope of thirty (30) degrees and shall be completely covered with shrubs, grass, or other living ground cover.
- 3. Fences or walls used as screening shall be solid and opaque and constructed of wood or masonry. In order to break the monotony of a wood or masonry fence, at least one (1) shrub or vine shall be planted abutting the wall for every ten (10) feet of wall length, but not necessarily evenly spaced ten (10) feet apart. The required shrubs shall be installed outside of the fence, and the fence shall be erected a minimum of four (4) feet inside the property line to allow for the planting and maintenance of the shrubs.
- 4. In lieu of the vine or shrubbery requirements above, the Township may authorize and approve a masonry wall having a significant design variation evenly spaced at intervals of not more than twenty (20) feet.

B. Screening of Refuse Disposal Dumpsters

All refuse disposal dumpsters shall be screened on at least three sides by a solid wood or masonry fence, or evergreen trees, to a height of not less than six (6) feet but not more than eight (8) feet, in a manner in which the refuse disposal dumpster is completely screened from view from any road right-of-way or any residential use or district. This requirement shall also apply to recycling containers.

C. Screening of Outdoor Storage Areas and Service Yards

All service yards, storage yards, and storage areas in commercial and industrial districts shall be screened by a solid wood or masonry fence, or a continuous evergreen screen, to a height of not less than six (6) feet but not more than eight (8) feet in a manner in which the service area or storage area is completely screened from view from any road right-of-way or any residential use or district. Screening shall be equally effective at all times of the year. No outdoor storage of any type shall, at any time, be located within any required setback area, or exceed the height of the screening required by this subsection. Outdoor storage yards, storage areas, and service yards unable to meet the screening requirements are prohibited.

SECTION 1508. PERFORMANCE AND MAINTENANCE BONDS (Section 906.1.A.4, Zoning)

Where landscaping is required to be installed pursuant to this Part, a performance bond or other financial security shall be submitted in the amount of one hundred percent (100%) of the cost of the required landscaping. Such financial security shall be posted with the Township as a prerequisite to obtaining permits for development of a site and shall be required for a period of one (1) year from the date of issuance of such permits. Upon completion of the landscaping improvements and inspection by the Township, the financial security shall be released. The Township may require the posting of a maintenance bond or other financial security in the amount of five percent (5%) of the total cost of landscaping improvements, or a minimum of five hundred dollars (\$500), whichever is greater, to guarantee the replacement of landscaping material, if necessary, for a period of two (2) years from the date of release of the performance security. Release of landscaping escrows and bonds does not relieve the Owner of perpetual maintenance of buffers, screenings, and landscaping.

SECTION 1509. INSPECTION

The Zoning Officer, or a duly appointed representative, shall have the authority to visit any site and enter property to inspect the landscaping in order to ensure compliance with an approved landscaping or site plan.

SECTION 1510. CHANGES TO APPROVED LANDSCAPING PLANS

Any change or deviation to an approved landscaping plan shall require the approval of the Township.. Changes that do not conform to this Part shall be subject to the procedures for a variance as established in Part 4, Section 404 of this Chapter. Landscaping improvements made on a site that are not in conformance with the approved landscaping or site plan shall be considered a violation of this Chapter subject to the fines and penalties established herein, provided, however, that landscaping improvements may exceed the minimum requirements as shown on the approved plan.

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PART 16

Environmental Performance Standards

Section 1601. Scope and Application
Section 1602. Noise
Section 1603. Vibration
Section 1604. Smoke and Particulate Matter
Section 1605. Odor
Section 1606. Glare and Heat
Section 1607. Electrical Interference
Section 1608. Liquid and Solid Waste Disposal
Section 1609. Fire and Explosive Hazards
Section 1610. Radiation Hazards
Section 1611. Loading and Unloading Operations, and Refuse Collection
Section 1612. Outdoor Storage or Display
Section 1613. Deposits on Streets

SECTION 1601. SCOPE AND APPLICATION

Zoning Ordinances are concerned with the impacts of an individual's property use and seek to ensure that people use their property in a manner that does not unreasonably interfere with other persons' use of their property. The regulations contained in this Part shall be applicable to all land uses established in all zoning districts of the Township. Subjective performance standards shall apply. Township police officers and zoning and code enforcement officials, under local and state laws, are empowered to determine those avenues of prosecution.

SECTION 1602. NOISE

- A.** Excessive noise shall be required to be muffled so as not to be objectionable to surrounding property owners due to intermittence, beat frequency, shrillness, or volume.
- B.** Requirements of this Section do not apply to:
1. Construction activities conducted between 7:00 a.m. and 6:00 p.m., provided that the construction activities do not occur on Sundays, and state declared holidays.
 2. Sound generating equipment or apparatus used for public safety or to warn of an emergency.
 3. Noise from use-related refuse collection and loading/unloading operations when conducted during normal business hours of 7:00 a.m. to 6:00 p.m., excluding Sundays and state approved holidays.
 4. Noise produced by sources not under the control of the property owner.
 5. Lawn maintenance and home repair, when conducted between sunrise and sunset, as a normal function of any authorized use.
 6. Agricultural operations protected from nuisance suits by Act No. 1982-133.

7. Activities of a temporary duration, permitted by law and for which a license or permit has been granted, including but not limited to parades and fireworks displays.
8. Scheduled school band activities.

C. Prohibited – Dynamiting, or blasting, unless approved by the Township after a public hearing.

SECTION 1603. VIBRATION

No operation or activity shall, at any time, cause ground-transmitted vibrations that are detrimental to the public health, safety, comfort, or welfare. Vibration resulting from temporary construction activity that occurs between 7:00 a.m. and 6:00 p.m. shall be exempt from the requirements of this Section.

SECTION 1604. SMOKE AND PARTICULATE MATTER

The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort, or welfare, is not permitted.

SECTION 1605. ODOR

For purposes of this Section, the “odor threshold” is defined as the minimum concentration in the air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers. No use in any district, except where fertilizer is used as part of a permitted agricultural use, may generate an odor, which is objectionable, or noxious that reaches beyond the property line of the enterprise generating the odor.

SECTION 1606. GLARE AND HEAT

All on-site lighting of buildings, lawns, and parking areas shall be designed so as not to shine or cause glare in excess of one-half (0.5) foot-candle at any point onto adjacent property, or onto any public street or vehicle thereon. No direct glare, whether from floodlights or high temperature processes, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. Any operation producing intense glare or heat shall be conducted within a completely enclosed building in such a manner so as not to create a public nuisance or hazard.

SECTION 1607. ELECTRICAL INTERFERENCE

In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare, including, but not limited to, interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

SECTION 1608. LIQUID AND SOLID WASTE DISPOSAL

There shall be no discharge at any point, into any public or private sewerage system, or stream, or into the ground, of any materials in such a way or of such a nature or temperature as can contaminate or otherwise cause the emission of hazardous materials except in accordance with the standards of the Pennsylvania Department of Environmental Protection.

SECTION 1609. FIRE AND EXPLOSIVE HAZARDS

A. Incombustible to Moderate Burning Materials

The storage, utilization, or manufacture of materials or products ranging from incombustible to moderate burning, as determined for liquids by a closed cup flash point of not less than 187 degrees Fahrenheit, is permitted subject to compliance with all other applicable performance standards.

B. Free Burning to Intense Burning Materials

The storage, utilization, or manufacture of materials or products ranging from free or active burning to intense burning, as determined for liquids by a closed cup flash point of less than 187 degrees Fahrenheit but not less than 105 degrees Fahrenheit, is permitted subject to compliance with all other applicable performance standards and provided the following conditions are met:

1. Said materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls; and
2. All such buildings or structures shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the American Insurance Association; or, if the materials, goods, or products are liquids, the protection thereof shall be in conformity with standards prescribed by the American Insurance Association.

C. Flammable and Explosive Materials

The utilization in manufacturing processes of materials which produce flammable or explosive vapors or gases, determined for liquids by a closed cup flash point of less than 105 degrees Fahrenheit, shall be permitted provided:

1. that the final manufactured product does not itself have a closed cup flash point of less than 187 degrees Fahrenheit;
2. that the use and storage of such materials shall be in conformity with standards prescribed by the American Insurance Association and the requirements of any other ordinances;
3. that the storage of more than 50,000 gallons of materials or products having a closed cup flash point of less than 105 degrees Fahrenheit (exclusive of storage of finished products in original sealed containers) is prohibited;
4. that the storage of more than 100,000 gallons of materials or products having a closed cup flash point of less than 180 degrees Fahrenheit (exclusive of storage of finished products in original sealed containers) is prohibited.

SECTION 1610. RADIATION HAZARDS

Storing of radioactive material is prohibited.

All operations using radioactive materials, whether or not licensed by the Atomic Energy Commission, shall comply with the applicable regulations, as adopted and thereafter amended by the

Pennsylvania State Department of Health, plus all regulations of any other local, state, or federal regulatory agency.

SECTION 1611. LOADING AND UNLOADING OPERATIONS, AND REFUSE COLLECTION

Where the property lines of a parcel on which loading operations or refuse collection is conducted are located within 300 feet of a residential dwelling, truck loading or unloading operations, as well as refuse collection, shall not be conducted between the hours of 6 p.m. and 7:00 a.m., except where conducted entirely within an enclosed structure.

SECTION 1612. OUTDOOR STORAGE OR DISPLAY

A. Outdoor Storage Prohibited

1. Permanent Storage

Outdoor storage of any type shall be prohibited unless such storage is a part of the normal operations conducted on the premises, as, for example, in the case of a lumberyard. All service yards or storage yards for commercial and industrial establishments shall be screened by a solid wood or masonry fence, or a continuous evergreen screen, to a height of not less than six (6) feet but not more than eight (8) feet in a manner in which the service area or storage area is completely screened from view from any road right-of-way or any residential use or district. Screening shall be equally effective at all times of the year. No outdoor storage of any type shall, at any time, be located within any required setback area, or exceed the height of the screening required by this subsection.

2. Temporary Storage

Included in the above prohibition is the storage of tractor trailers or trucks which supply, service, or are operated by any commercial or industrial establishment, except in cases of emergency where approved by the Zoning Officer for a period not to exceed thirty (30) days. Any article or material stored temporarily outside an enclosed building as an incidental part of the primary operation shall be screened according to the screening requirements for permanent storage, above.

B. Deemed Applicability

Any movable structure, trailer, automobile, truck, any parts of these items, or any other items of similar nature, allowed to remain on the premises a longer time than that required to load, unload, or otherwise discharge normal functions, shall be considered to be subject to all regulations set forth in this Section.

SECTION 1613. DEPOSITS ON STREETS

It shall be unlawful for any person, firm, organization, contractor, developer, or property owner, including agents, employees, independent contractors, or any other entity to deposit, place, direct, or otherwise cause to be placed upon any street, road, highway, lane, or alley within the Township any liquid or particulate matter, including, but not limited to snow, ice, refuse, mud, debris, dirt, or grass. Water is not restricted, provided that it does not run across the street, pool along the street, erode the street or berm, build up on or in a street, or in any way create a danger to vehicular traffic or pedestrians. This section shall apply not only in connection with new construction or development activity, but as it relates to any deposits on any vehicular rights-of-way in the Township at any time.

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PART 17

Floodways and Floodplains

Section 1701. General Provisions
Section 1702. Establishment of Floodplain Districts
Section 1703. District Provisions
Section 1704. Elevation, Floodproofing, and Construction Standards for Floodplain Districts
Section 1705. Existing Structures
Section 1706. Administration
Section 1707. Variances and Special Exceptions
Section 1708. Activities Requiring Special Permits
Section 1709. Development Which May Endanger Human Life
Section 1710. Setbacks from Streams Outside Designated Floodplains
Section 1711. Special Provisions for Subdivisions
Section 1712. Warning and Disclaimer of Liability

SECTION 1701. GENERAL PROVISIONS

A. Applicability

These provisions shall apply to all lands within the jurisdiction of the Township of Cecil and shown as being located within the boundaries of the designated floodplain districts which are considered to be overlays of the Official Zoning Map.

B. Compliance

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

SECTION 1702. ESTABLISHMENT OF FLOODPLAIN DISTRICTS

A. Description of Districts

The various floodplain districts shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for the Township of Cecil prepared by the Federal Insurance Administration dated March, 1979.

1. The Floodway District (FW) is delineated for purposes of this Part using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The term shall also include floodway areas that have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study prepared by Federal Emergency Management Agency (FEMA).
2. The Flood Fringe District (FF) shall be that area of the one hundred year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall

be the one hundred year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map.

3. The General Floodplain Area (FA) shall be that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by FEMA. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area that is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. (See Section 1702.E, below)

B. Overlay Concept

1. The floodplain districts described above shall be overlays to the existing underlying zoning districts as shown on the Official Zoning Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. Where there happens to be any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying zoning district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply. In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the underlying zoning district provisions shall remain applicable.

C. Floodplain District Boundaries

The boundaries of the floodplain districts are delineated on the map entitled “Flood Boundary and Floodway Map” which is a part of the Flood Insurance Study prepared by the Federal Insurance Administration, dated March 1979. The Flood Boundary and Floodway Map is hereby declared to be a part of both this Chapter and the Official Zoning Map of the Township of Cecil.

D. Interpretation of District Boundaries

Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the districts, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

E. District Boundary Changes

The delineation of any of the floodplain districts may be revised by the governing body where natural or man-made changes have occurred and/or where more detailed studies, conducted or undertaken by the U.S. Army Corps of Engineers, the Susquehanna River Basin Commission, or

other qualified agency or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

SECTION 1703. DISTRICT PROVISIONS

All uses, activities, and development occurring within any floodplain district shall be undertaken only in strict compliance with the provisions of this Chapter and with all other applicable codes and ordinances of the Township of Cecil. In addition, all such uses, activities, and development shall be undertaken only in compliance with Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 22 U.S.C. 1334 (amended as the Clean Water Act in 1977). Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility of system. In the floodplain districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district, subject to the following:

- A.** Within any Floodway District (FW), any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited. No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands.
- B.** No mobile home shall be permitted in the Floodway District (FW).
- C.** Within the General Floodplain Area (FA), no new construction or development shall be located within the area measured fifty (50) feet landward from the top of bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams, Waterways, and Wetlands. Development and/or use of land shall be permitted in the floodplain districts only in strict compliance with the elevation and related provisions of this Chapter and all other applicable codes and ordinances.

SECTION 1704. Elevation, Floodproofing, and Construction Standards for Floodplain Districts

A. Residential Structures

Within any floodplain district, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated to at least one and one-half (1½) feet above the one hundred year flood elevation.

B. Non-Residential Structures

- 1. Within any floodplain district, the lowest floor, including basement, of any non-residential structure shall be constructed at least one and one-half (1½) feet above the one hundred year flood elevation or such structure shall be designed and constructed so that the space enclosed shall remain either completely or essentially dry during any flood up to that height.
- 2. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one-half (1½) feet above the one hundred year flood elevation shall be designed and constructed to be completely or essentially dry in accordance with the W1 or W2 space classifications standards contained in the publication entitled "Floodproofing Regulation" (U.S. Army Corps of Engineers, June 1972, as amended March 1992) or some other equivalent standard for that type of construction. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

C. Accessory Structures

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

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. The floor area shall not exceed six hundred (600) square feet.
3. The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
4. Power lines, wiring, and outlets shall be at least one and one-half (1½) feet above the one hundred year flood elevation.
5. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc., are prohibited.
6. Sanitary facilities are prohibited.
7. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc., or other coverings of devices provided that they permit the automatic entry and exit of floodwaters

D. Fill

If fill is used, it shall:

1. Extend laterally at least fifteen (15) feet beyond the building line from all points.
2. Consist of soil or rock materials only. Sanitary landfills shall not be permitted.
3. Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
4. Be no steeper than one (1) vertical to two (2) horizontal feet.

E. Drainage Facilities

Adequate storm drainage shall be provided for development within any floodplain district. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

F. Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment. No part of any on-site sewage system shall be located within any identified floodplain district except in strict compliance with all State and local regulations for such systems.

G. Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system, and be located and constructed to minimize or eliminate flood damage.

H. Utilities

All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas shall be located and constructed to minimize the chance of impairment during a flood.

I. Electrical Equipment

Electrical distribution panels shall be at least three (3) feet above the one hundred year flood elevation.

J. Anchoring

Within any floodplain district, all buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored to prevent flotation.

K. Materials

All materials and utility equipment used shall be resistant to flood damage.

L. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

M. Special Provisions for Manufactured Homes within any Floodplain District

1. Within any Floodway District (FW), manufactured homes shall be prohibited.
2. Within any General Floodplain Area (FA), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top of bank of any watercourse.
3. Where permitted within any floodplain area, mobile homes, and any additions thereto, shall be placed on a permanent foundation and anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors as follows:
 - a. Over-the-top ties shall be provided at each corner of the mobile home, with two (2) additional ties per side at intermediate locations, for units fifty (50) feet or more in length, and one (1) additional tie per side for units less than fifty (50) feet in length.
 - b. Frame ties shall be provided at each corner of the mobile home, with five (5) additional ties per side at intermediate locations for units fifty (50) feet or more in length, and four (4) additional ties per side for units less than fifty (50) feet in length.
 - c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds.
4. All mobile homes, and any additions thereto, shall also be elevated in accordance with the following requirements:
 - a. The stands or lots shall be elevated on compacted fill, or on pilings so that the lowest floor of the mobile home will be at least one and one-half (1½) feet above the one hundred year flood elevation. Where pilings are used for elevation, the lots shall be large enough to permit steps. Piling foundations shall be placed in stable soil no more than ten (10) feet apart. Reinforcement shall be provided for pilings that will extend for six (6) feet or more above the ground level.
 - b. Adequate surface drainage shall be provided.
 - c. Adequate access for a hauler shall be provided.

SECTION 1705. EXISTING STRUCTURES

Structures existing in any designated floodplain districts prior to the enactment of this Chapter which are not in compliance with these provisions may continue to remain, subject to the following:

- A.** No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
- B.** Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of less than fifty percent (50%) of its market value shall be elevated and/or floodproofed to the greatest extent possible.
- C.** Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty percent (50%) or more of its market value shall be undertaken only in full compliance with the provisions of this Chapter.

SECTION 1706. ADMINISTRATION

A. Permit Required

A permit shall be required for all construction and development in any floodplain district, including the alteration, repair, remodeling, or improvement of existing structures. In addition to the application requirements of Section 1708 of this Part (if applicable), the following additional information shall be included in an application for construction or development in any floodplain district.

1. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. existing and proposed contours and/or elevations of the ground;
 - c. all property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision or land development;
 - e. the location of all existing streets, drives, and other accessways; and
 - f. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.
2. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale, showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - b. the elevation of the one hundred year flood;
 - c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a one hundred year flood; and
 - d. detailed information concerning any proposed floodproofing measures.
3. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
4. If the proposed development is to be located within the Floodway District (FW), certification from a registered engineer that the development will not cause any increase in the one hundred year flood levels within the community, or that any such increase will be fully offset by accompanying watercourse improvements.

5. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
6. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.

B. Other Permit Issuance Requirements

Prior to the issuance of any permit, the Zoning Officer shall review the permit application to determine if all other necessary governmental permits, such as those required by State and Federal laws, have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act; the Pennsylvania Water Obstruction Act of 1913; and the Federal Water Pollution Control Act Amendments of 1972, Section 404, U.S.C. 1334 (amended as the Clean Water Act in 1977). No permit shall be issued until this determination has been made.

C. Watercourse Alterations

Prior to any proposed alteration or relocation of a watercourse, the developer proposing such alteration shall obtain a permit from the Pennsylvania Department of Environmental Protection (DEP), Bureau of Dams, Waterways, and Wetlands. Furthermore, the developer shall notify the Federal Emergency Management Agency, the Pennsylvania Department of Community and Economic Development and all affected communities by certified mail prior to such proposed alterations and shall submit copies of such notification to the Township Zoning Officer and the Federal Insurance Administration. In addition, the developer shall assure the Township Board of Supervisors in writing that the flood carrying capacity within the altered or relocated portion of the watercourse will be maintained.

D. Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

SECTION 1707. VARIANCES AND SPECIAL EXCEPTIONS

Requests for variances and/or special exceptions in the floodplain districts shall be considered by the Zoning Hearing Board in accordance with the following procedures:

- A.** No variances shall be granted for any construction, development, use, or activity within any designated Floodway District (FW) that would cause any increase in the one hundred year flood elevation.
- B.** Except for a possible modification of the one and one-half foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 1708) or to Development Which May Endanger Human Life (Section 1709).
- C.** If granted, a variance shall involve only the least modification necessary to provide relief.

- D. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.
- E. When a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - 1. That granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variance may increase the risks to life and property.
- F. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
 - 1. That there is good and sufficient cause.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. That the granting of the variance will not result in any unacceptable or prohibited increased flood heights, additional threats to public safety, extraordinary public expense, or nuisances, and that the granting of the variance will not result in fraud against the public, victimize the public, or conflict with any other applicable local or State ordinances and regulations.
- G. A complete record of all variances requested and related actions shall be maintained by the Township of Cecil. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

SECTION 1708. ACTIVITIES REQUIRING SPECIAL PERMITS

The provisions of this Section shall be applicable in addition to any other applicable provisions of this Chapter, or any other ordinance, code, or regulation.

A. Identification of Activities Requiring a Special Permit

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act (Act 1978-166), the following activities shall be prohibited within, or partially within, any identified floodplain area unless a Special Permit has been issued by the Township.

- 1. The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - a. Hospitals
 - b. Nursing homes, personal care homes, and other similar buildings wherein elderly or infirm persons are housed or boarded.
 - c. Jails or prisons
- 2. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

B. Application Requirements

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

1. A written request including a completed Building Permit application.
2. A small scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site, clearly and legibly drawn at a scale of one inch (1") being equal to one hundred feet (100') or less, showing the following:
 - a. North arrow, scale, and date.
 - b. Topography based on the National Geodetic Vertical datum of 1929, showing existing and proposed contours at intervals of two (2) feet.
 - c. All property and lot lines, including dimensions and the size of the site expressed in acres or square feet.
 - d. The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations.
 - e. The location of any existing bodies of water or watercourses, buildings, structures, and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development.
 - f. The location of the floodplain boundary line, information and spot elevations concerning the one hundred year flood elevations, and information concerning the flow of water, including direction and velocities.
 - g. The location of all proposed buildings, structures, utilities, and any other improvements.
 - h. Any other information which the Township considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - a. Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate.
 - b. For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor.
 - c. Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred year flood.
 - d. Detailed information concerning any proposed floodproofing measures.
 - e. Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths.

- f. Profile drawings for all proposed streets, drives, and vehicular accessways, including existing and proposed grades.
 - g. Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
5. The following data and documentation:
- a. Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents.
 - b. Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred year flood.
 - c. A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred year flood, including a statement concerning the effects such pollution may have on human life.
 - d. A statement certified by a registered professional engineer, architect, or landscape architect which contains a complete and accurate description of the effects the proposed development will have on the one hundred year flood elevations and flow.
 - e. A statement certified by a registered professional engineer, architect, or landscape architect which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred year flood elevation and the effects such debris and materials may have on the one hundred year flood elevations and flows.
 - f. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - g. Where any excavation or grading is proposed, a plan meeting the requirements of the DEP to implement and maintain erosion and sedimentation control.
 - h. Any other applicable permits such as, but not limited to, a permit for any activity regulated by the DEP under Section 302 of Act 1978-166.
 - i. An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred year flood.

C. Application Review Procedures

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

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of

the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.

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

D. Technical Requirements for Development Requiring a Special Permit

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

1. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner which will prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life or property, and which will fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. The structure will survive inundation by waters of the one hundred year flood without any lateral movement or damage to either the structure itself or to any of its equipment or contents below the one hundred year flood elevation.
 - b. The lowest floor elevation (including basement) will be at least one and one-half feet (1½') above the one hundred year flood elevation.
 - c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred year flood.
2. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development.

E. Top-of-Bank Distance Requirement for Special Permit Uses

Within any identified floodplain district, any structure of the kind described in subsection A, above, shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of any watercourse.

F. Limited Variance Allowance for Special Permit Uses

Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

SECTION 1709. DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE

The provisions of this Section shall be applicable in addition to any other applicable provisions of this Chapter, or any other ordinance, code, or regulation.

A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Act, any new or substantially improved structure which will be used for the production or storage of any of the dangerous materials or substances listed below; or will be used for any activity requiring the maintenance of a supply on the premises of more than five hundred fifty (550) gallons, or other comparable volume, of any of the dangerous materials or substances listed below; or will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this Section, in addition to all other applicable provisions of this Chapter. The following list of materials and substances are considered dangerous to human life:

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

B. Within any Floodway District (FW), any structure of the kind described in subsection A, above, shall be prohibited.

C. Where permitted within any Flood Fringe District (FF) or General Floodplain District (FA), any structure of the kind described in subsection A, above, shall be:

1. Elevated, or designed and constructed, to remain completely dry up to at least one and one-half feet (1½') above the one hundred year flood elevation; and
2. Designed to prevent pollution from the structure or activity during the course of a one hundred year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972) or with some other equivalent watertight standard.

- D. Within any General Floodplain District (FA), any structure of the kind described in subsection A, above, shall be prohibited within the area measured fifty feet (50') landward from the top-of-bank of any watercourse.
- E. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements of this Section.

SECTION 1710. SETBACKS FROM STREAMS OUTSIDE DESIGNATED FLOODPLAINS

In any area where no FEMA maps or studies have defined the boundary of the 100-year flood frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of bank of the stream.

SECTION 1711. SPECIAL PROVISIONS FOR SUBDIVISIONS

Proposed subdivision of land shall comply with requirements of Part 5, Section 505, Supplemental Flood Plain Area Requirements, and Part 6, Section 617, [Design] Standards for Designated Flood Plain Areas, of this Chapter, in addition to any requirements of this Part for construction of improvements.

SECTION 1712. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection sought by the provisions of this Part is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Part does not imply that areas outside any identified floodplain area, or that land uses permitted within such areas, will be free from flooding or flood damages. This Part shall not create liability on the part of the Township, or any officer or employee thereof, for any flood damages that result from reliance on this Part or any administrative decision lawfully made there under.

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PART 18

Nonconforming Properties, Uses, and Structures

Section 1801. Purpose and Scope

Section 1802. Continuance and Alteration of Nonconforming Uses

Section 1803. Moving a Nonconforming Structure

Section 1804. Discontinuance or Abandonment

Section 1805. Certificates of Occupancy

Section 1806. Contiguous Nonconforming Lots

SECTION 1801. PURPOSE AND SCOPE

A. Intent

The zoning districts established by this Chapter are designed to guide future use of land in the Township by encouraging the development of desirable residential, commercial and industrial areas, with appropriate groupings of compatible and related uses, and to the end of promoting and protecting the public health, safety, comfort, prosperity, and other aspects of the general welfare. It is, also, fundamental to the purpose of this Chapter to recognize that many existing lots throughout the Township may be less adequate than others because of their location, size, odd shape, difficult topography, or any combination of these limitations. Alleviation of proven hardships on these lots is made available through variance application to the Zoning Hearing Board, created herein.

B. Approach

To achieve the stated intent, lawful existing uses which would be prohibited or restricted under the terms of this Chapter, or future amendments, and which do not conform to the character and regulations of the zoning district in which they are located shall be subject to certain limitations. The regulations set forth below are intended to provide a gradual remedy for the undesirable conditions resulting from indiscriminate mixing of uses, and to afford a means whereby nonconforming uses can be gradually eliminated and re-established in more suitable locations within the Township. Similarly, buildings or other structures, which do not comply with one or more of the applicable developmental standards in which they are located are, deemed to be nonconforming. The Township Zoning Office will respond in writing, at the request of a non-conforming property owner, to any lending institution, title company, or real estate company, to verify or confirm the legal non-conforming status of a property up for sale or re-financing.

C. Avoidance of Undue Hardship

To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in plans, construction, or intended use of any structure on which actual construction was lawfully begun prior to the effective date, or amendment, of this Chapter, and on which actual construction has been carried on diligently. Where demolition or removal of an existing structure has been substantially begun prior to rebuilding, such demolition or removal shall be deemed to be construction, provided that the work shall have been carried on diligently. All permits for structures or uses issued prior to the adoption of this Chapter are declared void ninety (90) days from the effective date of this Chapter unless:

1. Substantial construction shall have been commenced or use implemented; or

2. Written contracts have been entered into pursuant to said permit by which substantial legal rights have accrued. This subsection is applicable only if such construction or use does not conform to the provisions of this Chapter.

D. Illegal Uses

Illegal uses existing at the time this Chapter is enacted shall not be validated by virtue of its enactment. The benefit of legal nonconforming use status is available only for a lawful use which existed on the land when this Chapter took effect and it is the burden of the party alleging the existence of a nonconforming use to establish both its existence and **legality** at the time before enactment of this Chapter.

SECTION 1802. CONTINUANCE AND ALTERATION OF NONCONFORMING USES

Lawful structures, uses of land, or structures and use of land in combination, which at the effective date of this Chapter or subsequent amendment thereto were rendered nonconforming, may be continued so long as they remain otherwise lawful, including in the case of subsequent sale of the property, subject to the following regulations:

A. Expansion

A nonconforming building or use may be expanded by 15% of the space occupied at the effective date of adoption of this Chapter, following a public hearing and review by the Zoning Hearing Board as a Special Exception, provided that:

1. The building or use has not previously been expanded by as much as 15% within 10 years prior to the effective date of adoption of this Chapter.
2. In the case of commercial or industrial use, the expansion of the nonconforming building or use is necessitated by the natural growth of trade.
3. The expansion does not involve any property not owned at the time the use became nonconforming.
4. No new or increased nonconformities are created related to structures or site requirements.
5. Additional parking is provided for the expanded building or use in accordance with the requirements of this Chapter.
6. No new nonconforming use is added to the premises. Only the specific principal use in existence at the effective date of adoption of this Chapter has protected status.

B. Extension

A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building, unless approved by the Zoning Hearing Board. No additional or accessory structure not conforming to the requirements of this Chapter shall be erected or enlarged in connection with a nonconforming use of land.

C. Repair and Alteration

A nonconforming structure may be repaired or maintained, provided, however, that no nonconforming structure may be altered in a way that increases its nonconformity without

approval from the Zoning Hearing Board, but any structure or portion thereof may be altered to decrease its nonconformity without such approval.

D. Change in Use or Ownership – Change in use shall be addressed under two (2) categories:

1.) Current Owner and 2.) Subsequent Owner. (A seller of a nonconforming property must disclose to a subsequent buyer, in writing, the status of the nonconforming property, including any restrictions on change of use as described below).

1. Current Owner (Owner of record on May 17, 2000) – The owner of a nonconforming use of a lot or structure may be change the use to another nonconforming use of equal or less severity, based on the determination of the Zoning Hearing Board after a public hearing. Change of use for nonconforming uses and structures shall be limited to those uses permitted by right in the type of district in which the nonconforming lot or structure was originally classified, or to those uses allowed by Conditional Use or Special Exception. After a nonconforming use is changed to a more restrictive (less severe) nonconforming use, it may in the future be returned to the original nonconforming use, or to an equal or less severe use, provided that the property remains under the ownership of the original owner as aforementioned and be based on the determination of the Zoning Hearing Board after a public hearing. Once a nonconforming use is changed to a conforming use, it shall not thereafter be changed to a nonconforming use.

2. Subsequent Owner (Owner of record who closed on or otherwise acquired property by deed after May 17, 2000) – Once a nonconforming lot or structure is sold or transferred through deed, the nonconforming use at the time of transfer shall be permitted to continue. In addition, the use may change to another nonconforming use of equal or less severity, based on the determination of the Zoning Hearing Board after a public hearing. Change of use for nonconforming uses and structures shall be limited to those uses permitted by right in the type of district in which the nonconforming lot or structure was originally classified, or to those uses allowed by Conditional Use or Special Exception. Once any subsequent owner changes a nonconforming use to a more restrictive (less severe) nonconforming use, it shall not thereafter be changed back to a less restrictive (more severe) nonconforming use. Changing a nonconforming uses of the same or more restrictive (less severe) cases will be determined by the Zoning Hearing Board after a public hearing. Once a nonconforming use is changed to a conforming use, it shall not thereafter be changed to a nonconforming use.

3. Special Provisions for Lots with Nonconforming Size

Whenever there exists a lot that is nonconforming with respect to size, and that lot contains one or more structures, and parking for the existing use does not meet ordinance requirements, a change in use to a more restrictive (milder) permitted use that does not involve any addition or enlargement of a structure shall be permitted, even though parking would still not meet ordinance requirements, as long as the new use requires an equal or less number of parking spaces by current ordinance than the existing use.

4. Damage, Destruction or Razing

Should a nonconforming structure or nonconforming portion of a structure be damaged or destroyed by fire, flood, explosion, or other casualty, it may be reconstructed or re-established to its' original non-conformity. Should a nonconforming structure be voluntarily razed by the property owner, or should a nonconforming structure or portion of a structure containing a nonconforming use become physically unsafe or unlawful by reason of physical condition, that structure shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations for the district in which it is located.

SECTION 1803. MOVING A NONCONFORMING STRUCTURE

A nonconforming structure shall not be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such structure at the effective date of adoption or amendment of this Chapter. Should a nonconforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 1804. DISCONTINUANCE OR ABANDONMENT

If any nonconforming use of land, structure, or portion of a structure ceases use or operation for a period of six (6) months or more, and the owner within a total period of twelve (12) months from cessation fails or refuses to apply to the Zoning Officer for a permit to reinstitute or continue the original use, or fails to immediately, actively, and consistently market the availability for reuse (such as newspaper ads, premises signs with corresponding newspaper advertisements, and listing or marketing agreements), then the failure or refusal shall be conclusively deemed to be an abandonment of the original use. Any subsequent use of the land, structure, or portion of structure shall conform to the requirements of this Chapter in the district in which it is located. From the time of such application to reinstitute or continue the use, the owner shall have not more than one (1) year to re-establish the use. In the case of an owner diligently attempting to secure a viable new tenant or buyer, the period shall be extended to two (2) years whereby the owner must re-establish a nonconforming use of an equal or more restrictive (milder) classification. Simply placing a sign or signs on the premises shall not be considered as due diligence in maintaining or re-establishing nonconforming status.

SECTION 1805. OCCUPANCY PERMITS

An Occupancy Permit shall be issued for any legal nonconforming use, building, or sign, to be continued after the effective date of this Chapter, subject to the following regulations:

- A.** Occupancy Permits for nonconforming uses, buildings, or signs shall be valid for so long as the nonconforming use remains legal.
- B.** Application for an initial occupancy of a nonconforming use must include a site plan of the entire property showing the locations and dimensions of structures, storage areas, and parking areas; a narrative statement detailing, where applicable, hours of operation, number of employees, number and type of business vehicles utilized, services performed, etc.; and a floor plan for each principal structure indicating intended uses of individual rooms.
- C.** Such certificates shall be issued only after the Zoning Officer has inspected the premises and determined that the use, building, or sign is lawful and conforming to this Chapter, but in no case more than fifteen (15) days after the date of application.
- D.** Full particulars of the nature and extent of the nonconformity shall be included in the Occupancy Permit.

SECTION 1806. CONTIGUOUS NONCONFORMING LOTS

A. Contiguous Nonconforming Lots Under Separate Ownership

Nonconforming lots of record existing in the R-3 district on the effective date of adoption of this Chapter which are vacant may be developed for single-family dwellings without a variance only where such lot is in separate ownership from all contiguous lots, subject to the following requirements:

1. The lot area is at least eighty percent (80%) of the minimum lot area required in the district.
2. Any side yard abutting a street shall be a minimum of fifteen (15) feet and all other side yards shall be a minimum of five (5) feet.
3. A rear yard abutting a street shall be a minimum of twenty-five (25) feet and all other rear yards shall be a minimum of ten (10) feet.
4. The minimum front yard shall be the recorded building line or, where there is no recorded building line, the average of the existing building setbacks on adjacent lots on the same side of the street and in the same block and same recorded plan.

B. Contiguous Nonconforming Lots Under Same Ownership

Nonconforming lots of record existing on the effective date of adoption of this Chapter, which are vacant, but under the same ownership as a contiguous lot(s) shall be combined with such contiguous lot(s) in order that the nonconforming lot will conform to this Chapter.

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PART 19

Enforcement

Section 1901. Specific Intent
Section 1902. Administration and Enforcement
Section 1903. Penalties
Section 1904. Preventative Remedies

SECTION 1901. SPECIFIC INTENT

It is the purpose of these regulations to prescribe the procedure by which the administration of this Chapter shall be followed. Nothing contained within this Part shall be interpreted as limiting the adoption of administrative regulations that do not supersede required stated procedures.

SECTION 1902. ADMINISTRATION AND ENFORCEMENT

The duty of administering and enforcing the provisions of this Chapter is hereby conferred upon first, the Zoning Officer, and secondly the code enforcement officer, assistant code enforcement officers, and municipal police officers, or other legally authorized Township personnel, who shall have such powers as are conferred upon him/her by this Chapter or any other Township ordinance or according to law. No permit of any kind as provided in this Chapter shall be granted for any purpose except in compliance with the provisions of this Chapter, or upon the grant of a waiver by the Board of Supervisors or a decision of the Zoning Hearing Board or the Courts.

A. Complaints Regarding Violations

Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written or verbal complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Officer or other Township personnel legally entrusted with the enforcement of this Chapter, who shall record such complaint, immediately investigate, and take action as provided by this Chapter.

B. Right of Entry

The Zoning Officer or other legally designated representatives of the Township may make inspections of all buildings, structures, and premises located within the Township to determine compliance with the provisions of this Chapter. Such inspections shall be made between the hours of 9:00 a.m. and 8:00 p.m. on any day except Sunday and legal holidays. All inspections shall be subject to the following standards and conditions:

1. An inspection may take place when a complaint has been received by the Township pursuant to this Part, and such complaint, in the opinion of the Zoning Officer or other legally designated Township personnel, provides reasonable grounds for the belief that a violation exists; or when such inspection is undertaken as part of a regular inspection program whereby certain areas of the Township are being inspected in their entirety.
2. The Zoning Officer or other legally designated Township personnel shall furnish to the owner, tenant, or occupant of the building, structure, or premises sought to be inspected, upon their request, sufficient identification and information to enable the owner, tenant, or occupant to determine the purpose of the inspection and verify that the person is a representative of the Township.

3. The Zoning Officer or other legally designated Township personnel may apply to any court of competent jurisdiction for a search warrant or other legal process for the purpose of securing entry to any premises if the owner, tenant, or occupant shall refuse to grant entry.

C. Notification of Violation

If it is found by enforcement personnel that any of the provisions of this Chapter are being violated, including violation of any conditions and safeguards established in connection with grants of variances, special exceptions, temporary uses, or conditional uses, (s)he shall issue a written 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 that parcel, and to any other person requested in writing by the owner of record. Indication shall be given of the nature of the violation and order the action necessary to correct it. He/she shall order discontinuance of illegal uses of land, building, or structure; removal of illegal buildings and structures, or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter to ensure compliance with or prevent violation of its provisions. The enforcement notice shall contain the following information:

1. The name of the owner of record and any other person against whom the Township intends to take action.
2. The location of the property in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board or the Board of Supervisors within a prescribed period of time in accordance with procedures set forth in this Chapter.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board or Board of Supervisors, constitutes a violation, with possible sanctions clearly described.

SECTION 1903. PENALTIES

Any, person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Chapter, including violation of any conditions and safeguards established in connection with grants of variances, special exceptions, temporary uses, or conditional uses, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor appeals the judgment in a timely manner, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter 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 District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.

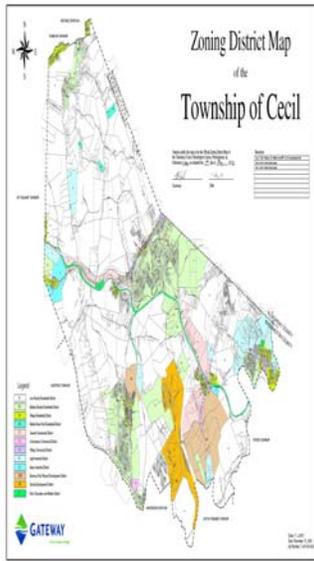
The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the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

SECTION 1904. PREVENTATIVE REMEDIES

- A.** In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations, to prevent unlawful construction, to 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, and shall not exempt the Grantor or Grantee from previously required conditions of approvals that have not been complied with.
- B.** The Township may refuse to issue any 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 this Chapter, including any required conditions of approvals that have not been completed or effected. The authority to deny such a permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or the lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had 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 current owner had actual or constructive knowledge of the violation, or actual or constructive knowledge of any outstanding conditions of approval.
 - 4. The vendee or lessee of the current owner or record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C.** As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

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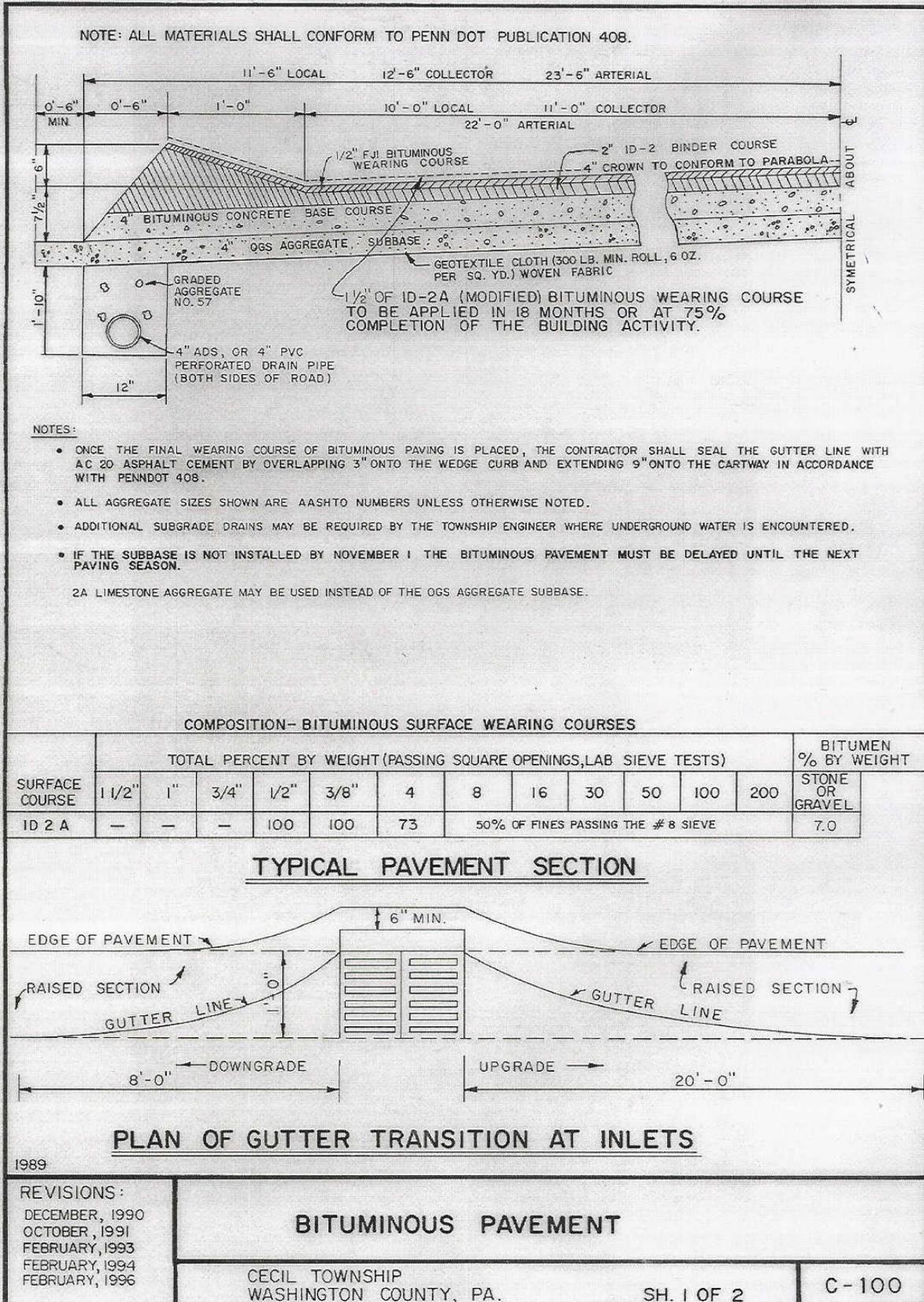
Appendix A. Zoning Map of Cecil Township



To view image in PDF Double click on attachment icon below

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Appendix B. Street Design Standards



The components of the pavement structure shall be designed and constructed in accordance with PennDOT Publication (1990 Edition) Form 408 Specifications Section 401 unless otherwise modified.

Core samples shall be taken prior to placing the wearing course. The acceptable tolerance will be one fourth inch (1/4"). If deficiencies exist, the contractor, will be required to removed, replace or otherwise satisfactorily correct the deficient areas. The cutting of the test holes, refilling and compacting with hot mix or acceptable material shall be done by and at the expense of the contractor within 24 hours of taking the cores.

Once the final wearing course of bituminous paving is placed, the contractor shall seal the gutter line with AC20 asphalt cement by overlapping 3" on to the wedge curb and extending 9" onto the cartway, around all inlets, manholes, water and gas valve boxes etc. In accordance with PennDOT Publication (1990 Edition) Form 408 Specifications Section 401.3(J)3. as modified.

The contractor shall provide the following certifications during the paving operation as required:

1. Bill of lading for the liquid asphalt.
2. Certified design mix formula from PennDOT.
3. Certifications of density testing.

NOTE: WHEN PAVING ROADS IN THE TOWNSHIP, THE CONTRACTOR MAY BE REQUIRED TO REDUCE THE LOADS OF ASPHALT TO REDUCE THE STRESS ON THE EXISTING TOWNSHIP ROADS OR POST A BOND FOR ANY REPAIRS REQUIRED BECAUSE OF DAMAGE DUE TO HAULING OVER THE TOWNSHIP ROADS. THE CONTRACTOR SHALL CONTACT THE TOWNSHIP FOR ANY RESTRICTIONS THAT MAY APPLY TO THE PROJECT.

The township representative will be required to perform the testing of the bituminous pavement as part of their inspection service to the township. The testing of the material will be in accordance with PennDOT Publication 408 and the township's standard details and ordinance requirements. The testing will be performed to verify the density of the bituminous for proper compaction and once the streets are paved, prior to final layer of pavement placed, will core the pavement to verify the depth of the pavement. Any deficiencies in the depth must be corrected, based on the results of those corings, in order for the township to accept the roadways. The rates will be in accordance with the rate schedule posted with the township.

REVISIONS:
FEBRUARY, 1996

BITUMINOUS PAVEMENT

CECIL TOWNSHIP
WASHINGTON COUNTY, PA.

SH.2 OF2

C-100

Appendix C. Signature Clauses

Required Certificates, Affidavits, or Approvals

The following certificates, affidavits, or approvals shall be inscribed on Final Plats:

1. Title Clauses

No Mortgage

(I, We), _____, owner(s) of the (name of plat or subdivision), do hereby certify that the title of this property is in the name of _____ as recorded in Deed Book Volume ____, Page ____, Recorder of Deeds Office. (I, We) further certify that there is no mortgage, lien, or encumbrance against this property.

Owner(s)

Witness

If Mortgaged

(I, We), _____, mortgagee of the property embraced in this (name of plat or subdivision), do hereby consent to the recording of said plat in the Recorder of Deeds Office of Washington County, Pennsylvania, and to the dedication and covenants appearing thereon.

Owner(s)

Witness

(I, We), _____, owner(s) of the (name of plat or subdivision), do hereby certify that the title of this property is in the name of _____ as recorded in Deed Book Volume ____, Page ____, Recorder of Deeds Office.

Owner(s)

Witness

2. Adoption Clauses

OWNER’S ADOPTION

KNOW ALL MEN BY THESE PRESENTS, That (I, We) (name of individual owner) of the (City, Borough, Township, Municipality) of _____, County of _____, and (State, Commonwealth) of _____, for (myself, ourselves), (my, our) successors and assigns, do hereby adopt this as (my, our) plan of lots of (my, our) property, situate in the Township of Cecil, County of Washington, Commonwealth of Pennsylvania, and for divers advantages accruing to (me, us), do hereby dedicate forever, for public use for highway purposes, all drives, roads, streets, lanes, and ways and other public highways shown upon the plat, with the same force and effect as if the same had been opened through legal proceedings, as well as any open space, common ground, or areas shown upon the plat which will, simultaneous with the recording of the plat, or at some later date, be (dedicated to the Township, conveyed to a Homeowners’ Association or other non-profit corporation formed to maintain the open space, common ground, or area set forth in the plat), and (I, we) hereby release and forever discharge the County of Washington as well as the Township of Cecil, their successors and assigns, from any liability for damages arising and to arise from the dedication of said ground for public highway and the physical grading and maintenance thereof according to such established grades. This dedication and release shall be binding upon (name of owner), (my, our) heirs, executors, administrators, and assigns and purchasers of (lots, units) in this plan.

IN WITNESS WHEREOF, (I, we) hereunto set (my, our) hand(s) and seal(s) this _____ day of _____, (20__).

ATTEST:

Notary Public

Owner(s)

CORPORATION ADOPTION

KNOW ALL MEN BY THESE PRESENTS, That the (name of corporation), a corporation incorporated under the laws of the Commonwealth of Pennsylvania, by virtue of a resolution of the Board of Directors thereof, does hereby adopt this plan as its (plan of lots, land development) of its property situate in the Township of Cecil, County of Washington, and Commonwealth of Pennsylvania, and for divers advantages accruing to it, does hereby dedicate forever, for public use for highway purposes, all drives, roads, streets, lanes and ways and other public highways shown upon the plat, with the same force and effect as if the same had been opened through legal proceedings, as well as any open space, common ground, or areas shown upon the plat which will, simultaneous with the recording of the plat or at some later date, be (dedicated to the Township, conveyed to a Homeowners’ Association or other non-profit corporation formed to maintain the open space, common ground, or areas set forth in the plat), and in consideration of the approval of said plat, (name of corporation) forever discharges the Commonwealth of Pennsylvania, County of Allegheny, and Township of Cecil, its successors and assigns, from any liability for damages arising and to arise from the appropriation of said ground for public highways and the physical grading thereof to any grades that may be established, and any slopes required for the support and maintenance thereof according to such established grades. This dedication and release shall be binding upon (name of corporation), its successors and assigns and purchasers of (lots, units) in this plan.

IN WITNESS WHEREOF, the said corporation has caused its corporate seal to be affixed by the hand of its president and same to be attested by its secretary this _____ day of _____, (20__).

ATTEST:

NAME OF CORPORATION

Secretary

President

3. Acknowledgment Clauses

For Individuals

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF WASHINGTON)

Before me, the subscribed, a Notary Public in and for said Commonwealth and County, personally appeared the above named (name of owner(s)), and acknowledged the foregoing release and dedication and plat to be (his, her, their) act and deed and desired the same to be recorded as such.

WITNESS MY HAND AND SEAL this _____ day of _____, (20__).

My commission expires the _____ day of _____, (20__).

Notary Public

The foregoing adoption and dedication is made by (individual) with the full understanding and agreement that the approval of the Washington County Planning Commission, Cecil Township Board of Supervisors, and Cecil Township Planning Commission, if hereto attached, will become null and void unless this plat is recorded in the Recorder of Deeds Office of Washington County, Pennsylvania within ninety (90) days of the date of said approval.

For Corporations

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF WASHINGTON)

Before me, the subscribed, a Notary Public in and for said Commonwealth and County, personally appeared (name and title of officer) of the (name of corporation), who being duly sworn, deposes and saith that (he, she) was personally present at the execution of the adoption, release, and dedication and saw the common corporate seal of the said corporation duly affixed and that the above release and dedication was duly signed and sealed by and as for the act and deed of the said (name of corporation), for the uses and purposes therein mentioned and that the name of this deponent subscribed to the said release and dedication as (title of officer) of said corporation, in attestation of the due execution and delivery of said release and dedication of this deponent’s own and proper respective handwriting.

(Signature) _____
(Title of Officer)

Sworn to and subscribed before me this day.

WITNESS MY HAND AND NOTARIAL SEAL this _____ day of _____, (20__).

Notary Public

My commission expires the ____ day of _____, (20__).

4. Surveyor's Certification

I, _____, a registered professional land surveyor of the Commonwealth of Pennsylvania, do hereby certify that this plat correctly represents the lots, land, streets, alleys, and highways as surveyed and plotted by me for the owners or agents. I further certify that this plat meets with the requirements of all provisions of the Pennsylvania Municipalities Planning Code, Act 247, and other ordinances, including zoning, subdivision and land development, and stormwater management extant under the law of the Township of Cecil in which this (subdivision, land development) is located affecting this plat.

Date (SEAL) (Surveyor's signature)

(Registration Number)

5. County Planning Commission Review

Reviewed by the Washington County Planning Commission this ____ day of _____, (20__).

Secretary Chairperson

6. Township Planning Commission Review

Reviewed by the Cecil Township Planning Commission this ____ day of _____, (20__).

Secretary Chairperson

7. Municipal Approval

The Township of Cecil hereby gives public notice that in approving the plat for recording purposes only, the Township assumes no obligations, legal or otherwise, expressed or implied, either to accept said streets as Township streets or roads, to grade, pave, and curb streets in said plat or to construct sewers therein or to install any other such services ordinarily installed in Township streets and roads.

Secretary (SEAL) Chairperson

Approved by the Board of Supervisors of Cecil Township this ____ day of _____, (20__).

Secretary (SEAL) Chairperson

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APPENDIX D, DEVELOPMENT STANDARDS BY DISTRICT

Zoning District and Use	Min. Lot Size	Min. Lot Width	Front Setback	Side Setback	Rear Setback	Max. Lot Coverage	Max. Imp. Sur. Coverage	Maximum Height
R-1 (Low-Density Residential)								
Single-family dwelling, w/sewer	21,780 sq.ft.	100 feet	35 feet	10 feet	40 feet	35%	NA	35' or 2 1/2 stories
Single-family dwelling, w/o sewer	43,560sq.ft.	100 feet	35 feet	10 feet	40 feet	35%	NA	35' or 2 1/2 stories
R-2 (Medium-Density Residential)								
Single-family dwelling, w/sewer	10,000 sq.ft.	75 feet	35 feet	10 feet	30 feet	35%	NA	35' or 3 stories
Single-family dwelling, w/o sewer	21,780 sq.ft.	90 feet	35 feet	10 feet	30 feet	35%	NA	35' or 3 stories
Two-family dwelling, w/sewer	6000 sq.ft./du	90 feet	35 feet	10 feet	30 feet	35%	NA	35' or 3 stories
Two-family dwelling, w/o sewer	21,780 sq.ft./du	90 feet	35 feet	10 feet	30 feet	35%	NA	35' or 3 stories
Multi-family dwelling, w/sewer	5000 sq.ft./du	100 feet	35 feet	10 feet	30 feet	35%	NA	35' or 3 stories
Multi-family dwelling, w/o sewer	21,780 sq.ft./du	100 feet	35 feet	10 feet	30 feet	35%	NA	35' or 3 stories
R-3 (Village Residential)								
Single-family dwelling, w/sewer	7500 sq.ft.	75 feet	25 feet* / **	5 feet	20 feet	Avg.of adj. 3 blds or 40% for undev. Areas	NA	35' or 2 1/2 stories
Single-family dwelling, w/o sewer	17,000 sq.ft.	75 feet	25 feet* / **	5 feet	20 feet		NA	35' or 2 1/2 stories
Two-family dwelling, w/sewer	5500 sq.ft./du	75 feet	25 feet* / **	5 feet	20 feet		NA	35' or 2 1/2 stories
Two-family dwelling, w/o sewer	17,000 sq.ft./du	75 feet	25 feet* / **	5 feet	20 feet		NA	35' or 2 1/2 stories
R-4 (Mobile Home Park) See Section 904 Mobile Home Park Residential District.								
C-1 (General Commercial)								
With public sewer	20,000 sq.ft.	100 feet	45 feet	100' Adj Res.	100' Adj. Res	NA	70%	65' or 5 stories
Without public sewer	40,000 sq.ft.	100 feet	45 feet	25' Adj. Other	25' Adj. other	NA	70%	65' or 5 stories
C-2 (Convenience Commercial)								
With public sewer	10,000 sq.ft.	90 feet	30 feet	30' Adj Res.	30 feet	NA	70%	40' or 3 stories
Without public sewer	21,780 sq.ft.	90 feet	30 feet	10' Adj. Other	30 feet	NA	70%	40' or 3 stories

APPENDIX D, DEVELOPMENT STANDARDS BY DISTRICT

Zoning District and Use	Min. Lot Size	Min. Lot Width	Front Setback	Side Setback	Rear Setback	Max. Lot Coverage	Max. Imp. Sur. Coverage	Maximum Height	
C-3 (Village Commercial)***									
With public sewer	5500 sq.ft.	50 feet	25 feet	10 feet	30 feet	NA	70%	40' or 3 stories	
Without public sewer	21,780 sq.ft.	50 feet	25 feet	10 feet	30 feet	NA	70%	40' or 3 stories	
I-1 Light Industrial									
Lot-by-Lot Development:									
With public sewer	65,340 sq.ft.	150 feet	45 feet	150' Adj. Res	150' Adj. Res	NA	70%	52 feet	
Without public sewer	40,000 sq.ft.	150 feet	45 feet	25' Adj. Others	40' Adj. Others	NA	70%	52 feet	
Planned Industrial Development:****									
With public sewer	20,000 sq.ft.	150 feet	45 feet	150' Adj. Res	150' Adj. Res	Min 50' Bldg. Seperation	70%	52 feet	
Without public sewer	40,000 sq.ft.	150 feet	45 feet	25' Adj. Others	40' Adj. Others		70%	52 feet	
I-2 (Heavy Industrial)*****									
Residential Areas	2 acres	250 feet	50 feet	200' Adj. Res	200' Adj. Res	NA	70%	60 feet	
				75' Adj. Others	75' Adj. Others				
BPD (Business Park Planned Dev.) Min 15 acre site area									
Min. 15 acre site area									
With public sewer	32,670 sq.ft.	150 feet	45 feet	100' Adj. Res	100' Adj. Res	NA	65%	lessor of 4 stories or	
Without public sewer	43,560 sq.ft.	150 feet	45 feet	25' Adj. Others	40' Adj. Others	NA		52'	
SD (Special Development) Min. 500 acre site area									
Residential Land Use Category Min. 30 Acres site area (Residentila uses other than conditional uses shall comply with the bulk and area requirements of an R-2 Medium Density District.									

APPENDIX D, DEVELOPMENT STANDARDS BY DISTRICT

Zoning District and Use	Min. Lot Size	Min. Lot Width	Front Setback	Side Setback	Rear Setback	Max. Lot Coverage	Max. Imp. Sur. Coverage	Maximum Height
Planned Commercial Land Use Category: Min 5 acre site area								
With public sewer	2 acre	100 feet	45 feet	100' Adj. Res	100' Adj. Res	70%	NA	5 Stories or 65 '
Without public sewer	3 acres	100 feet	45 feet	25' Adj. Others	40' Adj. Others	70%	NA	5 Stories or 65 '
Planned Industrial Land Use Category: Min. 10 acre site area								
With public sewer	2 acre	150 feet	45 feet	100' Adj. Res	100' Adj. Res	70%	NA	5 Stories or 65 Feet
Without public sewer	3 acres	150 feet	45 feet	25' Adj. Others	40' Adj. Others	70%	NA	5 Stories or 65 Feet

* Undeveloped areas

** Developed Areas - The average setback of existing adjacent buildings.

*** Maximum building size 13,500 sq.ft.

****In an I-1 Planned Industrial Development, the Developer may create multiple parcels of a minimum of fifty (50) feet each at the front yard setback, with the provision that a minimum of three (3) parcels must be combined for each Industrial site or lot created for sale or development. Multiple parcels at a minimum of three (3) shall be combined together by deed declaration and description, with no further Township process being required to combine multiple parcels. A notation must be placed on the recorded plan describing the minimum number of parcels to be combined to comply with the intent of this provision, to ensure a minimum of 150 foot width at building front yard setback per each lot sold or developed. Site Plan application shall reflect the combination as proposed or recorded.

*****In an I-2 Planned Industrial Development, the Developer may create multiple parcels of a minimum of fifty (50) feet each at the front yard setback, with the provision that a minimum of five (5) parcels must be combined for each Industrial site or lot created for sale or development. Multiple parcels at a minimum of five (5) shall be combined together by deed declaration and description, with no further Township process being required to combine multiple parcels. A notation must be placed on the recorded plan describing the minimum number of parcels to be combined to comply with the intent of this provision, to ensure a minimum of 250 foot width at building front yard setback per each lot sold or developed. Site Plan application shall reflect the combination as proposed or recorded.

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Appendix E
Official Schedule of Uses
Cecil Township Unified Development Ordinance

P: Permitted C: Conditional Use A: Accessory Use SE: Special Exception Blank: Prohibited

	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>I-1</i>	<i>I-2</i>	<i>BPD</i>	<i>SD</i>
<i>Residential Uses</i>	P	P	P	P	P	P	P	P	P	P	P
Farm	P	P	P		C	C	P				P
Single-Family Dwelling		P	P				P				P
Two-Family Dwelling		P									P
Multi-Family Dwelling		P				C					P
Townhouse and Garden Apartment		P				P	P				P
Cluster Housing Development	C										
Planned Residential Development		P		P							
Traditional Neighborhood Design											C - As overlay zoning district
Apartment Above Business							SE				
Mobile Home Park				P							
Mobile Home (Individual)	P	P	P								P
Personal Care Boarding Home	C				C						
Community Residential Home		C			C		C				
Day Care Home	SE	SE	SE								
No Impact Home Occupation	P	P	P	P	P	P	P	C	C		P
Home Office	P	P	P	P	P	P	P	C	P		P
Private Greenhouse	A	A	A								A
Private Recreational Use	A	A	A	A							A
Accessory Uses	P	P	P	P	P			P	P	P	P
<i>Office and Institutional Uses</i>											
Business and Professional Office					P	P	P	P	P	P	P
Correctional Institution								C			
Financial Institution						P	P	C			P
Fire Station, including Social Hall							P	C			
Government Office					P			C			P
Health Care Office					P			C			P
Hospital					C						P
Library					P			C			P
Medical Offices and Clinics										P	
Nursing Home					C						P
Post Office					P		P	C	C		P
Veterinary Clinic					P	C		C	C		
<i>Educational Uses</i>											
School, Primary and Secondary	C				P			C	C		P
School, Business and Trade					P			C	C		P
College and University					P			C	C		P
Day Care Center	C	C	C		C	P	P	C			P
Public Building, Excluding sanitarium and correctional facility					P			C	C		P
<i>Cultural/Entertainment Uses</i>											
Art Gallery					P			C	C		P
Community Center					P		P	C	C		P
Club, Lodge, Fraternal Organization					P		P	C	C		P
House of Worship	C	C	C					C	C		

Museum					P			C	C		P
Indoor Theater					P			C	C		P
Indoor Recreational Facility					P			C	C		P
Outdoor Recreational Facility					P			C	C		P
Studios for the instruction of, Art, Music, Dance Crafts Etc,					P	P		C	C		P

	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>I-1</i>	<i>I-2</i>	<i>BPD</i>	<i>SD</i>
<i>Commercial Retail/Service Uses</i>											
Bakery					P	P	P	C	C		P
Bicycle Shop						P	P	C			
Business Services					P			C	C		P
Adult Business								C			
Apparel & Clothing Accessories					P			C	C		P
Art, Music, Photography Studio					P	P	P	C	C		P
Automotive Repair Garage					P		SE	P	C		
Automobile Sales, Rental, Service					P			C	C		
Automobile Gasoline and Service Station					P	C	C	C	C		
Aircraft, Marine Craft Sales & Service					P			C	C		
Bed & Breakfast Establishment	SE										
Catering Service							P	C			
Catering Service, excluding Rental Hall						P		C			P
Commercial Greenhouse								C			
Contractor's Office (see Contractor's Yard, in "Industrial Uses," below)					P	P	P	P	P		P
Convenience Store					P	P	P*	C	C		P
Candy or Ice Cream Shop						P	P	C			
Car Wash					P	C	C	C	C		
Coin-Operated Laundry					P	P	P	C	C		
Construction & Farm Equipment Sales & Service					P			C	C		
Craft or Hobby Shop						P	P	C			
Drinking Establishment					P		P	C	C		P
Dry Cleaning Store						P	P	C			P
Eating Establishment					P	P	P	C	C		P
Florist, excluding Greenhouse						P	P	C			
Food Store, including Supermarket					P			C	C		
Food Store (Specialty), excluding Supermarket						P	P	C			P
Funeral Home					P			C	C		
Funeral Home, not Including Crematorium							P	C			
Furniture, Home Furnishings, Hardware, Household Appliances					P			C	C		P
Garden Nursery					P			C	C		
General Retail Merchandise					P			C	C		P
Gift shop, Book or Stationery Store, Cards, Antiques, Cosmetics, Candy, Tobacco, Flowers, Etc.					P	P	P	C	C		P
Greenhouse (commercial)					P			C	C		

Kennel	SE				C							
Motel or Hotel					P			C	C			P
Newsstand						P	P	C				
Parking Garage					C			C	C			C
Personal Services					P	P	P	C	C			P
Pharmacy					P	P	P*	C	C			P
Planned Shopping Center					C							
Retail Sales, Outdoor					C							
Retail Sales, Indoor									C			
Self-Storage Facility					C							
Sporting Goods						P	P	C				
Tavern					P		P	C	C			
Town Center												C - As overlay zoning district
Video Rental						P	P	C				P
	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	BPD		SD
Industrial Uses										P		
Assembly & Packaging of Finished Goods								P	P			P
Beverage Bottling					C			P	P			
Contractor's Yard									P			
Distribution Business								P	P			
Distribution Business (w/o Truck Terminal)								C	P			P
Employee Cafeteria								P	P			P
Food Production (except for canning factory and animal processing)								P	P			P
Hazardous Waste Business								P	P			P
Junk or Salvage Yard									C			P
Laboratory								P	P	P		P
Machinery Repair									P			
Manufacturing (see Part 9, Section 911.B and 912.B)								P	P	P		P
Printing Service									P	P		P
Research Activity								A	A	P		P
Truck Terminal								C	P			
Warehousing, Indoor Storage									P	P		P
Warehousing, Outdoor Storage									P			
Wholesale Trade, Indoor									C	P		P
Wholesale Trade, Outdoor									p			
Transportation, Communication Uses												
Essential Services	P	P	P	P	P	P	P	P	P	P		P
Bus or Railway Station									C	P		
Communication Facility	C				C				C	C		C
Heliport												C

* Not to exceed 3500 sq. ft.